

ASSEMBLY, No. 3101

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED JUNE 14, 2012

Sponsored by:

Assemblywoman MARY PAT ANGELINI
District 11 (Monmouth)

Co-Sponsored by:

Assemblywoman Handlin

SYNOPSIS

Reorganizes Department of Children and Families.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/22/2012)

1 AN ACT reorganizing the Department of Children and Families,
 2 transferring the Division on Women from the Department of
 3 Community Affairs to the Department of Children and Families
 4 and reconstituting the division as the Office on Women,
 5 transferring certain services for youth from the Department of
 6 Human Services to the Department of Children and Families,
 7 amending various parts of the statutory law, and supplementing
 8 P.L.1974, c.87 (C.52:27D-43.8) and Title 30 of the Revised
 9 Statutes.

10

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

13

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

16 24. Disposition of delinquency cases. a. In determining the
 17 appropriate disposition for a juvenile adjudicated delinquent the
 18 court shall weigh the following factors:

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

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

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

24 (4) Whether the disposition supports family strength,
 25 responsibility and unity and the well-being and physical safety of
 26 the juvenile;

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

32 (6) Whether the disposition recognizes and treats the unique
 33 physical, psychological, and social characteristics and needs of the
 34 child;

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

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

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

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

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

44 b. If a juvenile is adjudged delinquent, and except to the extent
 45 that an additional specific disposition is required pursuant to

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

Matter underlined thus is new matter.

- 1 subsection e. or f. of this section, the court may order incarceration
2 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
3 or more of the following dispositions:
- 4 (1) Adjourn formal entry of disposition of the case for a period
5 not to exceed 12 months for the purpose of determining whether the
6 juvenile makes a satisfactory adjustment, and if during the period of
7 continuance the juvenile makes such an adjustment, dismiss the
8 complaint; provided that if the court adjourns formal entry of
9 disposition of delinquency for a violation of an offense defined in
10 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
11 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
12 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
13 juveniles adjudicated delinquent;
- 14 (2) Release the juvenile to the supervision of the juvenile's
15 parent or guardian;
- 16 (3) Place the juvenile on probation to the chief probation officer
17 of the county or to any other suitable person who agrees to accept
18 the duty of probation supervision for a period not to exceed three
19 years upon such written conditions as the court deems will aid
20 rehabilitation of the juvenile;
- 21 (4) Transfer custody of the juvenile to any relative or other
22 person determined by the court to be qualified to care for the
23 juvenile;
- 24 (5) Place the juvenile under the care and responsibility of the
25 Department of Children and Families so that the commissioner may
26 designate a division or organizational unit in the department
27 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
28 providing services in or out of the home. Within 14 days, unless for
29 good cause shown, but not later than 30 days, the Department of
30 Children and Families shall submit to the court a service plan,
31 which shall be presumed valid, detailing the specifics of any
32 disposition order. The plan shall be developed within the limits of
33 fiscal and other resources available to the department. If the court
34 determines that the service plan is inappropriate, given existing
35 resources, the department may request a hearing on that
36 determination;
- 37 (6) Place the juvenile under the care and custody of the
38 Commissioner of Human Services for the purpose of receiving the
39 services of the Division of Developmental Disabilities of that
40 department, provided that the juvenile has been determined to be
41 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);
- 42 (7) Commit the juvenile, pursuant to applicable laws and the
43 Rules of Court governing civil commitment, to the Department of
44 Children and Families under the responsibility of the Division of
45 **【Child Behavioral Health Services】** Children's System of Care for
46 the purpose of placement in a suitable public or private hospital or
47 other residential facility for the treatment of persons who are

1 mentally ill, on the ground that the juvenile is in need of
2 involuntary commitment;

3 (8) Fine the juvenile an amount not to exceed the maximum
4 provided by law for such a crime or offense if committed by an
5 adult and which is consistent with the juvenile's income or ability to
6 pay and financial responsibility to the juvenile's family, provided
7 that the fine is specially adapted to the rehabilitation of the juvenile
8 or to the deterrence of the type of crime or offense. If the fine is
9 not paid due to financial limitations, the fine may be satisfied by
10 requiring the juvenile to submit to any other appropriate disposition
11 provided for in this section;

12 (9) Order the juvenile to make restitution to a person or entity
13 who has suffered loss resulting from personal injuries or damage to
14 property as a result of the offense for which the juvenile has been
15 adjudicated delinquent. The court may determine the reasonable
16 amount, terms, and conditions of restitution. If the juvenile
17 participated in the offense with other persons, the participants shall
18 be jointly and severally responsible for the payment of restitution.
19 The court shall not require a juvenile to make full or partial
20 restitution if the juvenile reasonably satisfies the court that the
21 juvenile does not have the means to make restitution and could not
22 reasonably acquire the means to pay restitution;

23 (10) Order that the juvenile perform community services under
24 the supervision of a probation division or other agency or individual
25 deemed appropriate by the court. Such services shall be
26 compulsory and reasonable in terms of nature and duration. Such
27 services may be performed without compensation, provided that any
28 money earned by the juvenile from the performance of community
29 services may be applied towards any payment of restitution or fine
30 which the court has ordered the juvenile to pay;

31 (11) Order that the juvenile participate in work programs which
32 are designed to provide job skills and specific employment training
33 to enhance the employability of job participants. Such programs
34 may be without compensation, provided that any money earned by
35 the juvenile from participation in a work program may be applied
36 towards any payment of restitution or fine which the court has
37 ordered the juvenile to pay;

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

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

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

4 (15) Order the parent or guardian of the juvenile to participate in
5 appropriate programs or services when the court has found either
6 that such person's omission or conduct was a significant
7 contributing factor towards the commission of the delinquent act,
8 or, under its authority to enforce litigant's rights, that such person's
9 omission or conduct has been a significant contributing factor
10 towards the ineffective implementation of a court order previously
11 entered in relation to the juvenile;

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

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

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

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

36 (19) Order a parent or guardian who has failed or neglected to
37 exercise reasonable supervision or control of a juvenile who has
38 been adjudicated delinquent to make restitution to any person or
39 entity who has suffered a loss as a result of that offense. The court
40 may determine the reasonable amount, terms and conditions of
41 restitution; or

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

45 c. (1) Except as otherwise provided in subsections e. and f. of
46 this section, if the county in which the juvenile has been adjudicated
47 delinquent has a juvenile detention facility meeting the physical and
48 program standards established pursuant to this subsection by the

1 Juvenile Justice Commission, the court may, in addition to any of
2 the dispositions not involving placement out of the home
3 enumerated in this section, incarcerate the juvenile in the youth
4 detention facility in that county for a term not to exceed 60
5 consecutive days. Counties which do not operate their own juvenile
6 detention facilities may contract for the use of approved
7 commitment programs with counties with which they have
8 established agreements for the use of pre-disposition juvenile
9 detention facilities. The Juvenile Justice Commission shall
10 promulgate such rules and regulations from time to time as deemed
11 necessary to establish minimum physical facility and program
12 standards for the use of juvenile detention facilities pursuant to this
13 subsection.

14 (2) No juvenile may be incarcerated in any county detention
15 facility unless the county has entered into an agreement with the
16 Juvenile Justice Commission concerning the use of the facility for
17 sentenced juveniles. Upon agreement with the county, the Juvenile
18 Justice Commission shall certify detention facilities which may
19 receive juveniles sentenced pursuant to this subsection and shall
20 specify the capacity of the facility that may be made available to
21 receive such juveniles; provided, however, that in no event shall the
22 number of juveniles incarcerated pursuant to this subsection exceed
23 50% of the maximum capacity of the facility.

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

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

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

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

36 (4) If as a result of incarceration of adjudicated juveniles
37 pursuant to this subsection, a county is required to transport a
38 predisposition juvenile to a juvenile detention facility in another
39 county, the costs of such transportation shall be borne by the
40 Juvenile Justice Commission.

41 d. Whenever the court imposes a disposition upon an
42 adjudicated delinquent which requires the juvenile to perform a
43 community service, restitution, or to participate in any other
44 program provided for in this section other than subsection c., the
45 duration of the juvenile's mandatory participation in such
46 alternative programs shall extend for a period consistent with the
47 program goal for the juvenile and shall in no event exceed one year

1 beyond the maximum duration permissible for the delinquent if the
2 juvenile had been committed to a term of incarceration.

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

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

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

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

35 (4) An order of incarceration for a term of the duration
36 authorized pursuant to this section or section 25 of P.L.1982, c.77
37 (C.2A:4A-44) which shall include a minimum term of 30 days
38 during which the juvenile shall be ineligible for parole, if the
39 juvenile has been adjudicated delinquent for an act which, if
40 committed by an adult, would constitute the crime of unlawful
41 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
42 degree crime of eluding in violation of subsection b. of
43 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
44 delinquent for an act which, if committed by an adult, would
45 constitute either theft of a motor vehicle, the unlawful taking of a
46 motor vehicle or eluding.

47 f. (1) The minimum terms of incarceration required pursuant to
48 subsection e. of this section shall be imposed regardless of the

weight or balance of factors set forth in this section or in section 25 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of those factors shall determine the length of the term of incarceration appropriate, if any, beyond any mandatory minimum term required pursuant to subsection e. of this section.

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

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

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

(cf: P.L.2006, c.47, s.18)

2. Section 10 of P.L.1982, c.80 (C.2A:4A-85) is amended to read as follows:

10. Alcoholic, drug-dependent parent. a. When a petition is filed and as a result of any information supplied on the family situation by the crisis intervention unit, court intake services has reason to believe that the parent or guardian is an alcoholic, as defined by P.L.1975, c.305 (C. 26:2B-8), or a drug-dependent person, as defined by section 2 of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-2), intake services shall state the basis for this determination and provide recommendations to the court.

b. When, as a result of any information supplied by the crisis intervention unit, court intake services has reason to believe that a juvenile is an "abused or neglected child," as defined in P.L.1974,

1 c.119 (C. 9:6-8.21), they shall handle the case pursuant to the
2 procedure set forth in that law. The Division of [Youth and Family
3 Services] Child Protection and Permanency shall, upon disposition
4 of any case originated pursuant to this subsection, notify court
5 intake services as to the nature of the disposition.

6 c. (1) When, as a result of any information supplied with
7 regard to any juvenile by the crisis intervention unit or from any
8 other source, court intake services has reason to believe that the
9 juvenile may have an auditory or vision problem, intake services
10 shall state the basis for this determination and provide
11 recommendations to the court. Before arriving at its determination,
12 intake services may request the court to order any appropriate
13 school medical records of the juvenile. On the basis of this
14 recommendation or on its own motion, the court may order any
15 juvenile concerning whom a complaint is filed to be examined by a
16 physician, optometrist, audiologist, or speech language pathologist.

17 (2) Any examination shall be made and the findings submitted
18 to the court within 30 days of the date the order is entered, but this
19 period may be extended by the court for good cause.

20 (3) Copies of any reports of findings submitted to the court shall
21 be available to counsel for all parties prior to an adjudication of
22 whether or not the juvenile is delinquent.

23 (cf: P.L.1985, c.437, s.1)
24

25 3. Section 1 of P.L.2009, c.217 (C.2A:4A-92) is amended to
26 read as follows:

27 1. a. As provided in [this act] P.L.2009, c.217, a "Court
28 Appointed Special Advocate" (CASA) shall mean a community
29 volunteer who has been recruited, screened, trained, and supervised
30 by a CASA program affiliated with Court Appointed Special
31 Advocates of New Jersey or a similar organization as determined by
32 the Administrative Office of the Courts. An affiliate CASA program
33 shall meet all State Court Appointed Special Advocate and National
34 Court Appointed Special Advocate standards, and shall be affiliated
35 with Court Appointed Special Advocates of New Jersey and the
36 National Court Appointed Special Advocates Association.

37 b. There shall be established in the State of New Jersey a Court
38 Appointed Special Advocate program which shall serve as a
39 resource to the courts in determining the best interests of any child
40 less than 18 years of age who has been removed from his home due
41 to abuse or neglect. A Court Appointed Special Advocate may
42 continue to undertake activities in furtherance of the child's best
43 interests, in appropriate cases, until the child who is the subject of
44 the court appointment reaches 21 years of age.

45 c. Pursuant to the Rules of Court, the court may appoint a
46 special advocate from the CASA program to act on behalf of the
47 court. The special advocate shall undertake certain activities in
48 furtherance of the child's interests, but shall not supplant or

1 interfere with the role of counsel or guardian ad litem for that child.
 2 Any such special advocate shall be a volunteer associated with a
 3 court-authorized CASA program. The duties and activities of a
 4 CASA program and all of its volunteers shall be subject to
 5 guidelines and standards established by the Administrative Director
 6 of the Courts.

7 d. A person seeking to volunteer as a Court Appointed Special
 8 Advocate shall be subject to the following:

9 (1) a criminal history record background check submitted by the
 10 Administrative Office of the Courts or its designee to the
 11 appropriate authorities. A copy of the results shall be provided to
 12 the affiliate CASA program. A person shall not be approved as a
 13 Court Appointed Special Advocate if criminal history record
 14 information exists on file with the Federal Bureau of Investigation
 15 or the Division of State Police which would disqualify that person
 16 from serving in that capacity, as determined by the affiliate CASA
 17 program; and

18 (2) a child abuse record information check conducted by the
 19 Department of Children and Families to determine if an incident of
 20 child abuse or neglect has been substantiated, pursuant to section 4
 21 of P.L.1971, c.437 (C.9:6-8.11), against the prospective CASA
 22 volunteer. The department shall cooperate by conducting the child
 23 abuse record information check and providing the results to the
 24 affiliate CASA program.

25 If a prospective volunteer refuses to consent to, or cooperate in,
 26 the securing of a criminal history record background check or a
 27 child abuse record information check, the person shall not be
 28 appointed as a Court Appointed Special Advocate.

29 e. Upon presentation of an order of appointment, the special
 30 advocate shall be provided access to all information and records
 31 relevant to the child, including but not limited to: school records,
 32 child care records, medical records, mental health records, family
 33 court and juvenile court records, and records of the Division of
 34 **【Youth and Family Services】** Child Protection and Permanency in
 35 the Department of Children and Families.

36 f. Any special advocate or affiliate CASA program staff
 37 member acting in good faith within the scope of his appointment or
 38 employment shall have immunity from any civil or criminal liability
 39 that otherwise might result by reason of his actions or failure to act,
 40 except in cases of willful or wanton misconduct.

41 (cf: P.L.2009, c.217, s.1)

42

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

45 6. Exceptions to Privilege.

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

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

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

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

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

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

11 (6) except as otherwise provided in subsection c., sought or
12 offered to prove or disprove a claim or complaint of professional
13 misconduct or malpractice filed against a mediation party, nonparty
14 participant, or representative of a party based on conduct occurring
15 during a mediation; or

16 (7) sought or offered to prove or disprove child abuse or neglect
17 in a proceeding in which the Division of **【Youth and Family**
18 **Services】** Child Protection and Permanency in the Department of
19 Children and Families is a party, unless the Division of **【Youth and**
20 **Family Services】** Child Protection and Permanency participates in
21 the mediation.

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

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

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

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

37 d. If a mediation communication is not privileged under
38 subsection a. or b., only the portion of the communication necessary
39 for the application of the exception from nondisclosure may be
40 admitted. Admission of evidence under subsection a. or b. does not
41 render the evidence, or any other mediation communication,
42 discoverable or admissible for any other purpose.

43 (cf: P.L.2006, c.47, s.22)

44

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

47 5. a. Records maintained pursuant to **【this act】** P.L.1994,
48 c.133 (C.2C:7-1 et seq.) shall be open to any law enforcement

1 agency in this State, the United States, or any other state and may
2 be released to the Division of [Youth and Family Services] Child
3 Protection and Permanency in the Department of Children and
4 Families for use in carrying out its responsibilities under law. Law
5 enforcement agencies in this State shall be authorized to release
6 relevant and necessary information regarding sex offenders to the
7 public when the release of the information is necessary for public
8 protection in accordance with the provisions of P.L.1994, c.128
9 (C.2C:7-6 et seq.).

10 b. An elected public official, public employee, or public
11 agency is immune from civil liability for damages for any
12 discretionary decision to release relevant and necessary
13 information, unless it is shown that the official, employee, or
14 agency acted with gross negligence or in bad faith. The immunity
15 provided under this section applies to the release of relevant
16 information to other employees or officials or to the general public.

17 c. Nothing in [this act] P.L.1994, c.133 shall be deemed to
18 impose any liability upon or to give rise to a cause of action against
19 any public official, public employee, or public agency for failing to
20 release information as authorized in subsection d. of this section.

21 d. Nothing in this section shall be construed to prevent law
22 enforcement officers from notifying members of the public exposed
23 to danger of any persons that pose a danger under circumstances
24 that are not enumerated in [this act] P.L.1994, c.133.
25 (cf: P.L.2006, c.47, s.23)

26

27 6. N.J.S.2C:12-1 is amended to read as follows:

28 2C:12-1. Assault. a. Simple assault. A person is guilty of
29 assault if he:

30 (1) Attempts to cause or purposely, knowingly, or recklessly
31 causes bodily injury to another; or

32 (2) Negligently causes bodily injury to another with a deadly
33 weapon; or

34 (3) Attempts by physical menace to put another in fear of
35 imminent serious bodily injury.

36 Simple assault is a disorderly persons offense unless committed
37 in a fight or scuffle entered into by mutual consent, in which case it
38 is a petty disorderly persons offense.

39 b. Aggravated assault. A person is guilty of aggravated assault
40 if he:

41 (1) Attempts to cause serious bodily injury to another, or causes
42 such injury purposely or knowingly or under circumstances
43 manifesting extreme indifference to the value of human life
44 recklessly causes such injury; or

45 (2) Attempts to cause or purposely or knowingly causes bodily
46 injury to another with a deadly weapon; or

47 (3) Recklessly causes bodily injury to another with a deadly
48 weapon; or

- 1 (4) Knowingly under circumstances manifesting extreme
2 indifference to the value of human life points a firearm, as defined
3 in section 2C:39-1f., at or in the direction of another, whether or not
4 the actor believes it to be loaded; or
- 5 (5) Commits a simple assault as defined in subsection a. (1), (2)
6 or (3) of this section upon:
- 7 (a) Any law enforcement officer acting in the performance of
8 his duties while in uniform or exhibiting evidence of his authority
9 or because of his status as a law enforcement officer; or
- 10 (b) Any paid or volunteer fireman acting in the performance of
11 his duties while in uniform or otherwise clearly identifiable as being
12 engaged in the performance of the duties of a fireman; or
- 13 (c) Any person engaged in emergency first-aid or medical
14 services acting in the performance of his duties while in uniform or
15 otherwise clearly identifiable as being engaged in the performance
16 of emergency first-aid or medical services; or
- 17 (d) Any school board member, school administrator, teacher,
18 school bus driver, or other employee of a public or nonpublic
19 school or school board while clearly identifiable as being engaged
20 in the performance of his duties or because of his status as a
21 member or employee of a public or nonpublic school or school
22 board or any school bus driver employed by an operator under
23 contract to a public or nonpublic school or school board while
24 clearly identifiable as being engaged in the performance of his
25 duties or because of his status as a school bus driver; or
- 26 (e) Any employee of the Division of [Youth and Family
27 Services] Child Protection and Permanency while clearly
28 identifiable as being engaged in the performance of his duties or
29 because of his status as an employee of the division; or
- 30 (f) Any justice of the Supreme Court, judge of the Superior
31 Court, judge of the Tax Court or municipal judge while clearly
32 identifiable as being engaged in the performance of judicial duties
33 or because of his status as a member of the judiciary; or
- 34 (g) Any operator of a motorbus or the operator's supervisor or
35 any employee of a rail passenger service while clearly identifiable
36 as being engaged in the performance of his duties or because of his
37 status as an operator of a motorbus or as the operator's supervisor or
38 as an employee of a rail passenger service; or
- 39 (h) Any Department of Corrections employee, county
40 corrections officer, juvenile corrections officer, State juvenile
41 facility employee, juvenile detention staff member, juvenile
42 detention officer, probation officer or any sheriff, undersheriff, or
43 sheriff's officer acting in the performance of his duties while in
44 uniform or exhibiting evidence of his authority; or
- 45 (i) Any employee, including any person employed under
46 contract, of a utility company as defined in section 2 of P.L.1971,
47 c.224 (C.2A:42-86) or a cable television company subject to the
48 provisions of the "Cable Television Act," P.L.1972, c.186

- 1 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
- 2 the performance of his duties in regard to connecting, disconnecting
- 3 or repairing or attempting to connect, disconnect or repair any gas,
- 4 electric or water utility, or cable television or telecommunication
- 5 service; or
- 6 (j) Any health care worker employed by a licensed health care
- 7 facility to provide direct patient care, any health care professional
- 8 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
- 9 the Revised Statutes to practice a health care profession, except a
- 10 direct care worker at a State or county psychiatric hospital or State
- 11 developmental center or veterans' memorial home, while clearly
- 12 identifiable as being engaged in the duties of providing direct
- 13 patient care or practicing the health care profession; or
- 14 (k) Any direct care worker at a State or county psychiatric
- 15 hospital or State developmental center or veterans' memorial home,
- 16 while clearly identifiable as being engaged in the duties of
- 17 providing direct patient care or practicing the health care
- 18 profession, provided that the actor is not a patient or resident at the
- 19 facility who is classified by the facility as having a mental illness or
- 20 developmental disability; or
- 21 (6) Causes bodily injury to another person while fleeing or
- 22 attempting to elude a law enforcement officer in violation of
- 23 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
- 24 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
- 25 other provision of law to the contrary, a person shall be strictly
- 26 liable for a violation of this subsection upon proof of a violation of
- 27 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
- 28 violation of subsection c. of N.J.S.2C:20-10 which resulted in
- 29 bodily injury to another person; or
- 30 (7) Attempts to cause significant bodily injury to another or
- 31 causes significant bodily injury purposely or knowingly or, under
- 32 circumstances manifesting extreme indifference to the value of
- 33 human life recklessly causes such significant bodily injury; or
- 34 (8) Causes bodily injury by knowingly or purposely starting a
- 35 fire or causing an explosion in violation of N.J.S.2C:17-1 which
- 36 results in bodily injury to any emergency services personnel
- 37 involved in fire suppression activities, rendering emergency
- 38 medical services resulting from the fire or explosion or rescue
- 39 operations, or rendering any necessary assistance at the scene of the
- 40 fire or explosion, including any bodily injury sustained while
- 41 responding to the scene of a reported fire or explosion. For
- 42 purposes of this subsection, "emergency services personnel" shall
- 43 include, but not be limited to, any paid or volunteer fireman, any
- 44 person engaged in emergency first-aid or medical services and any
- 45 law enforcement officer. Notwithstanding any other provision of
- 46 law to the contrary, a person shall be strictly liable for a violation of
- 47 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
- 48 resulted in bodily injury to any emergency services personnel; or

1 (9) Knowingly, under circumstances manifesting extreme
2 indifference to the value of human life, points or displays a firearm,
3 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
4 a law enforcement officer; or

5 (10) Knowingly points, displays, or uses an imitation firearm, as
6 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
7 law enforcement officer with the purpose to intimidate, threaten, or
8 attempt to put the officer in fear of bodily injury or for any unlawful
9 purpose; or

10 (11) Uses or activates a laser sighting system or device, or a
11 system or device which, in the manner used, would cause a
12 reasonable person to believe that it is a laser sighting system or
13 device, against a law enforcement officer acting in the performance
14 of his duties while in uniform or exhibiting evidence of his
15 authority. As used in this paragraph, "laser sighting system or
16 device" means any system or device that is integrated with or
17 affixed to a firearm and emits a laser light beam that is used to
18 assist in the sight alignment or aiming of the firearm.

19 Aggravated assault under subsections b. (1) and b. (6) is a crime
20 of the second degree; under subsections b. (2), b. (7), b. (9), and b.
21 (10) is a crime of the third degree; under subsections b. (3) and b.
22 (4) is a crime of the fourth degree; and under subsection b. (5) is a
23 crime of the third degree if the victim suffers bodily injury,
24 otherwise it is a crime of the fourth degree. Aggravated assault
25 under subsection b.(8) is a crime of the third degree if the victim
26 suffers bodily injury; if the victim suffers significant bodily injury
27 or serious bodily injury it is a crime of the second degree.
28 Aggravated assault under subsection b. (11) is a crime of the third
29 degree.

30 c. (1) A person is guilty of assault by auto or vessel when the
31 person drives a vehicle or vessel recklessly and causes either
32 serious bodily injury or bodily injury to another. Assault by auto or
33 vessel is a crime of the fourth degree if serious bodily injury results
34 and is a disorderly persons offense if bodily injury results.

35 (2) Assault by auto or vessel is a crime of the third degree if the
36 person drives the vehicle while in violation of R.S.39:4-50 or
37 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
38 injury results and is a crime of the fourth degree if the person drives
39 the vehicle while in violation of R.S.39:4-50 or section 2 of
40 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

41 (3) Assault by auto or vessel is a crime of the second degree if
42 serious bodily injury results from the defendant operating the auto
43 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
44 c.512 (C.39:4-50.4a) while:

45 (a) on any school property used for school purposes which is
46 owned by or leased to any elementary or secondary school or school
47 board, or within 1,000 feet of such school property;

1 (b) driving through a school crossing as defined in R.S.39:1-1 if
2 the municipality, by ordinance or resolution, has designated the
3 school crossing as such; or

4 (c) driving through a school crossing as defined in R.S.39:1-1
5 knowing that juveniles are present if the municipality has not
6 designated the school crossing as such by ordinance or resolution.

7 Assault by auto or vessel is a crime of the third degree if bodily
8 injury results from the defendant operating the auto or vessel in
9 violation of this paragraph.

10 A map or true copy of a map depicting the location and
11 boundaries of the area on or within 1,000 feet of any property used
12 for school purposes which is owned by or leased to any elementary
13 or secondary school or school board produced pursuant to section 1
14 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
15 subparagraph (a) of paragraph (3) of this subsection.

16 It shall be no defense to a prosecution for a violation of
17 subparagraph (a) or (b) of paragraph (3) of this subsection that the
18 defendant was unaware that the prohibited conduct took place while
19 on or within 1,000 feet of any school property or while driving
20 through a school crossing. Nor shall it be a defense to a prosecution
21 under subparagraph (a) or (b) of paragraph (3) of this subsection
22 that no juveniles were present on the school property or crossing
23 zone at the time of the offense or that the school was not in session.

24 (4) Assault by auto or vessel is a crime of the third degree if the
25 person purposely drives a vehicle in an aggressive manner directed
26 at another vehicle and serious bodily injury results and is a crime of
27 the fourth degree if the person purposely drives a vehicle in an
28 aggressive manner directed at another vehicle and bodily injury
29 results. For purposes of this paragraph, "driving a vehicle in an
30 aggressive manner" shall include, but is not limited to,
31 unexpectedly altering the speed of the vehicle, making improper or
32 erratic traffic lane changes, disregarding traffic control devices,
33 failing to yield the right of way, or following another vehicle too
34 closely.

35 As used in this section, "vessel" means a means of conveyance
36 for travel on water and propelled otherwise than by muscular
37 power.

38 d. A person who is employed by a facility as defined in section
39 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
40 defined in paragraph (1) or (2) of subsection a. of this section upon
41 an institutionalized elderly person as defined in section 2 of
42 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
43 degree.

44 e. (Deleted by amendment, P.L.2001, c.443).

45 f. A person who commits a simple assault as defined in
46 paragraph (1), (2) or (3) of subsection a. of this section in the
47 presence of a child under 16 years of age at a school or community
48 sponsored youth sports event is guilty of a crime of the fourth

degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, "school or community sponsored youth sports event" means a competition, practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

(cf: P.L.2012, c.3, s.1)

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

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

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

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

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

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

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

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

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

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

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

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

7 Notwithstanding the provisions of paragraph (1) of subsection a.
8 of N.J.S.2C:43-6, the term of imprisonment imposed under this
9 paragraph shall be either a term of 25 years during which the actor
10 shall not be eligible for parole, or a specific term between 25 years
11 and life imprisonment, of which the actor shall serve 25 years
12 before being eligible for parole; provided, however, that the crime
13 of kidnapping under this paragraph and underlying aggravating
14 crimes listed in subparagraph (a), (b), or (c) of this paragraph shall
15 merge for purposes of sentencing. If the actor is convicted of the
16 criminal homicide of a victim of a kidnapping under the provisions
17 of chapter 11, any sentence imposed under provisions of this
18 paragraph shall be served consecutively to any sentence imposed
19 pursuant to the provisions of chapter 11.

20 d. "Unlawful" removal or confinement. A removal or
21 confinement is unlawful within the meaning of this section and of
22 sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat,
23 or deception, or, in the case of a person who is under the age of 14
24 or is incompetent, if it is accomplished without the consent of a
25 parent, guardian, or other person responsible for general supervision
26 of his welfare.

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

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

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

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

47 f. It is an affirmative defense to a prosecution under paragraph
48 (4) of subsection b. of this section that a parent having the right of

1 custody reasonably believed he was fleeing from imminent physical
2 danger from the other parent, provided that the parent having
3 custody, as soon as reasonably practicable:

4 (1) Gives notice of the victim's location to the police department
5 of the municipality where the victim resided, the office of the
6 county prosecutor in the county where the victim resided, or the
7 Division of **【Youth and Family Services】** Child Protection and
8 Permanency in the Department of Children and Families; or

9 (2) Commences an action affecting custody in an appropriate
10 court.

11 g. As used in subsections e. and f. of this section, "parent"
12 means a parent, guardian or other lawful custodian of a victim.

13 (cf: P.L.2006, c.47, s.24)

14

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

16 2C:13-4. Interference with custody.

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

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

23 (2) After being served with process or having actual knowledge
24 of an action affecting marriage or custody but prior to the issuance
25 of a temporary or final order determining custody and parenting
26 time rights to a minor child, takes, detains, entices, or conceals the
27 child within or outside the State for the purpose of depriving the
28 child's other parent of custody or parenting time, or to evade the
29 jurisdiction of the courts of this State; or

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

37 (4) After the issuance of a temporary or final order specifying
38 custody, joint custody rights or parenting time, takes, detains,
39 entices, or conceals a minor child from the other parent in violation
40 of the custody or parenting time order.

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

1 b. Custody of committed persons. A person is guilty of a crime
2 of the fourth degree if he knowingly takes or entices any committed
3 person away from lawful custody when he is not privileged to do
4 so. "Committed person" means, in addition to anyone committed
5 under judicial warrant, any orphan, neglected, or delinquent child,
6 person with a mental disease, defect, or illness, or other dependent
7 or incompetent person, entrusted to another's custody by or through
8 a recognized social agency or otherwise by authority of law.

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

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

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

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

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

34 (1) Gives notice of the child's location to the police department
35 of the municipality where the child resided, the office of the county
36 prosecutor in the county where the child resided, or the Division of
37 **【Youth and Family Services】** Child Protection and Permanency in
38 the Department of Children and Families; or

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

41 e. The offenses enumerated in this section are continuous in
42 nature and continue for so long as the child is concealed or
43 detained.

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

1 (2) In imposing sentence under subsection a. of this section the
2 court shall consider, in addition to the factors enumerated in chapter
3 44 of Title 2C of the New Jersey Statutes:

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

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

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

8 (cf: P.L.2011, c.232, s.2)

9

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

12 1. The Administrative Office of the Courts shall establish and
13 maintain a central registry of all persons who have had domestic
14 violence restraining orders entered against them, all persons who
15 have been charged with a crime or offense involving domestic
16 violence, and all persons who have been charged with a violation of
17 a court order involving domestic violence. All records made
18 pursuant to this section shall be kept confidential and shall be
19 released only to:

20 a. A public agency authorized to investigate a report of
21 domestic violence;

22 b. A police or other law enforcement agency investigating a
23 report of domestic violence, or conducting a background
24 investigation involving a person's application for a firearm permit
25 or employment as a police or law enforcement officer or for any
26 other purpose authorized by law or the Supreme Court of the State
27 of New Jersey;

28 c. A court, upon its finding that access to such records may be
29 necessary for determination of an issue before the court;

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

34 e. The Division of **【Youth and Family Services】** Child
35 Protection and Permanency in the Department of Children and
36 Families when the division is conducting a background
37 investigation involving:

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

41 (2) an out-of-home placement for a child being placed by the
42 Division of **【Youth and Family Services】** Child Protection and
43 Permanency, to include any adult member of the prospective
44 placement household.

45 Any individual, agency, surrogate, or court which receives from
46 the Administrative Office of the Courts the records referred to in
47 this section shall keep **【such】** the records and reports, or parts
48 thereof, confidential and shall not disseminate or disclose such

1 records and reports, or parts thereof; provided that nothing in this
2 section shall prohibit a receiving individual, agency, surrogate or
3 court from disclosing records and reports, or parts thereof, in a
4 manner consistent with and in furtherance of the purpose for which
5 the records and reports or parts thereof were received.

6 Any individual who disseminates or discloses a record or report,
7 or parts thereof, of the central registry, for a purpose other than
8 investigating a report of domestic violence, conducting a
9 background investigation involving a person's application for a
10 firearm permit or employment as a police or law enforcement
11 officer, making a determination of an issue before the court,
12 conducting a background investigation as specified in subsection e.
13 of this section, or for any other purpose other than that which is
14 authorized by law or the Supreme Court of the State of New Jersey,
15 shall be guilty of a crime of the fourth degree.

16 (cf: P.L.2006, c.47, s.26)

17
18 10. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to
19 read as follows:

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

27 b. If the determination is made that the person is the sole
28 caretaker of the child, the presentence investigation shall also
29 include:

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

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

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

41 c. The court shall provide the information compiled pursuant to
42 subsection b. of this section, from the presentence investigation, to
43 the Division of **【Youth and Family Services】** Child Protection and
44 Permanency in the Department of Children and Families.

45 (cf: P.L.2006, c.27, s.28)

46
47 11. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to
48 read as follows:

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

3 (1) the victim of the crime was either a person under the age of
4 18 at the time of the commission of the crime, or a person defined
5 in paragraph (9) of subsection b. of this section; and

6 (2) the person convicted of the crime resides in a household
7 with other minor children or is a parent of a minor child,
8 the court, based on an interview with the defendant, shall make a
9 referral to the Division of **【Youth and Family Services】** Child
10 Protection and Permanency in the Department of Children and
11 Families and provide the division with the name and address of the
12 person convicted of the crime, information on the person's criminal
13 history, and the name and address of each child referred to in
14 paragraph (2) of this subsection.

15 b. For purposes of this section, "crime" includes any of the
16 following:

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

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

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

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

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

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

35 (9) 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 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
39 et seq.); or

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

42 (cf: P.L.2006, c.47, s.29)

43
44 12. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read
45 as follows:

46 3. As used in **【this act】** P.L.1995, c.76 (C.3:12-67 et seq.):

47 "Appointed standby guardian" means a person appointed
48 pursuant to section 6 of **【this act】** P.L.1995, c.76 (C.3B:12-72) to

1 assume the duties of guardian over the person and, when applicable,
2 the property of a minor child upon the death or a determination of
3 incapacity or debilitation, and with the consent, of the parent or
4 legal custodian.

5 "Attending physician" means the physician who has primary
6 responsibility for the treatment and care for the petitioning parent or
7 legal custodian. When more than one physician shares this
8 responsibility, or when a physician is acting on the primary
9 physician's behalf, any such physician may act as the attending
10 physician pursuant to this act. When no physician has this
11 responsibility, a physician who is familiar with the petitioner's
12 medical condition may act as the attending physician pursuant to
13 **[this act]** P.L.1995, c.76 (C.3B:12-67 et seq.).

14 "Consent" means written consent signed by the parent or legal
15 custodian in the presence of two witnesses who shall also sign the
16 document. The written consent shall constitute the terms for the
17 commencement of the duties of the standby guardian.

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

21 "Designated standby guardian" means a person designated
22 pursuant to section 8 of **[this act]** P.L.1995, c.76 (C.3B:12-74) to
23 assume temporarily the duties of guardianship over the person and,
24 when applicable, the property of a minor child upon the death or a
25 determination of incapacity or debilitation, and with the consent, of
26 the parent or legal custodian.

27 "Designation" means a written document voluntarily executed by
28 the designator pursuant to **[this act]** P.L.1995, c.76.

29 "Designator" means a competent parent or legal custodian of a
30 minor child who makes a designation pursuant to **[this act]**
31 P.L.1995, c.76.

32 "Determination of debilitation" means a written determination
33 made by the attending physician which contains the physician's
34 opinion to a reasonable degree of medical certainty regarding the
35 nature, cause, extent, and probable duration of the parent's or legal
36 custodian's debilitation.

37 "Determination of incapacity" means a written determination
38 made by the attending physician which contains the physician's
39 opinion to a reasonable degree of medical certainty regarding the
40 nature, cause, extent, and probable duration of the parent's or legal
41 custodian's incapacity.

42 "Incapacity" means a chronic and substantial inability, as a result
43 of mental or organic impairment, to understand the nature and
44 consequences of decisions concerning the care of one's minor child,
45 and a consequent inability to make these decisions.

46 "Minor child" means a child under the age of eighteen years but
47 excludes a child residing in a placement funded or approved by the
48 Division of **[Youth and Family Services]** Child Protection and

1 Permanency in the Department of Children and Families pursuant to
2 either a voluntary placement agreement or court order.

3 "Triggering event" means an event stated in the designation,
4 petition or decree which empowers the standby guardian to assume
5 the duties of the office, which event may be the death, incapacity or
6 debilitation, with the consent, of the custodial parent or legal
7 custodian, whichever occurs first.

8 (cf: P.L.2006, c.47, s.30)

9

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

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

14 "Caregiver" means a person over 18 years of age, other than a
15 child's parent, who has a kinship relationship with the child and has
16 been providing care and support for the child, while the child has
17 been residing in the caregiver's home, for either the last 12
18 consecutive months or 15 of the last 22 months. "Caregiver"
19 includes a resource family parent as defined in section 1 of
20 P.L.1962, c.136 (C.30:4C-26.4).

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

23 "Commissioner" means the Commissioner of Children and
24 Families.

25 "Court" means the Superior Court, Chancery Division, Family
26 Part.

27 "Department" means the Department of Children and Families.

28 "Division" means the Division of **【Youth and Family Services】**
29 Child Protection and Permanency in the Department of Children
30 and Families.

31 "Family friend" means a person who is connected to a child or
32 the child's parent by an established positive psychological or
33 emotional relationship that is not a biological or legal relationship.

34 "Home review" means the basic review of the information
35 provided by the petitioner and a visit to the petitioner's home where
36 the child will continue to reside, in accordance with the provisions
37 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations
38 adopted by the commissioner.

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

42 "Kinship legal guardian" means a caregiver who is willing to
43 assume care of a child due to parental incapacity, with the intent to
44 raise the child to adulthood, and who is appointed the kinship legal
45 guardian of the child by the court pursuant to P.L.2001, c.250
46 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible
47 for the care and protection of the child and for providing for the
48 child's health, education and maintenance.

1 "Kinship relationship" means a family friend or a person with a
2 biological or legal relationship with the child.

3 "Parental incapacity" means incapacity of such a serious nature
4 as to demonstrate that the parent is unable, unavailable, or unwilling
5 to perform the regular and expected functions of care and support of
6 the child.

7 (cf: P.L.2006, c.47, s.31)

8
9 14. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read
10 as follows:

11 2. For the purposes of **[this act]** P.L.1977, c.357 (C.9:3-37 et
12 seq.):

13 a. "Approved agency" means a nonprofit corporation,
14 association, or agency, including any public agency, approved by
15 the Department of Children and Families for the purpose of placing
16 children for adoption in New Jersey;

17 b. "Child" means a person under 18 years of age;

18 c. "Custody" means the general right to exercise continuing
19 control over the person of a child derived from court order or
20 otherwise;

21 d. "Guardianship" means the right to exercise continuing
22 control over the person or property or both of a child which
23 includes any specific right of control over an aspect of the child's
24 upbringing derived from court order;

25 e. "Guardian ad litem" means a qualified person, not
26 necessarily an attorney, appointed by the court under the provisions
27 of this act or at the discretion of the court to represent the interests
28 of the child whether or not the child is a named party in the action;

29 f. "Parent" means a birth parent or parents, including the birth
30 father of a child born out of wedlock who has acknowledged the
31 child or to whom the court has ordered notice to be given, or a
32 parent or parents by adoption;

33 g. "Placement for adoption" means the transfer of custody of a
34 child to a person for the purpose of adoption by that person;

35 h. "Plaintiff" means a prospective parent or parents who have
36 filed a complaint for adoption;

37 i. "Legal services" means the provision of counseling or advice
38 related to the law and procedure for adoption of a child, preparation
39 of legal documents, or representation of any person before a court
40 or administrative agency;

41 j. "Surrender" means a voluntary relinquishment of all parental
42 rights by a birth parent, previous adoptive parent, or other person or
43 agency authorized to exercise these rights by law, court order or
44 otherwise, for purposes of allowing a child to be adopted;

45 k. "Home study" means an approved agency's formal
46 assessment of the capacity and readiness of prospective adoptive
47 parents to adopt a child, including the agency's written report and
48 recommendations conducted in accordance with rules and

1 regulations promulgated by the Director of the Division of [Youth
2 and Family Services] Child Protection and Permanency; and

3 1. "Intermediary" means any person, firm, partnership,
4 corporation, association, or agency, which is not an approved
5 agency as defined in this section, who acts for or between any
6 parent and any prospective parent or acts on behalf of either in
7 connection with the placement of the parent's child for adoption in
8 the State or in any other state or country. An intermediary in any
9 other state or country shall not receive money or other valuable
10 consideration in connection with the placement of a child for
11 adoption in this State. An intermediary in this State shall not
12 receive money or other valuable consideration in connection with
13 the placement of a child for adoption in this State or in any other
14 state or country. The provisions of this subsection shall not be
15 construed to prohibit the receipt of money or other valuable
16 consideration specifically authorized in section 18 of P.L.1993,
17 c.345 (C.9:3-39.1).

18 (cf: P.L.2006, c.47, s.33)

19
20 15. Section 18 of P.L.1993, c.345 (C.9:3-39.1) is amended to
21 read as follows:

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

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

26 (2) the firm, partnership, corporation, association, or agency is
27 an approved agency to act as agent, finder, or to otherwise
28 materially assist in the placement of any child for adoption in this
29 State, or

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

32 (4) the placement is through an intermediary and (a) the person
33 with whom the child is to be placed has been approved for
34 placement for adoption by an approved agency home study which
35 consists of the agency's formal written assessment of the capacity
36 and readiness of the prospective adoptive parents to adopt a child,
37 conducted in accordance with rules and regulations promulgated by
38 the Director of the Division of [Youth and Family Services] Child
39 Protection and Permanency;

40 (b) The birth parent, except one who cannot be identified or
41 located prior to the placement of the child for adoption, shall be
42 offered counseling as to [his or her] the birth parent's options other
43 than placement of the child for adoption. Such counseling shall be
44 made available by or through an approved licensed agency in New
45 Jersey or in the birth parent's state or country of residence. The fact
46 that counseling has been made available, and the name, address, and
47 telephone number of the agency through which the counseling is
48 available, shall be confirmed in a written document signed by the

1 birth parent and acknowledged in this State pursuant to section 1 of
2 P.L.1991, c.308 (R.S.46:14-2.1) or acknowledged in another state
3 or country pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1)
4 a copy of 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; and

8 (c) Written notice shall be given to the birth parent, except one
9 who cannot be identified or located prior to the placement of the
10 child for adoption, and the adoptive parent that the decision not to
11 place the child for adoption or the return of the child to the birth
12 parent cannot be conditioned upon reimbursement of expenses by
13 the birth parent to the adoptive parent, and that payments by the
14 adoptive parent are non-refundable. Provision of such notice shall
15 be confirmed in a written document signed by the birth parent and
16 adoptive parent in separate documents which shall be acknowledged
17 in this State pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-
18 2.1) or acknowledged in another state or country pursuant to section
19 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of which shall be
20 provided to the birth parent, and the agency conducting the adoption
21 complaint investigation pursuant to section 12 of P.L.1977, c.367
22 (C.9:3-48), and shall be filed with the court prior to termination of
23 parental rights.

24 b. The Superior Court in an action by the Commissioner of
25 Children and Families may enjoin any party found by the court to
26 have violated this section from any further violation of this section.

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

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

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

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

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

(cf: P.L.2006, c.47, s.34)

16. Section 8 of P.L.1977, c.367 (C.9:3-44) is amended to read as follows:

8. Whenever a person receives a child into **[his]** the person's home for the purpose of adoption other than from an approved agency, a complaint for adoption shall be filed within 45 days after receipt of the child. If the person receiving the child has been approved previously for placement for adoption in accordance with the provisions of section 18 of P.L.1993, c.345 (C.9:3-39.1), the person shall, immediately upon receiving the child, notify the approved agency which granted **[such]** approval of the receipt of the child, and that agency shall undertake immediate supervision of the child in accordance with rules and regulations promulgated by the Director of the Division of **[Youth and Family Services]** Child Protection and Permanency. The cost of **[such]** the supervision shall be paid by the person receiving the child. If the agency, in the course of supervision shall determine that the child is at risk of harm or that the best interests of the child are not served by the child remaining in the home, the agency may apply to a court for removal of the child from the home. Whenever a person receives a child into **[his]** the person's home for purposes other than adoption and it is later determined that an adoption shall be sought, a complaint for adoption shall be instituted with reasonable promptness following the determination. Failure to file the complaint in a timely manner shall not be a sole basis for refusal of the adoption but the failure shall require the filing, with the complaint, of an affidavit setting forth the reasons for the delay.

(cf: P.L.1993, c.345, s.7)

17. Section 3 of P.L.1999, c.53 (C.9:3-45.2) is amended to read as follows:

3. In any case in which the Division of **[Youth and Family Services]** Child Protection and Permanency accepts a child in its care or custody, the child's resource family parent or relative providing care for the child, as applicable, shall receive written notice of, and shall have a right to be heard at, any review or hearing held with respect to the child, but the resource family parent or relative shall not be made a party to the review or hearing solely on the basis of the notice and right to be heard.

(cf: P.L.2007, c.228, s.1)

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

3 21. a. (1) In addition to meeting the other requirements
4 established by the Department of Children and Families, a home
5 study completed by an approved agency shall include a
6 recommendation regarding the suitability of the home for the
7 placement of a child based upon the results of State and federal
8 criminal history record checks for each prospective adoptive parent
9 and each adult residing in the home.

10 For the purposes of this section, the federal criminal history
11 record check conducted by the U.S. Citizenship and Immigration
12 Services in the Department of Homeland Security on a prospective
13 adoptive parent shall be valid for the prospective adoptive parent in
14 fulfilling the home study requirement for the State.

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

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

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

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

30 (6) The department shall advise the approved agency of
31 information received from State and federal criminal history record
32 checks based upon the fingerprints submitted by the agency.
33 Information provided to the approved agency shall be confidential
34 and not disclosed by the approved agency to any individual or entity
35 without the written permission of the person who is the subject of
36 the record check.

37 (7) The commissioner shall adopt regulations for the use of
38 criminal history record information by approved agencies when
39 determining the suitability of a home for the placement of a child
40 for the purposes of adoption.

41 b. (1) Beginning one year after the effective date of **[this act]**
42 P.L.1993, c.345, a home study completed by an approved agency
43 shall include a recommendation regarding the suitability of the
44 home for the placement of the child based upon a check for any
45 records which might reveal a history of child abuse or neglect by
46 the proposed adoptive parent or member of the parent's household
47 who is 18 years of age or older.

1 (2) Beginning one year after the effective date, at the request of
2 an approved agency, the commissioner or his designee shall conduct
3 a search of the records of the Division of **【Youth and Family**
4 **Services】** Child Protection and Permanency regarding referrals of
5 dispositions of child abuse or neglect matters as to the proposed
6 adoptive parent and any member of the parent's household 18 years
7 of age or older, and, if there is information that would raise a
8 question of the suitability of the proposed adoptive parent or
9 member of the parent's household to have guardianship of a child,
10 shall provide that information to the approved agency for its
11 consideration. Information provided to the approved agency
12 pursuant to this paragraph shall be confidential. The commissioner
13 shall establish penalties for disclosure of this confidential
14 information.

15 (cf: P.L.2006, c.47, s.40)

16
17 19. Section 9 of P.L.2006, c.47 (C.9:3A-9) is amended to read
18 as follows:

19 9. All of the functions, powers, and duties of the Office of
20 Children's Services in the Department of Human Services, and the
21 power to receive, allocate, expend, and authorize the expenditure of
22 federal moneys available for children and families are hereby
23 transferred and assigned to, assumed by, and devolved upon the
24 Department of Children and Families. To effectuate such transfer
25 there shall also be transferred such officers and employees as are
26 necessary, all appropriations or reappropriations, to the extent of
27 remaining unexpended or unencumbered balances thereof, whether
28 allocated or unallocated and whether obligated or unobligated, and
29 all necessary books, papers, records and property. All rules,
30 regulations, acts, determinations, and decisions in force at the time
31 of such transfer and proceedings or other such matters undertaken,
32 commenced, or pending by or before the Office of Children's
33 Services at the time of such transfer shall continue in force and
34 effect until duly modified, abrogated or completed by the
35 Department of Children and Families.

36 As used in this section, the Office of Children's Services
37 includes, but is not limited to, the Division of **【Youth and Family**
38 **Services】** Child Protection and Permanency, the Division of **【Child**
39 **Behavioral Health Services】** Children's System of Care, the
40 Division of **【Prevention and Community Partnerships】** Family and
41 Community Partnerships, and the New Jersey Child Welfare
42 Training Academy in the Department of Human Services.

43 (cf: P.L.2006, c.47, s.9)

44
45 20. Section 10 of P.L.2006, c.47 (C.9:3A-10) is amended to read
46 as follows:

1 10. a. Whenever the term "Office of Children's Services" occurs
2 or any reference is made thereto in any law, regulation, contract, or
3 document, the same shall be deemed to mean or refer to the
4 Department of Children and Families.

5 b. Whenever the terms "Division of Youth and Family
6 Services," "Division of Child Behavioral Health Services,"
7 "Division of Prevention and Community Partnerships" and "New
8 Jersey Child Welfare Training Academy" occur or any reference is
9 made thereto in any law, regulation, contract, or document, the
10 same shall be deemed to mean or refer to, respectively, the
11 **["Division of Youth and Family Services,"]** "Division of Child
12 Protection and Permanency." **["Division of Child Behavioral Health**
13 **Services,"]** "Division of Children's System of Care," **["Division of**
14 **Prevention and Community Partnerships,"]** "Division of Family and
15 Community Partnerships," and "New Jersey Child Welfare Training
16 Academy" in the Department of Children and Families established
17 herein.

18 (cf: P.L.2006, c.47, s.10)

19
20 21. Section 3 of P.L.1971, c.437 (C.9:6-8.10) is amended to read
21 as follows:

22 3. Any person having reasonable cause to believe that a child
23 has been subjected to child abuse or acts of child abuse shall report
24 the same immediately to the Division of **[Youth and Family**
25 **Services]** Child Protection and Permanency by telephone or
26 otherwise. Such reports, where possible, shall contain the names
27 and addresses of the child and his parent, guardian, or other person
28 having custody and control of the child and, if known, the child's
29 age, the nature and possible extent of the child's injuries, abuse or
30 maltreatment, including any evidence of previous injuries, abuse or
31 maltreatment, and any other information that the person believes
32 may be helpful with respect to the child abuse and the identity of
33 the perpetrator.

34 (cf: P.L.1987, c.341, s.4)

35
36 22. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to
37 read as follows:

38 1. a. All records of child abuse reports made pursuant to
39 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained
40 by the Department of Children and Families in investigating such
41 reports including reports received pursuant to section 20 of
42 P.L.1974, c.119 (C.9:6-8.40), and all reports of findings forwarded
43 to the child abuse registry pursuant to section 4 of P.L.1971, c.437
44 (C.9:6-8.11) shall be kept confidential and may be disclosed only
45 under the circumstances expressly authorized under subsections b.,
46 c., d., e., f., and g. herein. The department shall disclose
47 information only as authorized under subsections b., c., d., e., f.,

1 and g. of this section that is relevant to the purpose for which the
2 information is required, provided, however, that nothing may be
3 disclosed which would likely endanger the life, safety, or physical
4 or emotional well-being of a child or the life or safety of any other
5 person or which may compromise the integrity of a department
6 investigation or a civil or criminal investigation or judicial
7 proceeding. If the department denies access to specific information
8 on this basis, the requesting entity may seek disclosure through the
9 Chancery Division of the Superior Court. This section shall not be
10 construed to prohibit disclosure pursuant to paragraphs (2) and (7)
11 of subsection b. of this section.

12 Nothing in **【this act】** P.L.1977, c.102 (C.9:6-8.10a et seq.) shall
13 be construed to permit the disclosure of any information deemed
14 confidential by federal or State law.

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

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

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

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

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

34 (5) An agency, whether public or private, including any division
35 or unit in the Department of Human Services or the Department of
36 Children and Families, authorized to care for, treat, assess, evaluate,
37 or supervise a child who is the subject of a child abuse report, or a
38 parent, guardian, resource family parent, or other person who is
39 responsible for the child's welfare, or both, when the information is
40 needed in connection with the provision of care, treatment,
41 assessment, evaluation, or supervision to such child or such parent,
42 guardian, resource family parent, or other person and the provision
43 of information is in the best interests of the child as determined by
44 the Division of **【Youth and Family Services】** Child Protection and
45 Permanency;

46 (6) A court or the Office of Administrative Law, upon its
47 finding that access to such records may be necessary for
48 determination of an issue before it, and such records may be

1 disclosed by the court or the Office of Administrative Law in whole
2 or in part to the law guardian, attorney, or other appropriate person
3 upon a finding that such further disclosure is necessary for
4 determination of an issue before the court or the Office of
5 Administrative Law;

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

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

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

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

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

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

29 (13) Any person or entity mandated by statute to consider child
30 abuse or neglect information when conducting a background check
31 or employment-related screening of an individual employed by or
32 seeking employment with an agency or organization providing
33 services to children;

34 (14) Any person or entity conducting a disciplinary,
35 administrative, or judicial proceeding to determine terms of
36 employment or continued employment of an officer, employee, or
37 volunteer with an agency or organization providing services for
38 children. The information may be disclosed in whole or in part to
39 the appellant or other appropriate person only upon a determination
40 by the person or entity conducting the proceeding that the
41 disclosure is necessary to make a determination;

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

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

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

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

8 (19) A parent, resource family parent, or legal guardian when the
9 information is needed in a department matter in which that parent,
10 resource family parent, or legal guardian is directly involved. The
11 information may be released only to the extent necessary for the
12 requesting parent, resource family parent, or legal guardian to
13 discuss services or the basis for the department's involvement or to
14 develop, discuss, or implement a case plan for the child;

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

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

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

23 (23) Members of a family team or other case planning group
24 formed by the Division of **【Youth and Family Services】** Child
25 Protection and Permanency and established in accordance with
26 regulations adopted by the Commissioner of Children and Families
27 for the purpose of addressing the child's safety, permanency, or
28 well-being, when the provision of such information is in the best
29 interests of the child as determined by the Division of **【Youth and**
30 **Family Services】** Child Protection and Permanency.

31 Any individual, agency, board, court, grand jury, legislative
32 committee, or other entity which receives from the department the
33 records and reports referred to in subsection a., shall keep **【such】**
34 the records and reports, or parts thereof, confidential and shall not
35 disclose **【such】** the records and reports or parts thereof except as
36 authorized by law.

37 c. The department may share information with a child who is
38 the subject of a child abuse or neglect report, as appropriate to the
39 child's age or condition, to enable the child to understand the basis
40 for the department's involvement and to participate in the
41 development, discussion, or implementation of a case plan for the
42 child.

43 d. The department may release the records and reports referred
44 to in subsection a. of this section to any person engaged in a bona
45 fide research purpose, provided, however, that no names or other
46 information identifying persons named in the report shall be made
47 available to the researcher unless it is absolutely essential to the
48 research purpose and provided further that the approval of the

1 Commissioner of Children and Families or his designee shall first
2 have been obtained.

3 e. For incidents determined by the department to be
4 substantiated, the department shall forward to the police or law
5 enforcement agency in whose jurisdiction the child named in the
6 report resides, the identity of persons alleged to have committed
7 child abuse or neglect and of victims of child abuse or neglect, their
8 addresses, the nature of the allegations, and other relevant
9 information, including, but not limited to, prior reports of abuse or
10 neglect and names of siblings obtained by the department during its
11 investigation of a report of child abuse or neglect. The police or
12 law enforcement agency shall keep such information confidential.

13 f. The department may disclose to the public the findings or
14 information about a case of child abuse or neglect which has
15 resulted in a child fatality or near fatality. Nothing may be
16 disclosed which would likely endanger the life, safety, or physical
17 or emotional well-being of a child or the life or safety of any other
18 person or which may compromise the integrity of a department
19 investigation or a civil or criminal investigation or judicial
20 proceeding. If the department denies access to specific information
21 on this basis, the requesting entity may seek disclosure of the
22 information through the Chancery Division of the Superior Court.
23 No information may be disclosed which is deemed confidential by
24 federal or State law. The name or any other information identifying
25 the person or entity who referred the child to the department shall
26 not be released to the public.

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

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

39 (cf: P.L.2006, c.47, s.42)

40

41 23. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to
42 read as follows:

43 2. a. Upon receiving the presentencing investigation
44 information from the court pursuant to section 1 of P.L.2003, c.301
45 (C.2C:44-6.2) concerning a sole caretaker of a child who will be
46 incarcerated and the person who will assume care and custody of
47 the child during the period of incarceration, the Division of [Youth
48 and Family Services] Child Protection and Permanency in the

1 Department of Children and Families shall conduct a child abuse
2 record information check of its child abuse records to determine if
3 an incident of child abuse or neglect has been substantiated against
4 the person who will be responsible for the child's care and custody
5 or any adult and juvenile over 12 years of age in the person's
6 household.

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

14 (cf: P.L.2006, c.47, s.43)

15

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

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

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

38 (cf: P.L.2006, c.47, s.46)

39

40 25. Section 5 of P.L.1971, c.437 (C.9:6-8.12) is amended to read
41 as follows:

42 5. The Division of [Youth and Family Services] Child
43 Protection and Permanency shall maintain, at all times, an
44 emergency telephone service for the receipt of calls involving a
45 report, complaint, or allegation of child abuse or neglect.

46 (cf: P.L.2004, c.130, s.24)

1 26. Section 8 of P.L.1971, c.437 (C.9:6-8.15) is amended to read
2 as follows:

3 8. The **【Bureau of Children's Services】** Division of Child
4 Protection and Permanency shall from time to time promulgate such
5 rules and regulations as may be necessary to effectuate the
6 provisions of **【this act】** P.L.1971, c.437 (C.9:6-8.8 et seq.).
7 (cf: P.L.1971, c.437, s.8)
8

9 27. Section 2 of P.L.1973, c.147 (C.9:6-8.17) is amended to read
10 as follows:

11 2. The physician or the director or his designate of a hospital or
12 similar institution taking a child into such protective custody shall
13 immediately report his action to the Division of **【Youth and Family**
14 **Services】** Child Protection and Permanency by calling its
15 emergency telephone service maintained pursuant to section 5 of
16 P.L.1971, c.437 (C.9:6-8.12).
17 (cf: P.L.2004, c.130, s.25)
18

19 28. Section 3 of P.L.1973, c.147 (C.9:6-8.18) is amended to read
20 as follows:

21 3. The **【Bureau of Children's Services or its successor, the】**
22 Division of **【Youth and Family Services】** Child Protection and
23 Permanency, shall upon receipt of such report, take action to insure
24 the safety of the child under section 4 of P.L.1971, c.437 (C.9:6-
25 8.11). The **【said】** report shall be deemed an oral complaint under
26 section 12 of P.L.1951, c.138 (C.30:4C-12), and the **【Bureau of**
27 **Children's Services or its successor, the】** Division of **【Youth and**
28 **Family Services】** Child Protection and Permanency, shall
29 investigate the circumstances under which the child was injured and
30 may, after such investigation has been completed, apply for a court
31 order placing the child under its care and supervision, pursuant to
32 section 12 of P.L.1951, c.138 (C.30:4C-12).
33 (cf: P.L.1973, c.147, s.3)
34

35 29. Section 4 of P.L.1973, c.147 (C.9:6-8.19) is amended to read
36 as follows:

37 4. a. The **【Bureau of Children's Services or its successor, the】**
38 Division of **【Youth and Family Services】** Child Protection and
39 Permanency, shall immediately after the receipt of such report, and
40 after making a determination to take the child into protective
41 custody, shall serve or attempt to serve, written notice upon the
42 parents or guardian that the said child has been taken into protective
43 custody. The notice shall contain a statement of the maximum
44 duration of the protective custody and the location of the child
45 during protective custody.

46 b. The parents or guardian of a child in protective custody may,
47 upon request and in the reasonable discretion of the physician,

1 director, or his designate, or appropriate official of the [Bureau of
2 Children's Services, or its successor, the] Division of [Youth and
3 Family Services] Child Protection and Permanency, visit the [said]
4 child, provided that the life or health of the child will not be
5 endangered by such visit.

6 c. The entire period of protective custody shall not exceed [3]
7 three court days. The protective custody may be terminated earlier
8 at the discretion of the reporting physician, director or appropriate
9 official of the [Bureau of Children's Services or its successor, the]
10 Division of [Youth and Family Services] Child Protection and
11 Permanency, or upon order of the court.

12 (cf: P.L.1973, c.147, s.4)
13

14 30. Section 5 of P.L.1999. c.53 (C.9:6-8.19a) is amended to read
15 as follows:

16 5. In any case in which the Division of [Youth and Family
17 Services] Child Protection and Permanency accepts a child in its
18 care or custody, the child's resource family parent or relative
19 providing care for the child, as applicable, shall receive written
20 notice of and an opportunity to be heard at any review or hearing
21 held with respect to the child, but the resource family parent or
22 relative shall not be made a party to the review or hearing solely on
23 the basis of the notice and opportunity to be heard.

24 (cf: P.L.2004, c.130, s.26)
25

26 31. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read
27 as follows:

28 1. As used in [this act] P.L.1974, c.119 (C.9-8.21 et seq.),
29 unless the specific context indicates otherwise:

30 a. "Parent or guardian" means any natural parent, adoptive
31 parent, resource family parent, stepparent, paramour of a parent, or
32 any person, who has assumed responsibility for the care, custody, or
33 control of a child or upon whom there is a legal duty for such care.
34 Parent or guardian includes a teacher, employee, or volunteer,
35 whether compensated or uncompensated, of an institution who is
36 responsible for the child's welfare and any other staff person of an
37 institution regardless of whether or not the person is responsible for
38 the care or supervision of the child. Parent or guardian also
39 includes a teaching staff member or other employee, whether
40 compensated or uncompensated, of a day school as defined in
41 section 1 of P.L.1974, c.119 (C.9:6-8.21).

42 b. "Child" means any child alleged to have been abused or
43 neglected.

44 c. "Abused or neglected child" means a child less than 18 years
45 of age whose parent or guardian, as herein defined, (1) inflicts or
46 allows to be inflicted upon such child physical injury by other than
47 accidental means which causes or creates a substantial risk of death,

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

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

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

38 d. "Law guardian" means an attorney admitted to the practice
39 of law in this State, regularly employed by the Office of the Public
40 Defender or appointed by the court, and designated under **[this act]**
41 P.L.1974, c.119 to represent minors in alleged cases of child abuse
42 or neglect and in termination of parental rights proceedings.

43 e. "Attorney" means an attorney admitted to the practice of law
44 in this State who shall be privately retained; or, in the instance of an
45 indigent parent or guardian, an attorney from the Office of the
46 Public Defender or an attorney appointed by the court who shall be
47 appointed in order to avoid conflict between the interests of the
48 child and the parent or guardian in regard to representation.

1 f. "Division" means the Division of **【Youth and Family**
2 **Services】** Child Protection and Permanency in the Department of
3 Children and Families unless otherwise specified.

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

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

14 (cf: P.L.2006, c.47, s.47)

15

16 32. Section 9 of P.L.1974, c.119 (C.9:6-8.29) is amended to read
17 as follows:

18 9. a. A police officer or a designated employee of the
19 Probation Division or a designated employee of the division may
20 remove a child from the place where **【he】** the child is residing, or
21 any **【such】** person or any physician treating **【such】** a child may
22 keep a child in **【his】** the person's or physician's custody without an
23 order pursuant to section 8 of P.L.1974, c.119 (C.9:6-8.28) and
24 without the consent of the parent or guardian regardless of whether
25 the parent or guardian is absent, if the child is in such condition that
26 **【his】** the child's continuance in **【said】** the place or residence or in
27 the care and custody of the parent or guardian presents an imminent
28 danger to the child's life, safety, or health, and there is insufficient
29 time to apply for a court order pursuant to section 8 of P.L.1974,
30 c.119 (C.9:6-8.28), or any physician or hospital treating **【such】** a
31 child may keep a child in custody pursuant to P.L.1973, c.147
32 (C.9:6-8.16 et seq.). The Division of **【Youth and Family Services】**
33 Child Protection and Permanency shall not be required to provide
34 reasonable efforts to prevent placement if removal of the child is
35 necessary due to imminent danger to the child's life, safety, or
36 health in accordance with section 24 of P.L. 1999, c.53 (C.30:4C-
37 11.2).

38 b. If a person authorized by this section removes or keeps
39 custody of a child, he shall (1) inform the division immediately; (2)
40 bring the child immediately to a place designated by the division for
41 this purpose, and (3) make every reasonable effort to inform the
42 parent or guardian of the facility to which **【he】** the person has
43 brought the child.

44 c. Any person or institution acting in good faith in the removal
45 or keeping of a child pursuant to this section shall have immunity
46 from any liability, civil or criminal, that might otherwise be
47 incurred or imposed as a result of such removal or keeping.

1 d. Any person acting under the authority of **[this act]**
2 P.L.1974, c.119 (C.9:6-8.21 et seq.) may request and shall receive
3 appropriate assistance from local and State law enforcement
4 officials.
5 (cf: P.L.1999, c.53, s.9)

6
7 33. Section 11 of P.L.1974, c.119 (C.9:6-8.31) is amended to
8 read as follows:

9 11. Preliminary orders after filing of complaint. a. In any case
10 where the child has been removed without court order, except
11 where action has been taken pursuant to P.L.1973, c.147 (C.9:6-
12 8.16 et seq.) the Superior Court, Chancery Division, Family Part
13 shall hold a hearing on the next court day, whereby the safety of the
14 child shall be of paramount concern, to determine whether the
15 child's interests require protection pending a final order of
16 disposition. In any other case under **[this act]** P.L.1974, c.119
17 (C.9:6-8.21 et seq.), any person who may originate a proceeding
18 may apply for, or the court, on its own motion, may order a hearing
19 at any time after the complaint is filed to determine, with the safety
20 of the child of paramount concern, whether the child's interests
21 require protection pending a final order of disposition.

22 b. Upon such hearing, if the court finds that continued removal
23 is necessary to avoid an ongoing risk to the child's life, safety, or
24 health, it shall affirm the removal of the child to an appropriate
25 place or place him in the custody of a suitable person.

26 If the court determines that removal of the child by a physician,
27 police officer, designated employee of the Probation Division, or
28 designated employee of the Division of **[Youth and Family**
29 **Services]** Child Protection and Permanency was necessary due to
30 imminent danger to the child's life, safety, or health, the court shall
31 find that the Division of **[Youth and Family Services]** Child
32 Protection and Permanency was not required to provide reasonable
33 efforts to prevent placement of the child in accordance with section
34 24 of P.L.1999, c.53 (C.30:4C-11.2).

35 c. Upon such hearing the court may, for good cause shown,
36 issue a preliminary order of protection which may contain any of
37 the provisions authorized on the making of an order of protection
38 under section 35 of P.L.1974, c.119 (C.9:6-8.55).

39 d. Upon such hearing, the court may, for good cause shown,
40 release the child to the custody of his parent or guardian from
41 whose custody or care the child was removed, pending a final order
42 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-
43 8.53).

44 e. Upon such hearing, the court may authorize a physician or
45 hospital to provide medical or surgical procedures if such
46 procedures are necessary to safeguard the child's life or health.

47 f. If the court grants or denies a preliminary order requested
48 pursuant to this section, it shall state the grounds for such decision.

g. In all cases involving abuse or neglect the court shall order an examination of the child by a physician appointed or designated for the purpose by the division. As part of such examination, the physician shall arrange to have color photographs taken as soon as practical of any areas of trauma visible on such child and may if indicated, arrange to have a radiological examination performed on the child. The physician, on the completion of such examination, shall forward the results thereof together with the color photographs to the court ordering such examination.

(cf: P.L.1999, c.53, s.10)

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

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

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

The definition of, and process for, making a determination of an unfounded report, complaint, or allegation of an incident of child abuse or neglect shall be defined in regulations promulgated by the department pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(cf: P.L.2006, c.47, s.52)

35. Section 1 of P.L.1998, c.127 (C.9:6-8.58a) is amended to read as follows:

1. When a child is placed in the custody of a relative or other suitable person or the Division of **【Youth and Family Services】** Child Protection and Permanency pursuant to section 34 of P.L.1974, c.119 (C.9:6-8.54), because of a finding of abuse or neglect, the Superior Court, Chancery Division, Family Part shall order the parent and, when appropriate, any other adult domiciled in the home to undergo substance abuse assessment, when necessary. If the assessment reveals positive evidence of substance abuse, the court shall require the parent and other adult, when appropriate, to demonstrate that he is receiving treatment and complying with the treatment program for the substance abuse problem before the child is returned to the parental home.

(cf: P.L.1998, c.127, s.1)

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

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

3 a. The purpose of the task force is to study and develop
4 recommendations regarding the most effective means of improving
5 the quality and scope of child protective and preventative services
6 provided or supported by State government, including a review of
7 the practices and policies utilized by the Division of **【Youth and**
8 **Family Services】** Child Protection and Permanency and the
9 Division of **【Prevention and Community Partnerships】** Family and
10 Community Partnerships in the Department of Children and
11 Families in order to:

12 (1) optimize coordination of child abuse-related services and
13 investigations;

14 (2) promote the safety of children at risk of abuse or neglect;

15 (3) ensure a timely determination with regard to reports of
16 alleged child abuse;

17 (4) educate the public about the problems of, and coordinate
18 activities relating to, child abuse and neglect;

19 (5) develop a Statewide plan to prevent child abuse and neglect
20 and mechanisms to facilitate child abuse and neglect prevention
21 strategies in coordination with the Division of **【Prevention and**
22 **Community Partnerships】** Family and Community Partnerships;

23 (6) mobilize citizens and community agencies in a proactive
24 effort to prevent and treat child abuse and neglect; and

25 (7) foster cooperative working relationships between State and
26 local agencies responsible for providing services to victims of child
27 abuse and neglect and their families.

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

35 Grants shall be awarded to public and private agencies for the
36 purposes of planning and establishing or improving programs and
37 services for the prevention of child abuse and neglect, including
38 activities which:

39 (1) Provide Statewide educational and public informational
40 seminars for the purpose of developing appropriate public
41 awareness regarding the problems of child abuse and neglect;

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

44 (3) Make information about the problems of child abuse and
45 neglect available to the public and organizations and agencies
46 which deal with problems of child abuse and neglect; and

47 (4) Encourage the development of community prevention
48 programs, including:

1 (a) community-based educational programs on parenting,
2 prenatal care, prenatal bonding, child development, basic child care,
3 care of children with special needs, coping with family stress,
4 personal safety and sexual abuse prevention training for children,
5 and self-care training for latchkey children; and

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

11 The task force shall, in awarding grants, establish such priorities
12 respecting the programs or services to be funded and the amounts of
13 funding to be provided as it deems appropriate, except that the task
14 force shall place particular emphasis on community-based programs
15 and services which are designed to develop and demonstrate
16 strategies for the early identification, intervention, and assistance of
17 families and children at risk in order to prevent child abuse and
18 neglect.

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

26 c. The task force shall establish a Staffing and Oversight
27 Review Subcommittee to review staffing levels of the Division of
28 **【Youth and Family Services】** Child Protection and Permanency in
29 order to develop recommendations regarding staffing levels and the
30 most effective methods of recruiting, hiring, and retaining staff
31 within the division. In addition, the subcommittee shall review the
32 division's performance in the achievement of management and
33 client outcomes, and shall issue a preliminary report with its
34 findings and recommendations no later than January 1, 2007, and
35 subsequent reports annually thereafter with the first full report due
36 no later than July 1, 2007. The subcommittee shall directly issue its
37 reports to the Governor and, pursuant to section 2 of P.L.1991,
38 c.164 (C.52:14-19.1), to the Legislature.

39 (cf: P.L.2007, c.130, s.1)

40
41 37. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read
42 as follows:

43 3. The task force shall consist of **【30】** 29 members as follows:
44 the Commissioners of Human Services, Children and Families,
45 Education, Community Affairs, Corrections, and Health and Senior
46 Services, the Attorney General, two judges of the Superior Court
47 involved in both civil and criminal court proceedings related to
48 child abuse and neglect as appointed by the Chief Justice of the

1 Supreme Court, the Public Defender, **the Child Advocate** and the
2 Superintendent of State Police, or their designees, as ex officio
3 members; two members of the Senate and the General Assembly,
4 respectively, no more than one of whom in each case shall be of the
5 same political party; and a county prosecutor appointed by the
6 Attorney General. The 13 public members shall be appointed by
7 the Governor as follows: one member who is a director of a
8 regional diagnostic and treatment center for child abuse and neglect;
9 one member who represents the **Association** Advocates for
10 Children of New Jersey; one member who represents Foster and
11 Adoptive Family Services; one member who represents a faith-
12 based organization; one member who is a director of a county
13 department of human services; one member who is a youth 21 years
14 of age or younger who is or has been placed under the care and
15 custody of the Division of **Youth and Family Services** Child
16 Protection and Permanency because of an allegation of child abuse
17 or neglect; two members who represent service providers under
18 contract with the Division of **Youth and Family Services** Child
19 Protection and Permanency; and five members of the public who
20 have an interest or expertise in issues concerning child welfare.
21 The public members shall reflect the diversity of the residents of the
22 State and the children and families served by the State's child
23 welfare system.

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

28 The task force shall be co-chaired, one co-chair shall be the
29 Commissioner of Children and Families and the other shall be
30 appointed by the Governor with the advice and consent of the
31 Senate. The second co-chair shall be selected from among the
32 public members and shall serve at the pleasure of the Governor.
33 The public members shall serve for a term of three years.

34 (cf: P.L.2009, c.29, s.1)

35

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

38 2. As used in this act:

39 "Board" means the Child Fatality and Near Fatality Review
40 Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

41 "Child" means any person under the age of 18.

42 "Commissioner" means the Commissioner of Children and
43 Families.

44 "Division" means the Division of **Youth and Family Services**
45 Child Protection and Permanency in the Department of Children
46 and Families.

47 "Near fatality" means a case in which a child is in serious or
48 critical condition, as certified by a physician.

1 "Panel" means a citizen review panel as established under
2 P.L.1997, c.175 (C.9:6-8.83 et al.).

3 "Parent or guardian" means a person defined pursuant to section
4 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the
5 care, custody, or control of a child or upon whom there is a legal
6 duty for such care.

7 "Reasonable efforts" means attempts by an agency authorized by
8 the Division of **【Youth and Family Services】** Child Protection and
9 Permanency to assist the parents in remedying the circumstances
10 and conditions that led to the placement of the child and in
11 reinforcing the family structure, as defined in section 7 of P.L.1991,
12 c.275 (C.30:4C-15.1).

13 "Sexual abuse" means contacts or actions between a child and a
14 parent or caretaker for the purpose of sexual stimulation of either
15 that person or another person. Sexual abuse includes:

16 a. the employment, use, persuasion, inducement, enticement, or
17 coercion of any child to engage in, or assist any other person to
18 engage in, any sexually explicit conduct or simulation of such
19 conduct;

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

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

25 "Significant bodily injury" means a temporary loss of the
26 functioning of any bodily member or organ or temporary loss of any
27 one of the five senses.

28 "Withholding of medically indicated treatment" means the failure
29 to respond to a child's life-threatening conditions by providing
30 treatment, including appropriate nutrition, hydration, and
31 medication which, in the treating physician's reasonable judgment,
32 will most likely be effective in ameliorating or correcting all such
33 conditions. The term does not include the failure to provide
34 treatment, other than appropriate nutrition, hydration, or medication
35 to a child when, in the treating physician's reasonable medical
36 judgment:

37 a. the child is chronically and irreversibly comatose;

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

42 c. the provision of such treatment would be virtually futile in
43 terms of the survival of the child and the treatment itself under such
44 circumstances would be inhumane.

45 (cf: P.L.2006, c.47, s.58)

46

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

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

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

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

31 d. The board is entitled to call to its assistance and avail itself
32 of the services of employees of any State, county, or municipal
33 department, board, bureau, commission, or agency as it may require
34 and as may be available for the purposes of reviewing a case
35 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).
36 The board may also seek the advice of experts, such as persons
37 specializing in the fields of pediatric, radiological, neurological,
38 psychiatric, orthopedic, and forensic medicine; nursing;
39 psychology; social work; education; law enforcement; family law;
40 substance abuse; child advocacy; or other related fields, if the facts
41 of a case warrant additional expertise.
42 (cf: P.L.2006, c.47, s.60)

43
44 40. Section 3 of P.L.1999, c.224 (C.9:12A-4) is amended to read
45 as follows:

46 3. As used in **【this act】** P.L.1999, c.224 (C.9:12A-2 et seq.):
47 "Department" means the Department of Children and Families.

1 "Division" means the Division of **【Youth and Family Services】**
2 Child Protection and Permanency in the Department of Children
3 and Families.

4 "Homeless youth" means a person 21 years of age or younger
5 who is without shelter where appropriate care and supervision are
6 available.

7 (cf: P.L.2006, c.47, s.74)
8

9 41. Section 2 of P.L.1979, c.42 (C.18A:35-4.4) is amended to
10 read as follows:

11 2. The Commissioner of Education, in consultation with the
12 Department of **【Community Affairs】** Children and Families,
13 **【Division】** Office on Women, shall appoint an advisory council to
14 assist and advise the State Board of Education in the development
15 and implementation of educational programs for the prevention of
16 sexual assault.

17 The advisory council shall consist of 15 members chosen from
18 among the legal, law enforcement, medical, and educational
19 communities, and shall also include representatives of community-
20 based groups providing services and assistance to victims of sexual
21 assault. Each shall be appointed for a 2-year term and shall serve
22 without compensation.

23 (cf: P.L.1979, c.42, s.2)
24

25 42. Section 1 of P.L.2007, c.248 (C.18A:36-25.2) is amended to
26 read as follows:

27 1. a. If any child enrolled in a school district has an unexcused
28 absence from school for five consecutive school days, the
29 attendance officer of the district shall investigate the absence and
30 notify the district superintendent of the absence. In the event the
31 investigation leads the district superintendent to have reasonable
32 cause to believe the child has been abused or neglected as defined
33 in section 1 of P.L.1974, c.119 (C.9:6-8.21), the district
34 superintendent shall then notify the Division of **【Youth and Family**
35 **Services】** Child Protection and Permanency in the Department of
36 Children and Families for its determination of whether the division
37 is or has been involved with the child and whether action, as
38 appropriate, is warranted.

39 b. When a child's parent, guardian, or other person having
40 charge and control of the child notifies a school district that the
41 child will be withdrawing from the district and transferring to
42 another school district, the principal of the school from which the
43 child is withdrawing shall request that the parent, guardian, or other
44 person having charge and control of the child provide the principal
45 with the name and location of the school district in which the child
46 will subsequently be enrolled and the expected date of enrollment.
47 The principal shall provide the information supplied by the parent,
48 guardian, or other person having charge and control of the child to

1 the district superintendent. Five school days following the expected
2 date of enrollment, the superintendent of the district of last
3 attendance shall contact the school district in which the child is to
4 be subsequently enrolled to determine if the child has enrolled in
5 the district. If the child has not been so enrolled, the attendance
6 officer of the transfer district shall investigate the failure to enroll
7 and notify the superintendent of the transfer district of the failure to
8 enroll. In the event the investigation leads the superintendent of the
9 transfer district to have reasonable cause to believe the child has
10 been abused or neglected as defined in section 1 of P.L.1974, c.119
11 (C.9:6-8.21), the superintendent of the transfer district shall then
12 notify the Division of **【Youth and Family Services】** Child
13 Protection and Permanency in the Department of Children and
14 Families for its determination of whether the division is or has been
15 involved with the child and whether action, as appropriate, is
16 warranted. If the child has been so enrolled, the district of last
17 attendance and the transfer district shall arrange for the transfer of
18 the child's records in accordance with the provisions of section 1 of
19 P.L.1986, c.160 (C.18A:36-19a) and subsection b. of section 4 of
20 P.L.1995, c.395 (C.18A:36-25.1).

21 c. School district policies for the early detection of missing and
22 abused children required pursuant to section 2 of P.L.1984, c.228
23 (C.18A:36-25) shall include provisions to implement the
24 requirements of this section.

25 (cf: P.L.2007, c.248, s.1)

26
27 43. Section 1 of P.L.1997, c.362 (C.18A:40A-7.1) is amended as
28 follows:

29 1. a. Except as provided by section 3 of P.L.1971, c.437
30 (C.9:6-8.10), if a public or private elementary or secondary school
31 pupil who is participating in a school-based drug and alcohol abuse
32 counseling program provides information during the course of a
33 counseling session in that program which indicates that the pupil's
34 parent or guardian or other person residing in the pupil's household
35 is dependent upon or illegally using a substance as that term is
36 defined in section 2 of P.L.1987, c.387 (C.18A:40A-9), that
37 information shall be kept confidential and may be disclosed only
38 under the circumstances expressly authorized under subsection b. of
39 this section.

40 b. The information provided by a pupil pursuant to subsection
41 a. of this section may be disclosed:

42 (1) subject to the pupil's written consent, to another person or
43 entity whom the pupil specifies in writing in the case of a secondary
44 school pupil, or to a member of the pupil's immediate family or the
45 appropriate school personnel in the case of an elementary school
46 pupil;

47 (2) pursuant to a court order;

1 (3) to a person engaged in a bona fide research purpose, except
2 that no names or other information identifying the pupil or the
3 person with respect to whose substance abuse the information was
4 provided, shall be made available to the researcher; or

5 (4) to the Division of **【Youth and Family Services】** Child
6 Protection and Permanency or to a law enforcement agency, if the
7 information would cause a person to reasonably suspect that the
8 elementary or secondary school pupil or another child may be an
9 abused or neglected child as the terms are used in R.S.9:6-1, or as
10 the terms are defined in section 2 of P.L.1971, c.437 (C.9:6-8.9), or
11 section 1 of P.L.1974, c.119 (C.9:6-8.21).

12 c. Any disclosure made pursuant to paragraph (1) or (2) of
13 subsection b. of this section shall be limited to that information
14 which is necessary to carry out the purpose of the disclosure, and
15 the person or entity to whom the information is disclosed shall be
16 prohibited from making any further disclosure of that information
17 without the pupil's written consent. The disclosure shall be
18 accompanied by a written statement advising the recipient that the
19 information is being disclosed from records the confidentiality of
20 which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and
21 that this law prohibits any further disclosure of this information
22 without the written consent of the person from whom the
23 information originated. Nothing in **【this act】** P.L.1997, c.362
24 (C.18A:40A-7.1 et seq.) shall be construed as prohibiting the
25 Division of **【Youth and Family Services】** Child Protection and
26 Permanency or a law enforcement agency from using or disclosing
27 the information in the course of conducting an investigation or
28 prosecution. Nothing in **【this act】** P.L.1997, c.362 shall be
29 construed as authorizing the violation of any federal law.

30 d. The prohibition on the disclosure of information provided by
31 a pupil pursuant to subsection a. of this section shall apply whether
32 the person to whom the information was provided believes that the
33 person seeking the information already has it, has other means of
34 obtaining it, is a law enforcement or other public official, has
35 obtained a subpoena, or asserts any other justification for the
36 disclosure of this information.

37 (cf: P.L.1999, c.320, s.1)

38
39 44. Section 3 of P.L.1985, c.427 (C.18A:54D-3) is amended to
40 read as follows:

41 3. The Commissioners of Education and Labor and Workforce
42 Development each shall:

43 a. Identify the regulations, policies, programs, and procedures
44 of their respective departments which relate to apprenticeship
45 programs and other forms of preparation for technical trades;

46 b. In consultation with the Division on Civil Rights in the
47 Department of Law and Public Safety and the **【Division】** Office on

1 Women in the Department of **Community Affairs** Children and
2 Families, identify the factors which have produced low rates of
3 minority and female participation in apprenticeship and other
4 technical training programs;

5 c. Take appropriate action to encourage a higher rate of
6 minority and female participation in these programs;

7 d. Advise the Legislature of any additional legislative action
8 which would advance the purposes of **this act** P.L.1985, c.427
9 (C.18A:54D-1 et seq.).

10 (cf: P.L.1985, c.427, s.3)

11
12 45. Section 1 of P.L.2005, c.50 (C.26:2H-12.6b) is amended to
13 read as follows:

14 1. As used in **this act** P.L.2005, c.50 (C.26:2H-12.6b et seq.):

15 "Commissioner" means the Commissioner of Health and Senior
16 Services.

17 **["Division on Women"]** "Office on Women" means the
18 **[Division]** Office on Women in the Department of **Community**
19 **Affairs** Children and Families.

20 "Emergency care to sexual assault victims" means a medical
21 examination, procedure, or service provided by an emergency
22 health care facility to a sexual assault victim following an alleged
23 sexual offense.

24 "Emergency contraception" means one or more prescription
25 drugs to prevent pregnancy, used separately or in combination,
26 administered to or self-administered by a patient within a medically
27 recommended time after sexual intercourse, dispensed for that
28 purpose in accordance with professional standards of practice and
29 determined to be safe by the United States Food and Drug
30 Administration.

31 "Emergency health care facility" means a general hospital or
32 satellite emergency department licensed pursuant to P.L.1971, c.136
33 (C.26:2H-1 et seq.).

34 "Medically and factually accurate and objective" means verified
35 or supported by the weight of research conducted in compliance
36 with accepted scientific methods and standards, published in peer-
37 reviewed journals and recognized as accurate and objective by
38 leading professional organizations and agencies with relevant
39 expertise in the field of obstetrics and gynecology.

40 "Sexual Assault Nurse Examiner program" means the Statewide
41 Sexual Assault Nurse Examiner program in the Division of
42 Criminal Justice in the Department of Law and Public Safety,
43 established pursuant to P.L.2001, c.81 (C.52:4B-50 et seq.).

44 "Sexual assault victim" means a female who alleges or is alleged
45 to have suffered a personal, physical, or psychological injury as a
46 result of a sexual offense.

1 "Sexual offense" means sexual assault and aggravated sexual
2 assault as set forth in N.J.S.2C:14-2, criminal sexual contact and
3 aggravated criminal sexual contact as set forth in N.J.S.2C:14-3,
4 fourth degree lewdness as set forth in subsection b. of N.J.S.2C:14-
5 4 and endangering the welfare of a child by engaging in sexual
6 conduct which would impair or debauch the morals of the child as
7 set forth in N.J.S.2C:24-4.

8 (cf: P.L.2005, c.50, s.1)

9
10 46. Section 4 of P.L.2005, c.50 (C.26:2H-12.6e) is amended to
11 read as follows:

12 4. a. The commissioner, in collaboration with the Director of
13 the **【Division】 Office** on Women, the New Jersey Coalition Against
14 Sexual Assault, and the Sexual Assault Nurse Examiner program,
15 shall develop, prepare, and produce, in quantities sufficient to
16 comply with the purposes of **【this act】 P.L.2005, c.50 (C.26:2H-**
17 **12.6b et seq.)**, written information relating to: emergency
18 contraception for the prevention of pregnancy in sexual assault
19 victims; and sexually transmitted diseases.

20 b. The information shall be clearly written and readily
21 comprehensible in a culturally competent manner, as the
22 commissioner, in collaboration with the **【Division】 Office** on
23 Women, the New Jersey Coalition Against Sexual Assault, and the
24 Sexual Assault Nurse Examiner program, deems necessary to
25 inform a sexual assault victim. The information shall explain:

26 (1) the nature of emergency contraception, the effectiveness of
27 emergency contraception in preventing pregnancy, where
28 emergency contraception can be obtained, and treatment options;
29 and

30 (2) the symptoms and effects of sexually transmitted diseases,
31 and treatment options.

32 c. The information shall be distributed to all hospital and
33 satellite emergency departments in the State for use in those
34 facilities pursuant to **【this act】 P.L.2005, c.50**.

35 (cf: P.L.2005, c.50, s.4)

36
37 47. Section 5 of P.L.2005, c.50 (C.26:2H-12.6f) is amended to
38 read as follows:

39 5. a. The commissioner shall:

40 (1) investigate every complaint of noncompliance with the
41 provisions of **【this act】 P.L.2005, c.50 (C.26:2H-12.6b et seq.)** by
42 an emergency health care facility, including the failure of a facility
43 to provide the services required by **【this act】 P.L.2005, c.50**;

44 (2) determine whether the complaint is substantiated, and if so,
45 what action shall be taken by the emergency health care facility or
46 commissioner to address the complaint;

1 (3) notify the Sexual Assault Nurse Examiner program of all
2 substantiated complaints;

3 (4) compile the substantiated complaints;

4 (5) analyze the substantiated complaints, at least annually, to
5 determine if there is any pattern of failure to provide services
6 pursuant to **[this act]** P.L.2005, c.50; and

7 (6) determine, at least annually, whether an emergency health
8 care facility is complying with the provisions of **[this act]**
9 P.L.2005, c.50. The commissioner may utilize all means within his
10 regulatory authority concerning health care facilities to verify a
11 facility's compliance with **[this act]** P.L.2005, c.50.

12 b. If the commissioner determines that an emergency health
13 care facility is not in compliance with the provisions of **[this act]**
14 P.L.2005, c.50, the commissioner may assess such penalties and
15 take other actions against the facility, as provided in P.L.1971,
16 c.136 (C.26:2H-1 et seq.). Any such penalties assessed for
17 noncompliance shall be paid to the Department of the Treasury and
18 allocated, on a quarterly basis, to the **[Division]** Office on Women
19 for supplemental funding for designated rape crisis centers.

20 c. The commissioner shall prepare an annual report, which
21 shall be available to the public, summarizing the substantiated
22 complaints, the actions taken by an emergency health care facility
23 or the commissioner to address the complaints, and the
24 commissioner's findings concerning any pattern of failure to
25 provide services under, or noncompliance with, the provisions of
26 **[this act]** P.L.2005, c.50.

27 (cf: P.L.2005, c.50, s.5)

28
29 48. Section 7 of P.L.2005, c.50 (C.26:2H-12.6g) is amended to
30 read as follows:

31 7. Pursuant to the "Administrative Procedure Act," P.L.1968,
32 c.410 (C.52:14B-1 et seq.), the commissioner, in consultation with
33 the Director of the **[Division]** Office on Women and the Sexual
34 Assault Nurse Examiner program, shall adopt rules and regulations
35 to effectuate the purposes of **[this act]** P.L.2005, c.50 (C.26:2H-
36 12.6b et seq.); except that, notwithstanding any provision of
37 P.L.1968, c.410 to the contrary, the commissioner may adopt,
38 immediately upon filing with the Office of Administrative Law,
39 such regulations as the commissioner deems necessary to
40 implement the provisions of this act, which shall be effective for a
41 period not to exceed six months and may thereafter be amended,
42 adopted or readopted by the commissioner in accordance with the
43 requirements of P.L.1968, c.410.

44 (cf: P.L.2005, c.50, s.7)

45
46 49. Section 4 of P.L.1997, c.191 (C.26:2R-4) is amended to read
47 as follows:

1 4. There is established an Interagency Council on Osteoporosis
2 in the department to advise the commissioner on the development
3 and implementation of the program. The members of the council
4 shall be appointed by the commissioner, and shall include the
5 following: The Director of the Division of Epidemiology,
6 Environmental and Occupational Health Services and the Assistant
7 Commissioner of Senior Affairs in the department and the Director
8 of the **【Division】 Office** on Women in the Department of
9 **【Community Affairs】 Children and Families**, as ex officio
10 members, and public members who are representatives of: persons
11 with osteoporosis; women's health organizations; public health
12 educators; experts in bone and osteoporosis research, prevention
13 and treatment; and health care providers, including at least one
14 radiologist, orthopedist, registered professional nurse, physical
15 therapist, and nutritionist. The members of the council shall serve
16 without compensation and shall not be reimbursed for any expenses
17 incurred by them in the performance of their duties.

18 (cf: P.L.1997, c.191, s.4)

19
20 50. Section 5 of P.L.1999, c.72 (C.26:2V-5) is amended to read
21 as follows:

22 5. There is established an Advisory Council on Arthritis in the
23 department to advise the commissioner on the development and
24 implementation of the initiative. The council shall include: two
25 members of the Senate, to be appointed by the President of the
26 Senate, who shall not be of the same political party; two members
27 of the General Assembly, to be appointed by the Speaker of the
28 General Assembly, who shall not be of the same political party; the
29 Senior Assistant Commissioner, Public Health Prevention and
30 Protection and the Assistant Commissioner, Division of Senior
31 Services in the department; the Director of the **【Division】 Office** on
32 Women in the Department of **【Community Affairs】 Children and**
33 **Families**, and a member of the Interagency Council on
34 Osteoporosis, as ex officio members; and 15 public members to be
35 appointed by the commissioner who may include representatives of
36 persons with arthritis, arthritis health organizations, public health
37 educators, experts in arthritis research, prevention and treatment
38 and health care strategic planning, and health care providers
39 including physicians and nurses. The public members of the council
40 shall serve without compensation and may be reimbursed for any
41 expenses incurred by them in the performance of their duties.

42 Legislative members shall serve during their terms of office.
43 Public members shall serve for a term of three years from the date
44 of their appointment and until their successors are appointed and
45 qualified; except that of the first appointments made: five shall be
46 for a term of one year, five for two years, and five for three years.

47 Vacancies shall be filled in the same manner as the original
48 appointments were made.

1 The advisory council shall organize as soon as may be
2 practicable after the appointment of its members and shall select a
3 chairman from among its members and a secretary who need not be
4 a member of the council.

5 (cf: P.L.1999, c.72, s.5)

6
7 51. Section 3 of P.L.2007, c.134 (C.26:4-95.4) is amended to
8 read as follows:

9 3. a. The Commissioner of Health and Senior Services, in
10 consultation with the Commissioner of Education and the Director
11 of the **【Division】** Office on Women in the Department of
12 **【Community Affairs】** Children and Families, shall establish a
13 public awareness campaign to inform the general public about the
14 clinical significance and public health implications of the human
15 papillomavirus, including its causes and the most effective means of
16 prevention and treatment. The public awareness campaign shall be
17 established in accordance with accepted public health practice and
18 recommendations of the federal Centers for Disease Control and
19 Prevention, and within the limits of available funds and any other
20 resources available for the purposes thereof.

21 b. The commissioner shall prepare a patient information
22 brochure regarding the human papillomavirus, including its causes
23 and the most effective means of prevention and treatment. The
24 department shall distribute the pamphlet, at no charge, to all
25 pediatricians in the State. The department shall update the
26 pamphlet as necessary, and shall make additional copies of the
27 pamphlet available to other health care providers upon request.

28 (cf: P.L.2007, c.134, s.3)

29
30 52. Section 7 of P.L.2009, c.328 (C.30:4-8.8) is amended to read
31 as follows:

32 7. The commissioner shall semiannually submit all inmate
33 complaints submitted to the department concerning female inmates
34 to the Director of the **【Division】** Office on Women in the
35 Department of **【Community Affairs** established pursuant to the
36 "Division on Women Act of 1974," P.L.1974, c.87 (C.52:27D-43.8
37 et seq.) **】** Children and Families.

38 (cf: P.L.2010, c.34, s.8)

39
40 53. Section 2 of P.L.1951, c.138 (C.30:4C-2) is amended to read
41 as follows:

42 2. For the purposes of **【this act】** P.L.1951, c.138 (C.30:4C-1 et
43 seq.) the following words and terms shall, unless otherwise
44 indicated, be deemed and taken to have the meanings herein given
45 to them:

46 (a) The term **【"Division of Youth and Family Services,"**
47 "Division of Child Protection and Permanency" or "division,"

1 **【successor to the "Bureau of Children's Services"】** means the State
2 agency for the care, custody, guardianship, maintenance, and
3 protection of children, as more specifically described by the
4 provisions of **【this act】** P.L.1951, c.138, and succeeding the agency
5 heretofore variously designated by the laws of this State as the State
6 Board of Child Welfare or the State Board of Children's Guardians.

7 (b) The word "child" includes stepchild and illegitimate child,
8 and further means any person under the age of 18 years.

9 (c) The term "care" means cognizance of a child for the purpose
10 of providing necessary welfare services, or maintenance, or both.

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

15 (e) The term "guardianship" means control over the person and
16 property of a child as established by the order of a court of
17 competent jurisdiction, and as more specifically defined by the
18 provisions of **【this act】** P.L.1951, c.138. Guardianship by the
19 Division of **【Youth and Family Services】** Child Protection and
20 Permanency shall be treated as guardianship by the Commissioner
21 of Children and Families exercised on his behalf wholly by and in
22 the name of the Division of **【Youth and Family Services】** Child
23 Protection and Permanency, acting through the chief executive
24 officer of the division or **【his】** the chief executive's authorized
25 representative. **【Such】** The exercise of guardianship by the
26 division shall be at all times and in all respects subject to the
27 supervision of the commissioner.

28 (f) The term "maintenance" means moneys expended by the
29 Division of **【Youth and Family Services】** Child Protection and
30 Permanency to procure board, lodging, clothing, medical, dental,
31 and hospital care, or any other similar or specialized commodity or
32 service furnished to, on behalf of, or for a child pursuant to the
33 provisions of **【this act】** P.L.1951, c.138; maintenance also includes
34 but is not limited to moneys expended for shelter, utilities, food,
35 repairs, essential household equipment, and other expenditures to
36 remedy situations of an emergent nature to permit, as far as
37 practicable, children to continue to live with their families.

38 (g) The term "welfare services" means consultation, counseling,
39 and referral to or utilization of available resources, for the purpose
40 of determining and correcting or adjusting matters and
41 circumstances which are endangering the welfare of a child, and for
42 the purpose of promoting **【his】** a child's proper development and
43 adjustment in the family and the community.

44 (h) The term "resource family parent" means any person other
45 than a natural or adoptive parent with whom a child in the care,
46 custody, or guardianship of the Department of Children and
47 Families is placed by the department, or with its approval, for care,

- 1 and shall include any person with whom a child is placed by the
- 2 division for the purpose of adoption until the adoption is finalized.
- 3 (i) The term "resource family home" means and includes private
- 4 residences wherein any child in the care, custody, or guardianship
- 5 of the Department of Children and Families may be placed by the
- 6 department, or with its approval, for care, and shall include any
- 7 private residence maintained by persons with whom any [such]
- 8 child is placed by the division for the purpose of adoption until the
- 9 adoption is finalized.
- 10 (j) The singular includes the plural form.
- 11 (k) The masculine noun and pronoun include the feminine.
- 12 (l) The word "may" shall be construed to be permissive.
- 13 (m) The term "group home" means and includes any single
- 14 family dwelling used in the placement of 12 children or less
- 15 pursuant to law, recognized as a group home by the Department of
- 16 Children and Families in accordance with rules and regulations
- 17 adopted by the Commissioner of Children and Families; provided,
- 18 however, that no group home shall contain more than 12 children.
- 19 (n) The term "youth facility" means a facility within this State
- 20 used to house or provide services to children under [this act]
- 21 P.L.1951, c.138, including but not limited to group homes,
- 22 residential facilities, day care centers, and day treatment centers.
- 23 (o) The term "youth facility aid" means aid provided by the
- 24 Division of [Youth and Family Services] Child Protection and
- 25 Permanency to public, private, or voluntary agencies to purchase,
- 26 construct, renovate, repair, upgrade, or otherwise improve a youth
- 27 facility in consideration for an agreement for the agency to provide
- 28 residential care, day treatment, or other youth services for children
- 29 in need of such services.
- 30 (p) The term "day treatment center" means a facility used to
- 31 provide counseling, supplemental educational services, therapy, and
- 32 other related services to children for whom it has been determined
- 33 that such services are necessary, but is not used to house these
- 34 children in a residential setting.
- 35 (q) The term "residential facility" means a facility used to house
- 36 and provide treatment and other related services on a 24-hour basis
- 37 to children determined to be in need of such housing and services.
- 38 (r) The term "legally responsible person" means the natural or
- 39 adoptive parent, or the spouse of a child receiving maintenance
- 40 from or through the Division of [Youth and Family Services] Child
- 41 Protection and Permanency.
- 42 (s) "Commissioner" means the Commissioner of Children and
- 43 Families.
- 44 (t) "Department" means the Department of Children and
- 45 Families.
- 46 (cf: P.L.2006, c.47, s.113)

1 54. Section 39 of P.L.1962, c.197 (C.30:4C-2.1) is amended to
2 read as follows:

3 39. Except as otherwise provided by **[this act]** P.L.1962, c.197,
4 the **[Bureau of Childrens Services]** Division of Child Protection
5 and Permanency shall in all respects and for all purposes be deemed
6 a continuation of the agency heretofore known as the State Board of
7 Children's Guardians or the State Board of Child Welfare.
8 (cf: P.L.1962, c.197, s.39)
9

10 55. Section 3 of P.L.1951, c.138 (C.30:4C-3) is amended to read
11 as follows:

12 3. The Division of **[Youth and Family Services]** Child
13 Protection and Permanency, in administering the provisions of **[this**
14 **act]** P.L.1951, c.138 (C.30:4C-1 et seq.), whereby the safety of
15 children shall be of paramount concern, shall:

16 (a) provide care and custody for children eligible therefor in
17 such manner that the children may, so far as practicable, continue to
18 live in their own homes and family life be thereby preserved and
19 strengthened;

20 (b) provide necessary welfare services as may be required by
21 such children, so far as practicable, without assumption of custody;

22 (c) encourage the development of private and voluntary
23 agencies qualified to provide welfare services for children to the
24 end that through cooperative effort the need for such services may
25 be limited or reduced; and

26 (d) for each child placed outside his home by the division,
27 provide permanency through return of the child to the child's own
28 home, if the child can be returned home without endangering the
29 child's health or safety; through adoption, if family reunification is
30 not possible; or through an alternative permanent placement, if
31 termination of parental rights is not appropriate.

32 (cf: P.L.1999, c.53, s.21)
33

34 56. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to
35 read as follows:

36 1. a. The Division of **[Youth and Family Services]** Child
37 Protection and Permanency in the Department of Children and
38 Families shall provide for the photographing of each child under its
39 custody no later than two months after the division assumes custody
40 of the child. A child who is under the custody of the division on the
41 effective date of **[this act]** P.L.2003, c.40 (C.30:4C-3.7 et seq.)
42 shall be photographed for the purposes of **[this act]** P.L.2003, c.40
43 no later than one year after its effective date.

44 The division shall, in addition, provide for the fingerprinting of
45 any child under its custody with respect to whom the division
46 determines, in accordance with criteria as the Commissioner of
47 Children and Families shall establish by regulation, that the

1 availability of a fingerprint record would be appropriate; the
2 fingerprints of any child with respect to whom such a determination
3 is made shall be taken no later than two months after the division
4 has made that determination.

5 b. The division shall update the photograph of each child taken
6 pursuant to subsection a. of this section at least every two years. In
7 addition, the division shall retain the fingerprint information and
8 photograph of each child for whom such records are taken for at
9 least one year after the date that the child is no longer under the
10 custody of the division.

11 c. The division shall be entitled to receive the assistance of any
12 other State department, division, or agency as it may deem
13 necessary and may receive the assistance of any county or
14 municipal government agency, as may be available, in carrying out
15 the provisions of **[this act]** P.L.2003, c.40.

16 (cf: P.L.2006, c.47, s.117)

17

18 57. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to
19 read as follows:

20 1. Notwithstanding the provisions of any other law, no action
21 or proceeding, including an application for a writ of habeas corpus,
22 in any court which the Division of **[Youth and Family Services]**
23 Child Protection and Permanency is authorized by law to commence
24 or maintain shall be commenced or maintained by the division,
25 without the consent and approval of the Commissioner of Children
26 and Families, as hereinafter provided.

27 (cf: P.L.2006, c.47, s.120)

28

29 58. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to
30 read as follows:

31 2. In no case shall the Division of **[Youth and Family]**
32 **Services]** Child Protection and Permanency, defend against any
33 action or proceeding or make or oppose any application for a writ of
34 habeas corpus without the express consent and approval of the
35 Commissioner of Children and Families.

36 (cf: P.L.2006, c.47, s.121)

37

38 59. Section 6 of P.L.1951, c.138 (C.30:4C-6) is amended to read
39 as follows:

40 6. No person to whom or for whom payments for maintenance
41 are made under **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.) shall
42 be deemed to be or classified as a pauper by reason thereof.

43 The provisions of **[this act]** P.L.1951, c.138 shall not be
44 construed to deny treatment by spiritual means or prayer, of any
45 child, in accordance with the religious faith of the parent or parents
46 of such child. The provisions of **[this act]** P.L.1951, c.138 shall
47 not be construed to authorize or empower the **[Bureau of Childrens**

1 Services] Division of Child Protection and Permanency to compel
2 a child to undergo medical or surgical treatment, if the child, or
3 parent or guardian of [said] the child, objects thereto in a signed
4 statement upon the ground that the proposed action interferes with
5 the free exercise of his religious principles.

6 (cf: P.L.1962, c.197, s.12)

7
8 60. Section 7 of P.L.1951, c.138 (C.30:4C-7) is amended to read
9 as follows:

10 7. All birth, death, and marriage certificates which may be
11 required under the provisions of [this act] P.L.1951, c.138
12 (C.30:4C-1 et seq.), or under any rule or regulation issued by the
13 [Bureau of Childrens Services] Division of Child Protection and
14 Permanency, shall be issued free of charge upon the order of [such
15 bureau] the division.

16 (cf: P.L.1962, c.197, s.13)

17
18 61. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to
19 read as follows:

20 11. Whenever it shall appear that any child within this State is of
21 such circumstances that the child's safety or welfare will be
22 endangered unless proper care or custody is provided, an
23 application setting forth the facts in the case may be filed with the
24 Division of [Youth and Family Services] Child Protection and
25 Permanency by a parent or other relative of [such] the child, by a
26 person standing in loco parentis to [such] the child, by a person or
27 association or agency or public official having a special interest in
28 [such] the child or by the child himself, seeking that the division
29 accept and provide [such] care or custody of [such] the child as
30 the circumstances may require. [Such] The application shall be in
31 writing, and shall contain a statement of the relationship to or
32 special interest in [such] the child which justifies the filing of
33 [such] the application. The provisions of this section shall be
34 deemed to include an application on behalf of an unborn child when
35 the prospective mother is within this State at the time of application
36 for [such] services.

37 Upon receipt of an application as provided in this section, the
38 division shall verify the statements set forth in [such] the
39 application and shall investigate all the matters pertaining to the
40 circumstances of the child. If upon such verification and
41 investigation it shall appear (a) that the safety or welfare of [such]
42 the child will be endangered unless proper care or custody is
43 provided; (b) that the needs of [such] the child cannot properly be
44 provided for by financial assistance as made available by the laws
45 of this State; (c) that there is no person legally responsible for the
46 support of [such] the child whose identity and whereabouts are

1 known and who is willing and able to provide for the care and
2 support required by [such] the child; and (d) that [such] the child,
3 if suffering from a mental or physical disability requiring
4 institutional care, is not immediately admissible to any public
5 institution providing [such] care; then the division may accept and
6 provide [such] care or custody as the circumstances of [such] the
7 child may require.

8 (cf: P.L.1999, c.53, s.22)

9

10 62. Section 24 of P.L.1999, c.53 (C.30:4C-11.2) is amended to
11 read as follows:

12 24. In any case in which the Division of [Youth and Family
13 Services] Child Protection and Permanency accepts a child in care
14 or custody, including placement, the division shall not be required
15 to provide reasonable efforts to prevent placement of the child if a
16 court of competent jurisdiction has determined that both of the
17 following criteria are met:

18 a. One of the following actions has occurred:

19 (1) the parent has subjected the child to aggravated
20 circumstances of abuse, neglect, cruelty, or abandonment,

21 (2) the parent has been convicted of murder, aggravated
22 manslaughter, or manslaughter of another child of the parent;
23 aiding or abetting, attempting, conspiring, or soliciting to commit
24 murder, aggravated manslaughter, or manslaughter of the child or
25 another child of the parent; committing or attempting to commit an
26 assault that resulted, or could have resulted, in the significant bodily
27 injury to the child or another child of the parent; or committing a
28 similarly serious criminal act which resulted, or could have
29 resulted, in the death or significant bodily injury to the child or
30 another child of the parent,

31 (3) the rights of the parent to another of the parent's children
32 have been involuntarily terminated or

33 (4) removal of the child was required due to imminent danger to
34 the child's life, safety or health; and

35 b. Efforts to prevent placement were not reasonable due to risk
36 of harm to the child's health or safety.

37 When determining whether reasonable efforts are required to
38 prevent placement, the health and safety of the child shall be of
39 paramount concern to the court.

40 (cf; P.L.2004, c.130, s.50)

41

42 63. Section 25 of P.L.1999, c.53 (C.30:4C-11.3) is amended to
43 read as follows:

44 25. In any case in which the Division of [Youth and Family
45 Services] Child Protection and Permanency accepts a child in care
46 or custody, including placement, the division shall not be required

1 to provide reasonable efforts to reunify the child with a parent if a
2 court of competent jurisdiction has determined that:

3 a. The parent has subjected the child to aggravated
4 circumstances of abuse, neglect, cruelty, or abandonment;

5 b. The parent has been convicted of murder, aggravated
6 manslaughter, or manslaughter of another child of the parent; aiding
7 or abetting, attempting, conspiring, or soliciting to commit murder,
8 aggravated manslaughter or manslaughter of the child or another
9 child of the parent; committing or attempting to commit an assault
10 that resulted, or could have resulted, in significant bodily injury to
11 the child or another child of the parent; or committing a similarly
12 serious criminal act which resulted, or could have resulted, in the
13 death of or significant bodily injury to the child or another child of
14 the parent; or

15 c. The rights of the parent to another of the parent's children
16 have been involuntarily terminated.

17 When determining whether reasonable efforts are required to
18 reunify the child with the parent, the health and safety of the child
19 and the child's need for permanency shall be of paramount concern
20 to the court.

21 This section shall not be construed to prohibit the division from
22 providing reasonable efforts to reunify the family, if the division
23 determines that family reunification is in the child's best interests.

24 A permanency plan for the child may be established at the same
25 hearing at which the court determines that reasonable efforts are not
26 required to reunify the child with the parent, if the hearing meets all
27 of the requirements of a permanency hearing pursuant to section 50
28 of P.L.1999, c.53 (C.30:4C-61.2).

29 (cf: P.L.2004, c.130, s.51)

30

31 64. Section 28 of P.L.1999, c.53 (C.30:4C-12.2) is amended to
32 read as follows:

33 28. In any case in which the Division of **[Youth and Family**
34 **Services]** Child Protection and Permanency accepts a child in its
35 care or custody, the child's resource family parent or relative
36 providing care for the child, as applicable, shall receive written
37 notice of, and shall have a right to be heard at, any review or
38 hearing held with respect to the child, but the resource family parent
39 or relative shall not be made a party to the review or hearing solely
40 on the basis of the notice and right to be heard.

41 (cf: P.L.2007, c.228, s.2)

42

43 65. Section 13 of P.L.1951, c.138 (C.30:4C-13) is amended to
44 read as follows:

45 13. If in the course of verifying and investigating any
46 applications or complaints, as provided for in sections 11 and 12
47 **[hereof]** of P.L.1951, c.138 (C.30:4C-11 and C.30:4C-12), it shall
48 appear that there is a person legally responsible for the support of

1 the child who is willing and able to provide the care and support
2 required by [such] the child; or it shall appear that the needs of the
3 child can properly be provided for by financial assistance as made
4 available by the laws of this State; then, the [Bureau of Childrens
5 Services] Division of Child Protection and Permanency, before
6 accepting and providing care or custody, shall first make proper
7 referral of the matter to such legally responsible person, or to the
8 agency charged with the administration of such financial assistance.
9 If it shall appear that the welfare of the child is endangered, and that
10 such condition can be eliminated or ameliorated by making
11 available to or for [such] the child any one or more of whatever
12 specific services the [Bureau of Childrens Services] Division of
13 Child Protection and Permanency may be authorized, within the
14 limits of legislative appropriations, to provide for all children in
15 similar circumstances, the child shall be found eligible for care or
16 custody, and the [bureau] division shall proceed to furnish [such]
17 the services either by direct provision or, if the [bureau] division so
18 determines in the specific case, by purchasing [such] services from
19 any appropriate privately sponsored agency or institution which
20 complies with whatever rules and regulations, established pursuant
21 to [this act] P.L.1951, c.138 (C.30:4C-1 et seq.), may govern such
22 arrangements for purchase of service.

23 (cf: P.L.1962, c.197, s.16)

24
25 66. Section 14 of P.L.1951, c.138 (C.30:4C-14) is amended to
26 read as follows:

27 14. The [Bureau of Childrens Services] Division of Child
28 Protection and Permanency shall give due notice in writing to the
29 applicant or complainant of the action taken on any application as
30 provided in sections 11 and 12 [hereof] of P.L.1951, c.138
31 (C.30:4C-11 and C.30:4C-12).

32 (cf: P.L.1962, c.197, s.17)

33
34 67. Section 31 of P.L.1999, c.53 (C.30:4C-15.3) is amended to
35 read as follows:

36 31. The Division of [Youth and Family Services] Child
37 Protection and Permanency shall not be required to file a petition
38 seeking the termination of parental rights if:

39 a. The child is being cared for by a relative and a permanent
40 plan for the child can be achieved without termination of parental
41 rights;

42 b. The division has documented in the case plan, which shall be
43 available for court review, a compelling reason for determining that
44 filing the petition would not be in the best interests of the child; or

45 c. The division is required to provide reasonable efforts to
46 reunify the family but the division has not provided to the family of
47 the child, consistent with the time period in the case plan, such

1 services as the division deems necessary for the safe return of the
2 child to his home.

3 (cf: P.L.1999, c.53, s.31)

4

5 68. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to
6 read as follows:

7 4. a. If a person voluntarily delivers a child who is or appears
8 to be no more than 30 days old to, and leaves the child at a State,
9 county or municipal police station and does not express an intent to
10 return for the child, a State, county, or municipal police officer shall
11 take the child to the emergency department of a licensed general
12 hospital in this State and the hospital shall proceed as specified in
13 subsection b. of this section.

14 b. If a person voluntarily delivers a child who is or appears to
15 be no more than 30 days old to, and leaves the child at an
16 emergency department of a licensed general hospital in this State
17 and does not express an intent to return for the child, or, if a State,
18 county, or municipal police officer brings a child to a licensed
19 general hospital under the circumstances set forth in subsection a.
20 of this section, the hospital shall:

21 (1) take possession of the child without a court order;

22 (2) take any action or provide any treatment necessary to protect
23 the child's physical health and safety; and

24 (3) no later than the first business day after taking possession of
25 the child, notify the Division of **【Youth and Family Services】** Child
26 Protection and Permanency in the Department of Children and
27 Families that the hospital has taken possession of the child.

28 c. The Division of **【Youth and Family Services】** Child
29 Protection and Permanency shall assume the care, custody, and
30 control of the child immediately upon receipt of notice from a
31 licensed general hospital pursuant to paragraph (3) of subsection b.
32 of this section. The division shall commence a thorough search of
33 all listings of missing children to ensure that the relinquished child
34 has not been reported missing.

35 d. A child for whom the Division of **【Youth and Family**
36 **Services】** Child Protection and Permanency assumes care, custody,
37 and control pursuant to subsection c. of this section shall be treated
38 as a child taken into possession without a court order.

39 e. It shall be an affirmative defense to prosecution for
40 abandonment of a child that the parent voluntarily delivered the
41 child to and left the child at, or voluntarily arranged for another
42 person to deliver the child to and leave the child at, a State, county,
43 or municipal police station as provided in subsection a. of this
44 section or the emergency department of a licensed general hospital
45 in this State as provided in subsection b. of this section. Nothing in
46 this subsection shall be construed to create a defense to any
47 prosecution arising from any conduct other than the act of
48 delivering the child as described herein, and this subsection

1 specifically shall not constitute a defense to any prosecution arising
2 from an act of abuse or neglect committed prior to the delivery of
3 the child to a State, county or municipal police station as provided
4 in subsection a. of this section or the emergency department of a
5 licensed general hospital in this State as provided in subsection b.
6 of this section.

7 f. A State, county, or municipal police officer and the
8 governmental jurisdiction employing that officer or an employee of
9 an emergency department of a licensed general hospital in this State
10 and the hospital employing that person shall incur no civil or
11 criminal liability for any good faith acts or omissions performed
12 pursuant to this section.

13 g. Any person who voluntarily delivers a child who is or
14 appears to be no more than 30 days old to a licensed general
15 hospital or a police station in accordance with this section shall not
16 be required to disclose that person's name or other identifying
17 information or that of the child or the child's parent, if different
18 from the person who delivers the child to the hospital or police
19 station, or provide background or medical information about the
20 child, but may voluntarily do so.

21 (cf: P.L.2006, c.47, s.124)

22
23 69. Section 17 of P.L.1951, c.138 (C.30:4C-17) is amended to
24 read as follows:

25 17. a. When a petition is filed under section 15 of P.L.1951,
26 c.138 (C.30:4C-15), by a person, association, or agency other than
27 the Division of [Youth and Family Services] Child Protection and
28 Permanency, the court, in addition to causing service to be made
29 upon the parent, parents, guardian, or person having custody and
30 control of such child in accordance with rules of court, shall also
31 cause a copy of the petition and notice of the time and place of
32 hearing to be served on or mailed to the division at least 20 days
33 before the time of such hearing.

34 b. When a petition is filed under section 15 of P.L.1951, c.138
35 (C.30:4C-15) by a person, association, or agency, the court shall
36 cause a copy of the petition to be served upon the absent parent of
37 the child. The notice shall inform the parent of the purpose of the
38 action and of the right to file written objections to the guardianship
39 proceedings within 20 days after notice is given in the case of a
40 resident, and 35 days in the case of a nonresident, of this State.

41 If personal service of the notice cannot be effected because the
42 whereabouts of an absent parent are unknown, the court shall
43 determine that an adequate effort has been made to serve notice
44 upon the parent if the plaintiff has:

45 (1) Sent the notice by regular mail and by certified mail return
46 receipt requested, to the last known address of the parent;

47 (2) Made a discreet inquiry among any known relatives, friends,
48 and current or former employers of the parent;

1 (3) Unless otherwise restricted by law, made direct inquiries,
2 using the party's name and last known or suspected address, to the
3 local post office, the **【Division of Motor Vehicles】** New Jersey
4 Motor Vehicle Commission in , but not of, the Department of **【Law**
5 **and Public Safety】** Transportation, the county welfare agency, the
6 municipal police department, the Division of State Police in the
7 Department of Law and Public Safety, the county probation office,
8 the Department of Corrections, and any other social service or law
9 enforcement agency known to have had contact with the parent, or
10 the equivalent agencies in other states, territories, or countries.

11 Failure to receive a response to the inquiries made pursuant to
12 paragraphs (2) and (3) of this subsection within 45 days shall
13 constitute a negative response.

14 c. In any case in which the identity of an absent parent cannot
15 be determined or the known parent of a child is unable or refuses to
16 identify the other parent, and the court is unable from other
17 information before the court to identify the other parent, service on
18 that parent shall be waived by the court.

19 d. Whenever a petition is filed under section 15 of P.L.1951,
20 c.138 (C.30:4C-15), and there shall be filed with such petition a
21 statement or statements made under oath and attesting that the best
22 interests of the child require that he be placed under the
23 guardianship of the division immediately and pending final hearing,
24 the court, at a special summary hearing held upon notice to the
25 division, may make an interlocutory order committing such child to
26 the division until a final hearing on the petition. Such interlocutory
27 order shall have the same force and effect as an order of
28 commitment provided for in section 20 of P.L.1951, c.138
29 (C.30:4C-20).

30 (cf: P.L.1991, c.275, s.4)

31

32 70. Section 18 of P.L.1951, c.138 (C.30:4C-18) is amended to
33 read as follows:

34 18. Immediately upon receipt of the copy of a petition served on
35 or mailed to the **【Bureau of Childrens Services】** Division of Child
36 Protection and Permanency as provided by section 17 **【hereof】** of
37 P.L.1951, c.138 (C.30:4C-17), **【such bureau】** the division shall
38 verify such petition and investigate all the facts pertaining to the
39 eligibility of the child for commitment, and prior to the day set for
40 hearing shall file with the court a report of its findings. **【Such】** The
41 report shall show such facts as will assist the court in making a
42 decision in the matter.

43 (cf: P.L.1962, c.197, s.20)

44

45 71. Section 20 of P.L.1951, c.138 (C.30:4C-20) is amended to
46 read as follows:

1 20. If upon the completion of **[such]** the hearing the court is
2 satisfied that the best interests of **[such]** the child require that **[he]**
3 the child be placed under proper guardianship, **[such]** the court
4 shall make an order terminating parental rights and committing
5 **[such]** the child to the guardianship and control of the Division of
6 **[Youth and Family Services]** Child Protection and Permanency,
7 and **[such]** the child shall thereupon become the legal ward of the
8 division, which shall be the legal guardian of **[such]** the child for
9 all purposes, including the placement of **[such]** the child for
10 adoption.

11 If the court shall have made an interlocutory order as provided in
12 section 17 of P.L.1951, c.138 (C.30:4C-17), but at the final hearing
13 a further order of commitment shall not be made as provided in this
14 section, the Division of **[Youth and Family Services]** Child
15 Protection and Permanency shall return the child forthwith to the
16 parent or parents, guardian, or person having had custody of the
17 child immediately prior to the filing of the petition; provided,
18 however, that if the return does not ensure the safety of the child or
19 if the parent or parents, guardian, or person having had custody
20 cannot be found or, for other reason satisfactory to the court, is
21 unable to accept the child, the division, upon order of the court,
22 may place the child with such other person or persons who, at the
23 time of final hearing, expressed willingness to accept the child, but
24 **[such]** the order shall in no wise be construed as a grant of custody
25 or guardianship. In all such cases the interlocutory order shall
26 continue in full force and effect until the division shall have made
27 disposition of the child as provided herein or as otherwise provided
28 by law, but in no case for a period longer than 30 days after the
29 final hearing.

30 (cf: P.L.1999, c.53, s.32)

31

32 72. Section 21 of P.L.1951, c.138 (C.30:4C-21) is amended to
33 read as follows:

34 21. The order of the court committing a child to the
35 guardianship of the **[Bureau of Childrens Services]** Division of
36 Child Protection and Permanency, shall in no wise be restrictive of
37 the duties, powers, and authority of **[such bureau]** the division in
38 the care, custody, placement, welfare, and exclusive guardianship
39 of the child as provided in **[this act]** P.L.1951, c.138 (C.30:4C-1 et
40 seq.), and **[such bureau]** the division shall be removed as **[such]**
41 the guardian only by a court of competent jurisdiction upon charges
42 preferred and upon good cause shown after an opportunity to be
43 heard.

44 (cf: P.L.1962, c.197, s.22)

45

46 73. Section 23 of P.L.1951, c.138 (C.30:4C-23) is amended to
47 read as follows:

23. In addition to the methods otherwise provided in this article for establishing guardianship by the **【Bureau of Childrens Services】** Division of Child Protection and Permanency, and when necessary to carry out the provisions of **【this act】** P.L.1951, c.138 (C.30:4C-1 et seq.), the **【Bureau of Childrens Services】** Division of Child Protection and Permanency, after due investigation and consideration, may, in cases where it would be to the permanent advantage of the child, take voluntary surrenders and releases of custody and consents to adoption from the parent, parents, guardians, or other persons or agencies having the right or authority to give such surrenders, releases, or consents. Such surrenders, releases, or consents, when properly acknowledged before a person authorized to take acknowledgments of proofs in the State of New Jersey, shall be valid and binding irrespective of the age of the person giving the same, and shall be irrevocable except at the discretion of the **【Bureau of Childrens Services】** Division of Child Protection and Permanency or upon order of a court of competent jurisdiction.

(cf: PL.1962, c.197, s.24)

74. Section 24 of P.L.1951, c.138 (C.30:4C-24) is amended to read as follows:

24. Whenever the director of welfare of any county or municipality in this State shall be called upon to serve any child whose needs cannot properly be provided for by financial assistance as made available by the laws of this State, **【such】** the director shall, within 24 hours thereafter, give written notice thereof to the **【Bureau of Childrens Services】** Division of Child Protection and Permanency, and shall file an application for care or custody, as provided in section 11 of **【this act】** P.L.1951, c.138 (C.30:4C-11), or shall file a complaint as provided in section 12 of **【this act】** P.L.1951, c.138 (C.30:4C-12), or shall file a petition as provided in section 15 of **【this act】** P.L.1951, c.138 (C.30:4C-15), as the situation of the child may require. **【Such】** The notice shall contain all available information concerning the child and **【his】** the child's circumstances, which will enable the **【Bureau of Childrens Services】** Division of Child Protection and Permanency to take proper action. If the immediate needs of the child so require, the director shall provide for **【his】** the child's care in a suitable place, approved with reasonable promptness for that purpose by the **【bureau】** division, paying therefor as a charge against county or municipal funds until such time as the child has been found eligible for care, custody, or guardianship in accordance with the provisions of **【this act】** P.L.1951, c.138 (C.30:4C-1 et seq.).

(cf: P.L.1962, c.197, s.25)

1 75. Section 25 of P.L.1951, c.138 (C.30:4C-25) is amended to
2 read as follows:

3 25. The **【Bureau of Childrens Services】** Division of Child
4 Protection and Permanency, by its agent or agents, shall regularly
5 visit all children under its care, custody, or guardianship under the
6 provisions of **【this act】** P.L.1951, c.138 (C.30:4C-1 et seq.) in
7 order to assure the maximum benefit from such services.
8 (cf: P.L.1962, c.197, s.26)
9

10 76. Section 3 of P.L.2010, c.69 (C.30:4C-26b) is amended to
11 read as follows:

12 3. a. Whenever the Division of **【Youth and Family Services】**
13 Child Protection and Permanency in the Department of Children
14 and Families places any child in a resource family home, including
15 a change in a placement following the initial placement, there shall
16 be a presumption that the child shall remain in the school currently
17 attended by the child and the child shall remain in that school,
18 pending a best interest determination as set forth in subsection c. of
19 this section, unless the division determines that the circumstances
20 provided in subsection b. of this section are present.

21 b. If the division determines that remaining in the present
22 school is not in the best interest of the child upon consideration of
23 the best interest factors listed in subsection f. of this section, and
24 would present significant safety concerns or otherwise be a
25 significant and immediate detriment to the child, the child may be
26 immediately enrolled in the school district in which the resource
27 family home is located. If the division enrolls the child in the
28 school district in which the resource family home is located,
29 pursuant to this subsection, the division shall, within two business
30 days of taking such action, provide notice to the child's law
31 guardian and a parent or legal guardian, of the new school
32 placement and the basis for such action. If the division determines
33 there exists a credible safety issue for the child if the location of the
34 school in the resource family's district is disclosed to the parent or
35 legal guardian, the division shall not include the location of that
36 school or other information about the identity of the school in the
37 notice to the parent or legal guardian.

38 c. Except as provided in subsection b. of this section, within
39 five business days of placement in a resource family home, the
40 division shall make a determination, upon consideration of the best
41 interest factors listed in subsection f. of this section, whether the
42 presumption that the child continue to attend the school that the
43 child currently attends is outweighed by the best interest factors
44 supporting placement in the school district in which the resource
45 family home is located.

46 In making that determination, the division shall make reasonable
47 efforts to consult with a parent or guardian of the child, the child,
48 the child's law guardian, a representative from the school the child

1 attended at the time of removal, and any school district under
2 consideration for placement.

3 d. If the division's determination, pursuant to subsection c. of
4 this section, is that it is in the best interest of the child to enroll the
5 child in the school district in which the resource family home is
6 located, the determination shall remain preliminary pending the
7 completion of the requirements of this subsection. If the division's
8 determination is consistent with the presumption established
9 pursuant to subsection a. of this section, the determination shall be
10 deemed conclusive at the time the determination is made.

11 (1) The division shall immediately transmit a written notice to
12 the child's law guardian and a parent or legal guardian of the child:
13 (a) advising of the preliminary determination; (b) providing the
14 basis for the preliminary determination; and (c) that the preliminary
15 determination shall be deemed conclusive if the division does not
16 receive notice that an application pursuant to this subsection has
17 been made with the court by the date indicated on the notice, which
18 date shall be five business days from the date the notice is
19 transmitted by the division.

20 The child shall remain enrolled in his current school at least until
21 the time allotted to seek a court review of the preliminary
22 determination is exhausted.

23 (2) Any party may make an application with the court seeking a
24 review of whether the division's preliminary determination is in the
25 best interest of the child upon consideration of the best interest
26 factors listed in subsection f. of this section within the time allotted
27 by the division as specified in the division's notice, which date shall
28 be five business days from the date the notice is transmitted by the
29 division, unless the child's law guardian, on behalf of the child, and
30 a parent or legal guardian of the child agrees, in writing, to waive
31 the opportunity for a court review of the preliminary determination
32 pursuant to this subsection, in which case the determination
33 becomes conclusive.

34 Any party who makes an application for court review of the
35 preliminary determination pursuant to this subsection shall provide
36 simultaneous notice to the division and all other parties involved in
37 the division's complaint for custody and guardianship. The court
38 shall hear and decide such application in an expedited manner. In
39 any such proceedings, the division shall bear the burden of proof,
40 based on a preponderance of the evidence, that its determination to
41 enroll the child in the school district in which the resource family
42 home is located is in the best interest of the child.

43 If a party makes an application for court review of the division's
44 preliminary determination pursuant to this subsection, the child
45 shall continue to attend his current school while the court hears and
46 decides the application.

47 (3) If the division does not receive timely notice pursuant to
48 paragraph (2) of this subsection that an application has been made

1 for court review within five business days of the transmittal date of
2 the notice of the preliminary determination, the preliminary
3 determination shall be deemed conclusive and the division shall
4 implement its determination as provided in subsection g. of this
5 section.

6 e. (1) At any time during placement of a child in a resource
7 family home, the court may, upon application by any party to the
8 division's complaint for custody or guardianship, review the child's
9 school placement upon consideration of the best interest factors
10 listed in subsection f. of this section, and make appropriate orders
11 regarding school placement.

12 (2) At any time during placement in a resource family home, the
13 division may reconsider the child's school placement and make a
14 new determination in accordance with subsection b. or c. and d. of
15 this section, upon consideration of the best interest factors listed in
16 subsection f. of this section.

17 f. The factors the division and the court shall consider in
18 making a best interest determination, as provided in this section,
19 shall include, but not be limited to:

20 (1) safety considerations;

21 (2) the proximity of the resource family home to the child's
22 present school;

23 (3) the age and grade level of the child as it relates to the other
24 best interest factors listed in this subsection;

25 (4) the needs of the child, including social adjustment and
26 wellbeing;

27 (5) the child's preference;

28 (6) the child's performance, continuity of education, and
29 engagement in the school the child presently attends;

30 (7) the child's special education programming if the child is
31 classified;

32 (8) the point of time in the school year;

33 (9) the child's permanency goal and the likelihood of
34 reunification;

35 (10) the anticipated duration of the current placement; and

36 (11) such other factors as provided by regulation of the
37 Commissioner of Children and Families.

38 g. At the time a determination becomes conclusive or upon any
39 subsequent decision by the court, the child shall either continue to
40 be enrolled in his current school or shall be immediately enrolled in
41 the new school district, and the mandated student record shall be
42 provided to the new school district in accordance with applicable
43 regulations of the State Board of Education.

44 h. The division shall provide transportation for the child to
45 attend school during the time that a determination is being made or
46 while a court review is pending as to where the child will attend
47 school and for the subsequent five school days. At such time as a
48 determination is made by the division or a decision is rendered by

1 the court, the division shall immediately notify the school district
2 where the child is currently attending school, the school district of
3 residence, and the school district where the resource family home is
4 located, as applicable.

5 The district of residence shall be responsible for transportation
6 for the child to attend school, within five days of being notified by
7 the division where the child will attend school.

8 i. Nothing in this section shall be construed to require any
9 public entity to fund students placed in nonpublic schools by their
10 parents or guardians.

11 j. Notwithstanding the provisions of this section, the division
12 shall not be required to identify the school where the child is or will
13 be enrolled to a parent or legal guardian, if the release of such
14 information would pose a risk to the safety of the child.

15 (cf: P.L.2010, c.69, s.3)

16

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

19 1. As used in **[this act]** P.L.1962, c.137 (C.30:4C-26.1 et seq.)
20 "resource family home" means and includes private residences
21 wherein any child in the care, custody, or guardianship of the
22 Department of Children and Families may be placed by the
23 department, or with its approval, for care, and shall include any
24 private residence maintained by persons with whom any **[such]**
25 child is placed by the Division of **[Youth and Family Services]**
26 Child Protection and Permanency for the purpose of adoption until
27 the adoption is finalized.

28 (cf: P.L.2006, c.47, s.131)

29

30 78. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to
31 read as follows:

32 2. The Division of **[Youth and Family Services]** Child
33 Protection and Permanency, shall establish and maintain, within the
34 limits of available appropriations, child care shelters in **[such]**
35 numbers and at **[such]** locations throughout the State as the
36 Commissioner of Children and Families shall deem to be necessary.

37 (cf: P.L. 2006, c.47, s.132)

38

39 79. Section 3 of P.L.1962, c.137 (C.30:4C-26.3) is amended to
40 read as follows:

41 3. **[Such]** The shelters shall be equipped and used for the
42 temporary care and supervision of children who are placed in the
43 care, custody, or guardianship of the Division of **[Youth and**
44 **Family Services]** Child Protection and Permanency, during the
45 interim between such placement and placement in a suitable
46 resource family home. **[Such]** The shelters shall be properly
47 staffed to provide for child care and supervision and shall contain

1 the necessary facilities for both physical and psychological
2 examinations of **such** children.

3 (cf: P.L.2004, c.130, s.60)

4
5 80. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to
6 read as follows:

7 1. As used in **this act** P.L.1962, c.136 (C.30:4C-26.4 et seq.)
8 "resource family parent" shall mean any person with whom a child
9 in the care, custody, or guardianship of the Department of Children
10 and Families is placed by the department, or with its approval, for
11 care and shall include any person with whom a child is placed by
12 the Division of **Youth and Family Services** Child Protection and
13 Permanency for the purpose of adoption until the adoption is
14 finalized.

15 (cf: P.L.2006, c.47, s.133)

16
17 81. Section 2 of P.L.1962, c.136 (C. 30:4C-26.5) is amended to
18 read as follows:

19 2. Notwithstanding the provisions of any other law or any rule
20 or regulation of the Division of **Youth and Family Services** Child
21 Protection and Permanency, no agreement entered into between the
22 division and any resource family parent for the care of any child in
23 the care, custody, or guardianship of the division shall contain any
24 provision prohibiting the adoption of any child by the resource
25 family parent.

26 (cf: P.L.2004, c.130, s.62)

27
28 82. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to
29 read as follows:

30 1. As used in **this act** P.L.1962, c.139 (C.30:4C-26.6 et seq.)
31 "resource family parent" shall mean any person with whom a child
32 in the care, custody, or guardianship of the Department of Children
33 and Families is placed by the department, or with its approval, for
34 care and shall include any person with whom a child is placed by
35 the Division of **Youth and Family Services** Child Protection and
36 Permanency for the purpose of adoption until the adoption is
37 finalized.

38 (cf: P.L.2006, c.47, s.134)

39
40 83. Section 2 of P.L.1962, c.139 (C.30:4C-26.7) is amended to
41 read as follows:

42 2. Any person, who, as a resource family parent, has cared for
43 a child continuously for a period of 15 months or more, may apply
44 to the Division of **Youth and Family Services** Child Protection
45 and Permanency, for the placement of the child with them for the
46 purpose of adoption and if the child is eligible for adoption, the

1 division shall give preference and first consideration to their
 2 application over all other applications for adoption placements.
 3 (cf: P.L.2004, c.130, s.64)
 4

5 84. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to
 6 read as follows:

7 1. a. A person, in addition to meeting other requirements as
 8 may be established by the Department of Children and Families,
 9 shall become a resource family parent or eligible to adopt a child
 10 only upon the completion of an investigation to ascertain if there is
 11 a State or federal record of criminal history for the prospective
 12 adoptive or resource family parent or any other adult residing in the
 13 prospective parent's home. The investigation shall be conducted by
 14 the Division of State Police in the Department of Law and Public
 15 Safety and shall include an examination of its own files and the
 16 obtaining of a similar examination by federal authorities.

17 b. If the prospective resource family parent or any adult
 18 residing in the prospective parent's home has a record of criminal
 19 history, the Department of Children and Families shall review the
 20 record with respect to the type and date of the criminal offense and
 21 make a determination as to the suitability of the person to become a
 22 resource family parent or the suitability of placing a child in that
 23 person's home, as the case may be.

24 c. For the purposes of this section, a conviction for one of the
 25 offenses enumerated in subsection d. or e. of this section has
 26 occurred if the person has been convicted under the laws of this
 27 State or any other state or jurisdiction for an offense that is
 28 substantially equivalent to the offenses enumerated in these
 29 subsections.

30 d. A person shall be disqualified from being a resource family
 31 parent or shall not be eligible to adopt a child if that person or any
 32 adult residing in that person's household ever committed a crime
 33 which resulted in a conviction for:

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

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

39 (3) aggravated assault which would constitute a crime of the
 40 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

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

42 (5) kidnapping 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) robbery which would constitute a crime of the first degree
2 pursuant to N.J.S.2C:15-1;

3 (8) burglary which would constitute a crime of the second
4 degree pursuant to N.J.S.2C:18-2;

5 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
6 et seq.);

7 (10) 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 (11) terrorist threats pursuant to N.J.S.2C:12-3;

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

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

16 e. A person shall be disqualified from being a resource family
17 parent if that person or any adult residing in that person's household
18 was convicted of one of the following crimes and the date of release
19 from confinement occurred during the preceding five years:

20 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

21 (2) aggravated assault which would constitute a crime of the
22 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

23 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1
24 et seq.);

25 (4) robbery which would constitute a crime of the second degree
26 pursuant to N.J.S.2C:15-1;

27 (5) burglary which would constitute a crime of the third degree
28 pursuant to N.J.S.2C:18-2; or

29 (6) an attempt or conspiracy to commit an offense listed in
30 paragraphs (1) through (5) of this subsection.

31 For the purposes of this subsection, the "date of release from
32 confinement" means the date of termination of court-ordered
33 supervision through probation, parole, or residence in a correctional
34 facility, whichever date occurs last.

35 For purposes of this section, "resource family parent" means any
36 person with whom a child in the care, custody, or guardianship of
37 the Department of Children and Families is placed by the
38 department, or with its approval, for care and shall include any
39 person with whom a child is placed by the Division of [Youth and
40 Family Services] Child Protection and Permanency for the purpose
41 of adoption until the adoption is finalized.

42 (cf: P.L.2006, c.47, s.135)

43

44 85. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to
45 read as follows:

46 1. The Department of Children and Families may grant
47 approval to a prospective resource family parent for a period not to
48 exceed six months, upon completion of the State portion of the

1 criminal history record investigation required pursuant to P.L.1985,
2 c.396 (C.30:4C-26.8), pending completion and review of the federal
3 portion of the criminal history record investigation required
4 pursuant to that act, if: (1) the State portion of the criminal history
5 record investigation indicates no information which would
6 disqualify the person, (2) the prospective resource family parent and
7 any adult residing in the prospective resource family parent's home
8 submit a sworn statement to the Department of Children and
9 Families attesting that the person does not have a record of criminal
10 history which would disqualify the person, and (3) there is
11 substantial compliance with department standards for resource
12 family homes indicating there is no risk to a child's health or safety.

13 For purposes of this section, "resource family parent" means any
14 person with whom a child in the care, custody, or guardianship of
15 the Department of Children and Families is placed by the
16 department, or with its approval, for care and shall include any
17 person with whom a child is placed by the Division of [Youth and
18 Family Services] Child Protection and Permanency for the purpose
19 of adoption until the adoption is finalized.

20 (cf: P.L.2006, c.47, s.136)

21

22 86. Section 1 of P.L.2010, c.98 (C.30:4C-26.20) is amended to
23 read as follows:

24 1. a. Notwithstanding any other provision of law to the
25 contrary, if a minor is placed in a resource family home, group
26 home, or institution, pursuant to section 26 of P.L.1951, c.138
27 (C.30:4C-26), and is pregnant, becomes pregnant, or gives birth to a
28 child while in the placement, the Division of [Youth and Family
29 Services] Child Protection and Permanency in the Department of
30 Children and Families shall provide or arrange for the provision of
31 services to ensure that the minor and her child remain together as a
32 family unit.

33 b. A Division of [Youth and Family Services] Child Protection
34 and Permanency caseworker shall develop and implement a
35 permanency plan for the minor and her child that will enable the
36 minor to provide a safe and stable home for her child, and shall not
37 limit the minor's legal right to make decisions regarding the care,
38 custody, and supervision of her child. The plan shall address, but
39 shall not be limited to, the following areas:

40 (1) counseling and advocacy services;

41 (2) information about and referral to physicians, certified nurse
42 midwives, and other health care professionals providing prenatal
43 care;

44 (3) medical care, including hospital, maternity, postnatal, and
45 preventive pediatric services; and

46 (4) maintenance services, including, clothing, food, housing,
47 and financial assistance.

c. If, as a result of the minor's pregnancy or birth of her child, the minor's current placement is no longer available, is inappropriate, or could result in harm to the minor or her child, the caseworker shall locate and place the minor and her child together in a substitute living arrangement.

d. The Division of **【Youth and Family Services】** Child Protection and Permanency shall not be required to arrange or provide for services to the minor and her child pursuant to subsection a. of this section, if the division has reasonable cause to believe that the minor's child has been subjected to child abuse or acts of child abuse or neglect by the minor.

e. For purposes of this section, "minor" means a person 21 years of age or younger who is under the care and supervision or custody of the Division of **【Youth and Family Services】** Child Protection and Permanency pursuant to section 12 of P.L.1951, c.138 (C.30:4C-12).
(cf: P.L.2010, c.98, s.1)

87. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to read as follows:

1. As used in **【this act】** P.L.1962, c.135 (C.30:4C-27.1 et seq.) "resource family parent" shall mean any person with whom a child in the care, custody, or guardianship of the Department of Children and Families is placed by the department, or with its approval, for care and shall include any person with whom a child is placed by the Division of **【Youth and Family Services】** Child Protection and Permanency for the purpose of adoption until the adoption is finalized.
(cf: P.L.2006, c.47, s.137)

88. Section 2 of P.L.1962, c.135 (C.30:4C-27.2) is amended to read as follows:

2. Notwithstanding the provision of any other law, the maintenance of a clothing warehouse and distribution center for the distribution of clothing to children in the care, custody, or guardianship of the Division of **【Youth and Family Services】** Child Protection and Permanency, shall be discontinued and in lieu thereof the division shall increase the monthly allowance payable to any resource family parent caring for any of the children in a sufficient amount to enable the resource family parent to purchase the necessary clothing items required by the children from the local merchants of the locality wherein the resource family parent resides.
(cf: P.L.2004, c.130, s.69)

89. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to read as follows:

1 3. As used in **[this act]** P.L.2001, c.419 (C.30:4C-27.3 et seq.):

2 "Child" means a person who: is either under the age of 18 or
3 meets the criteria set forth in subsection f. of section 2 of P.L.1972,
4 c.81 (C.9:17B-2); and is under the care or custody of the division or
5 another public or private agency authorized to place children in
6 New Jersey.

7 "Commissioner" means the Commissioner of Children and
8 Families.

9 "Department" means the Department of Children and Families.

10 "Division" means the Division of **[Youth and Family Services]**
11 Child Protection and Permanency in the Department of Children
12 and Families.

13 "Resource family home" or "home" means a private residence,
14 other than a children's group home or shelter home, in which board,
15 lodging, care, and temporary out-of-home placement services are
16 provided by a resource family parent on a 24-hour basis to a child
17 under the auspices of the division or any public or private agency
18 authorized to place children in New Jersey.

19 "Resource family parent" means a person who has been licensed
20 pursuant to **[this act]** P.L.2001, c.419 to provide resource family
21 care to five or fewer children, including a child who has been
22 placed by the division with the person for the purpose of adoption,
23 except that the department may license a resource family parent to
24 provide care for more than five children, if necessary, to keep
25 sibling groups intact or to serve the best interests of the children in
26 the home.

27 "License" means a document issued by the department to a
28 person who meets the requirements of **[this act]** P.L.2001, c.419 to
29 provide resource family care to children in the person's home.
30 (cf: P.L.2006, c.47, s.138)

31

32 90. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended to
33 read as follows:

34 1. As used in sections 1 through 6 and 8 through 11 of **[this act]**
35 P.L.2003, c.186 (C.30:4C-27.16 et al.):

36 "Department" means the Department of Children and Families.

37 "Division" means the Division of **[Youth and Family Services]**
38 Child Protection and Permanency in the Department of Children
39 and Families.

40 "Residential child care facility" or "facility" means any public or
41 private establishment subject to the regulatory authority of the
42 department that provides room, board, care, shelter, or treatment
43 services for children on a 24-hour-a-day basis. The term shall
44 include: residential facilities operated by or under contract or
45 agreement with the division to serve 13 or more children with
46 emotional or behavioral problems as defined pursuant to section 2
47 of P.L.1951, c.138 (C.30:4C-2); State-operated children's

1 psychiatric facilities providing inpatient treatment; group homes,
2 treatment homes, teaching family homes, alternative care homes,
3 and supervised transitional living homes operated by or under
4 contract or agreement with the division to serve 12 or fewer
5 children with emotional or behavioral problems as defined pursuant
6 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,
7 including shelters serving children in juvenile-family crisis and in
8 need of temporary shelter care, as defined pursuant to section 3 of
9 P.L.1982, c.77 (C.2A:4A-22).

10 "Staff member" means an individual 18 years of age or older
11 who is an administrator of, employed by, or works in a facility on a
12 regularly scheduled basis during the facility's operating hours,
13 including full-time, part-time, voluntary, contract, consulting, and
14 substitute staff, whether compensated or not.
15 (cf: P.L.2006, c.47, s.139)

16
17 91. Section 28 of P.L.1951, c.138 (C.30:4C-28) is amended to
18 read as follows:

19 28. The **【Bureau of Childrens Services】** Division of Child
20 Protection and Permanency may at any time discharge from its care,
21 custody, or guardianship any child, if in the opinion of **【such**
22 **bureau】** the division the best interests of the child will be promoted
23 thereby.

24 (cf: P.L.1962, c.197, s.29)

25
26 92. Section 29 of P.L.1951, c.138 (C.30:4C-29) is amended to
27 read as follows:

28 29. Subject to the provisions of section 30 **【hereof】** of P.L.1951,
29 c.138 (C.30:4C-30), payments for maintenance shall be made by the
30 **【Bureau of Childrens Services】** Division of Child Protection and
31 Permanency.

32 The **【Bureau of Childrens Services】** Division of Child Protection
33 and Permanency is hereby empowered to receive from the State
34 Treasurer and from the county treasurer of each county such sums
35 as shall be appropriated for the purposes of **【this act】** P.L.1951,
36 c.138 (C.30:4C-1 et seq.), and shall cause such sums to be set up
37 in a special account or accounts subject to disbursement by the
38 **【Bureau of Childrens Services】** Division of Child Protection and
39 Permanency.

40 (cf: P.L.1962, c.197, s.30)

41
42 93. Section 1 of P.L.1962, c.142 (C.30:4C-29.1) is amended to
43 read as follows:

44 1. a. In any case in which the Department of Children and
45 Families, through the Division of **【Youth and Family Services】**
46 Child Protection and Permanency, is providing care or custody for
47 any child when the child is in a resource family home, any legally

1 responsible person of the child, if of sufficient financial ability, is
2 liable for the full costs of maintenance of the child incurred by the
3 division. If the legally responsible person is of insufficient
4 financial ability, the person is liable in an amount which a court of
5 competent jurisdiction directs according to a scheduled rate
6 approved by the division. Nothing contained herein shall prevent
7 the legally responsible person from voluntarily executing an
8 agreement for payment to the division for the costs of maintenance
9 of the child receiving care or custody when the child is in a resource
10 family home.

11 b. The division shall have a lien against the property of the
12 legally responsible person in an amount equal to the amount to be
13 paid, which lien shall have priority over all unrecorded
14 encumbrances.

15 c. If the legally responsible person fails to reimburse the
16 department, through the division, for the costs of maintenance of a
17 child incurred by the division when the child is in a resource family
18 home, a court of competent jurisdiction, upon the complaint of the
19 Commissioner of Children and Families, may summon the legally
20 responsible person and other witnesses, and may order the legally
21 responsible person to pay an amount to the department, according to
22 a scheduled rate approved by the division.

23 d. In any case in which the department, through the division,
24 has agreed to provide youth facilities aid to a public, private, or
25 voluntary agency pursuant to **[this act]** P.L.1962, c.142 (C.30:4C-
26 29.1 et seq.), the division shall have a lien against the property of
27 any person, persons, or agency so contracting, in an amount equal
28 to the amount or amounts so contracted to be paid, which lien shall
29 have priority over all unrecorded encumbrances. **[Such]** The lien
30 shall be reduced for each year of service provided by the agency at
31 a rate to be negotiated by the division and the agency, but in no case
32 more than 20% a year; provided, however, that annual reductions
33 shall not exceed \$10,000.

34 (cf: P.L.2006, c.47, s.140)

35

36 94. Section 32 of P.L.1951, c.138 (C.30:4C-32) is amended to
37 read as follows:

38 32. Whenever a child receiving care, custody, or guardianship as
39 provided by **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.) has died,
40 and an investigation by the Division of **[Youth and Family**
41 **Services]** Child Protection and Permanency discloses that there are
42 insufficient funds from any other source to provide proper burial,
43 **[such]** the division shall authorize the expenditure of an amount
44 reasonably necessary to provide proper burial for **[such]** the child,
45 and **[such]** the amount shall be a proper charge against State funds,
46 within the limits of available appropriations, in the same manner
47 and extent as expenditures for maintenance.

1 The amount reasonably necessary to provide proper burial shall
2 be determined by the average cost for a proper burial and funeral
3 charged by funeral directors in the locality in which the child is
4 buried.

5 (cf: P.L.1990, c.66, s.5)

6
7 95. Section 33 of P.L.1951, c.138 (C.30:4C-33) is amended to
8 read as follows:

9 33. The **【Bureau of Childrens Services】** Division of Child
10 Protection and Permanency may compromise and settle any claim
11 due or which may become due **【such bureau】** the division for
12 reimbursement of moneys paid to any individual or organization for
13 maintenance of a child. A memorandum of the compromise and
14 settlement shall be entered in the official records of the **【bureau】**
15 division.

16 (cf: P.L.1962, c.197, s.34)

17
18 96. Section 34 of P.L.1951, c.138 (C.30:4C-34) is amended to
19 read as follows:

20 34. Whenever the **【Bureau of Childrens Services】** Division of
21 Child Protection and Permanency shall recover or receive
22 reimbursement of any moneys paid to any individual or
23 organization for the maintenance of a child, the moneys so
24 recovered or received shall be credited to the State treasury or to the
25 Federal Government in the same proportion as they were charged in
26 the original instance. The **【Bureau of Childrens Services】** division
27 is hereby authorized to take all necessary and proper action under
28 the laws of this State for the recovery of any **【such】** moneys
29 wrongfully received or retained by any individual or organization,
30 or for the recovery from the person or persons responsible under the
31 laws of this State for the support of **【such】** the child the value of
32 maintenance furnished to **【such】** the child.

33 (cf: P.L.1962, c.197, s.35)

34
35 97. Section 35 of P.L.1951, c.138 (C.30:4C-35) is amended to
36 read as follows:

37 35. The **【Bureau of Childrens Services】** Division of Child
38 Protection and Permanency is authorized to retain any voluntary
39 contributions of money heretofore received by it, and to receive
40 future contributions. All **【such】** contributions, whether already
41 received or hereafter received, shall be kept in a separate fund, and
42 shall be used only upon order of the **【bureau】** division for the
43 purposes for which the contributions were made, and **【such】** the
44 funds shall be in the custody and control of the **【Bureau of**
45 **Childrens Services】** division; provided, however, that any **【such】**
46 contribution made to the **【bureau】** division, the original purpose of
47 which is no longer practicable or possible of achievement, may be

1 used by the **【bureau】** division, at its discretion, for the general
2 benefit and welfare of children under its supervision.

3 (cf: P.L.1962, c.197, s.36)
4

5 98. Section 36 of P.L.1951, c.138 (C.30:4C-36) is amended to
6 read as follows:

7 36. On application in writing by the **【Bureau of Childrens**
8 **Services】** Division of Child Protection and Permanency, the State
9 Treasurer on warrant of the Director of the Division of Budget and
10 Accounting may pay to the **【bureau】** division from its annual
11 appropriation such amount not exceeding **【\$5,000.00】** \$5,000 as
12 may be necessary to establish a petty cash fund for the payment of
13 traveling expenses and **【such】** other current expenses as require a
14 prompt cash outlay.

15 The **【Bureau of Childrens Services】** division shall file an
16 account with vouchers attached showing all expenditures from its
17 petty cash fund and on receipt of the amount thereof from the State
18 Treasurer shall reimburse the fund. Any questions with reference to
19 the allowance, expenditure, accounting, and reimbursement of petty
20 cash moneys shall be finally determined by ruling of the Director of
21 the Division of Budget and Accounting.

22 (cf: P.L.1962, c.197, s.37)
23

24 99. Section 37 of P.L.1951, c.138 (C.30:4C-37) is amended to
25 read as follows:

26 37. Whenever the **【Bureau of Childrens Services】** Division of
27 Child Protection and Permanency shall have issued, or shall
28 hereafter issue, any checks, drafts, or warrants to be paid from
29 moneys received from the Federal Government, the State, or any
30 county of this State for the cost of maintenance, and **【such】** the
31 checks, drafts, or warrants shall not be cashed for a period of **【1】**
32 one year from the date of issue, the following procedure shall be
33 taken:

34 (a) The **【Bureau of Childrens Services】** division shall give due
35 notice to the bank on which **【such】** the checks, drafts, or warrants
36 were issued that no payment shall be made thereon.

37 (b) The **【Bureau of Childrens Services】** division shall then from
38 time to time deposit in a special fund moneys in an amount equal to
39 that represented by **【such】** the checks, drafts, or warrants, which
40 moneys shall be held for the payments of **【such】** the checks, drafts,
41 or warrants. **【Such】** The special fund shall be in the custody and
42 control of the **【Bureau of Childrens Services】** division.

43 (c) The moneys so deposited shall be maintained in **【such】** the
44 special fund for a period of **【6】** six years from the date of deposit,
45 and, if still unclaimed after that time by anyone having a legal right
46 thereto, shall be credited to the Federal Government, the State, or

1 any county of this State in the same proportion as [such] the
2 moneys were received by the [Bureau of Childrens Services]
3 division in the original instance.

4 Whenever the [Bureau of Childrens Services] division shall
5 have credited any moneys to the Federal Government, the State, or
6 any county of this State pursuant to the provisions of this section, it
7 shall thereupon be free of all obligations as to those checks, drafts,
8 or warrants for which such moneys have been held for payment.
9 (cf: P.L.1962, c.197, s.38)

10
11 100. Section 2 of P.L.1962, c.206 (C.30:4C-42) is amended to
12 read as follows:

13 2. The [Bureau of Childrens Services] Division of Child
14 Protection and Permanency, is hereby authorized and empowered,
15 subject to the availability of appropriations therefor, to establish an
16 Adoption Resource Exchange, the services of which shall be
17 available only to approved agencies as a further resource to
18 facilitate placement of children for adoption by and through [such]
19 the agencies.
20 (cf: P.L.1964, c.102, s.26)

21
22 101. Section 3 of P.L.1962, c.206 (C.30:4C-43) is amended to
23 read as follows:

24 43. The Adoption Resource Exchange authorized by [this act]
25 P.L.1962, c.206 (C.30:4C-41 et seq.) shall not itself engage in the
26 placement of children for adoption nor shall it be construed as a
27 substitute for other local community resources, whether public or
28 voluntary. It shall be a facility whereby the [Bureau of Childrens
29 Services] Division of Child Protection and Permanency and other
30 approved agencies may mutually share and exchange information
31 concerning children available for adoption and homes available for
32 the placement of adoptive children.
33 (cf: P.L.1964, c.102, s.27)

34
35 102. Section 4 of P.L.1962, c.206 (C.30:4C-44) is amended to
36 read as follows:

37 44. The [Bureau of Childrens Services] Division of Child
38 Protection and Permanency is hereby authorized and empowered to
39 establish rules, regulations, and procedures necessary to accomplish
40 the purposes of [this act] P.L.1962, c.206 (C.30:4C-41 et seq.).
41 (cf: P.L.1964, c.102, s.28)

42
43 103. Section 2 of P.L.1973, c.81 (C.30:4C-46) is amended to
44 read as follows:

45 2. The Division of [Youth and Family Services] Child
46 Protection and Permanency shall make payments to adoptive

1 parents on behalf of a child placed for adoption by the division
2 whenever:

3 a. The child because of physical or mental condition, race, age,
4 or membership in a sibling group, or for any other reason falls into
5 the category of a child hard to place for adoption;

6 b. The adoptive family is capable of providing the permanent
7 family relationships needed by the child; and

8 c. Except in situations involving adoption by a child's resource
9 family parent, there has been a reasonable effort to place the child
10 in an adoptive setting without providing a subsidy.

11 Payments shall be made on behalf of a child placed for adoption
12 by the division except that whenever a child who would otherwise
13 be eligible for subsidy payment is in the care of an approved New
14 Jersey adoption agency pursuant to P.L.1977, c.367 (C.9:3-37 et
15 seq.) a child shall, upon application by the agency and satisfaction
16 of the regular requirements of the adoption subsidy program, be
17 approved for participation in the adoption subsidy program. In any
18 case the division may approve payment in subsidization of adoption
19 for a child without legal transfer of care or custody of the child to
20 the division. The division shall adopt regulations for administration
21 of this program with respect to these children, except that all
22 children are evaluated for eligibility in the same manner as children
23 already under the care, custody, or guardianship of the division.

24 (cf: P.L.2004, c.130, s.82)

25

26 104. Section 4 of P.L.1973, c.81 (C.30:4C-48) is amended to
27 read as follows:

28 4. Qualification for payments in subsidization of adoption shall
29 be determined and approved by the Division of **【Youth and Family**
30 **Services】** Child Protection and Permanency prior to the completion
31 of the adoption proceeding, and may be redetermined annually
32 thereafter. No payments shall be made for any child who the
33 division has determined was brought into this State for the sole
34 purpose of qualifying for an adoption subsidy pursuant to P.L.1973,
35 c. 81 (C. 30:4C-45 et seq.).

36 (cf: P.L.1983, c.484, s.3)

37

38 105. Section 5 of P.L.1973, c.81 (C.30:4C-49) is amended to
39 read as follows:

40 5. The Division of **【Youth and Family Services】** Child
41 Protection and Permanency shall make all necessary rules and
42 regulations for administering the program for payments in
43 subsidization of adoptions.

44 (cf: P.L.1983, c.484, s.4)

45

46 106. Section 2 of P.L.1977, c.424 (C.30:4C-51) is amended to
47 read as follows:

2. The Legislature declares that it is in the public interest, whereby the safety of children shall be of paramount concern, to afford every child placed outside his home by the Division of **【Youth and Family Services】** Child Protection and Permanency with the opportunity for eventual return to **【his】** the child's home or placement in an alternative permanent home; that it is the obligation of the State to promote this end through effective planning and regular review of each child's placement; and that it is the purpose of **【this act】** P.L.1977, c.424 (C.30:4C-50 et seq.) to establish procedures for both administrative and judicial review of each child's placement in order to ensure that such placement ensures the safety and health and serves the best interest of the child.

(cf: P.L.1999, c.53, s.37)

107. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to read as follows:

3. As used in **【this act】** P.L.1977, c.424 (C.30:4C-50 et seq.), unless the context indicates otherwise:

a. "Child" means any person less than 18 years of age;

b. "Child placed outside his home" means a child under the care, custody, or guardianship of the division who resides in a resource family home, group home, residential treatment facility, shelter for the care of abused or neglected children or juveniles considered as juvenile-family crisis cases, or independent living arrangement operated by or approved for payment by the division, or a child who has been placed by the division in the home of a person who is not related to the child and does not receive any payment for the care of the child from the division, or a child placed by the court in juvenile-family crisis cases pursuant to P.L.1982, c.77 (C.2A:4A-20 et seq.), but does not include a child placed by the court in the home of a person related to the child who does not receive any payment from the division for the care of the child;

c. "County of supervision" means the county in which the division has established responsibility for supervision of the child;

d. "Division" means the Division of **【Youth and Family Services】** Child Protection and Permanency in the Department of Children and Families;

e. "Temporary caretaker" means a resource family parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director of a group home or residential treatment facility;

f. "Designated agency" means an agency designated by the court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a family services plan.

(cf: P.L.2006, c.47, s.141)

108. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to read as follows:

1 1. The Legislature finds and declares that it is in the public
2 interest, whereby the safety of children shall be of paramount
3 concern, to afford every child placed outside ~~his~~ the child's home
4 by the Division of ~~Youth and Family Services~~ Child Protection
5 and Permanency in the Department of Children and Families with
6 permanency through return to ~~his~~ the child's own home, if the
7 child can be returned home without endangering the child's health
8 or safety; through adoption, if family reunification is not possible;
9 or through an alternative permanent placement, if termination of
10 parental rights is not appropriate:

11 a. Due to the severity of health and social problems such as
12 AIDS, drug abuse, and homelessness, the division often works with
13 families over a period of many years, and the children of these
14 families often spend a majority of their young lives in resource
15 family care; and

16 b. Research has shown that the longer children remain in the
17 resource family care system, the greater number of placements they
18 experience. As a result of these multiple placements, from birth
19 family to resource family home, and from one resource family home
20 to another resource family home, children develop emotional and
21 psychological problems, making it more difficult for them to
22 develop a positive self-image; and

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

24 d. The obligation of the State to recognize and protect the
25 rights of children in the child welfare system should be fulfilled in
26 the context of a clear and consistent policy which limits the
27 repeated placement of children in resource family care and
28 promotes the eventual placement of these children in stable and safe
29 permanent homes.

30 (cf: P.L.2006, c.47, s.142)

31

32 109. Section 2 of P.L.1991, c.448 (C.30:4C-53.2) is amended to
33 read as follows:

34 2. For purposes of ~~this act~~ P.L.1991, c.448 (C.30:4C-53.1 et
35 seq.), the terms "repeated placement into resource family care" and
36 "placed again into resource family care" shall apply to a child who
37 has been placed in the custody of the Division of ~~Youth and~~
38 ~~Family Services~~ Child Protection and Permanency for placement
39 in resource family care by the Family Part of the Chancery Division
40 of the Superior Court or as a result of a voluntary placement
41 agreement pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.), released
42 into the custody of ~~his~~ the child's parents or legally responsible
43 guardian at the conclusion of the placement and is once again
44 temporarily removed from ~~his~~ the child's place of residence and
45 placed under the division's care and supervision.

46 (cf: P.L.2004, c.130, s.85)

1 110. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to
2 read as follows:

3 7. As used in sections 7 through 10 of P.L.2001, c.250
4 (C.30:4C-84 et seq.):

5 "Caregiver" means a person over 18 years of age, other than a
6 child's parent, who has a kinship relationship with the child and has
7 been providing care and support for the child, while the child has
8 been residing in the caregiver's home, for either the last 12
9 consecutive months or 15 of the last 22 months. "Caregiver"
10 includes a resource family parent as defined in section 1 of
11 P.L.1962, c.136 (C.30:4C-26.4).

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

14 "Commissioner" means the Commissioner of Children and
15 Families.

16 "Court" means the Superior Court, Chancery Division, Family
17 Part.

18 "Division" means the Division of **【Youth and Family Services】**
19 Child Protection and Permanency in the Department of Children
20 and Families.

21 "Family friend" means a person who is connected to a child or
22 the child's parent by an established, positive psychological or
23 emotional relationship that is not a biological or legal relationship.

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

27 "Kinship legal guardian" means a caregiver who is willing to
28 assume care of a child due to parental incapacity, with the intent to
29 raise the child to adulthood, and who is appointed the kinship legal
30 guardian of the child by the court pursuant to P.L.2001, c.250
31 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible
32 for the care and protection of the child and for providing for the
33 child's health, education, and maintenance.

34 "Kinship relationship" means a family friend or a person with a
35 biological or legal relationship with the child.

36 (cf: P.L.2006, c.47, s.154)

37

38 111. Section 2 of P.L.2005, c.95 (C.30:4C-90) is amended to
39 read as follows:

40 2. The Legislature finds and declares that:

41 a. An increasing number of relatives in the State, including
42 grandparents, find themselves providing care on a long-term basis
43 to children who cannot reside with their parents due to the parent's
44 incapacity or inability to perform the regular and expected functions
45 of care and support of the child;

46 b. The State law allows for the appointment of an individual as
47 a kinship legal guardian; a kinship legal guardian has the same
48 rights, responsibilities, and authority relating to a child as a birth

parent, with the exception of consenting to the adoption of the child or a name change for the child, while the birth parent retains the obligation to pay child support and the right to court-approved visitation or parenting time with the child;

c. The Department of Human Services and the Department of Children and Families offers a variety of support services and financial aid to kinship legal guardians, which include monthly payments through the federal TANF program, Medicaid eligibility for the child, funding for short-term or one-time expenses, support groups, child support collection, housing assistance, legal services, child care, respite services, and education;

d. The ~~Department~~ Department of Children and Families has established the Kinship Navigator program, which is a referral service designed to help kinship caregivers coordinate the various government and community resources that may be available to them; and

e. It is appropriate for the State to ensure that individuals who may be eligible to become kinship legal guardians are aware of the eligibility requirements for, and the responsibilities of, kinship legal guardianship, and that both individuals who may be eligible to become kinship legal guardians and current kinship legal guardians are aware of the services available to kinship legal guardians in the State.

(cf: P.L.2005, c.95, s.2)

112. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read as follows:

3. Definitions. As used in ~~this act~~ P.L.1968, c.413 (C.30:4D-1 et seq.), and unless the context otherwise requires:

a. "Applicant" means any person who has made application for purposes of becoming a "qualified applicant."

b. "Commissioner" means the Commissioner of Human Services.

c. "Department" means the Department of Human Services, which is herein designated as the single State agency to administer the provisions of this act.

d. "Director" means the Director of the Division of Medical Assistance and Health Services.

e. "Division" means the Division of Medical Assistance and Health Services.

f. "Medicaid" means the New Jersey Medical Assistance and Health Services Program.

g. "Medical assistance" means payments on behalf of recipients to providers for medical care and services authorized under ~~this act~~ P.L.1968, c.413.

h. "Provider" means any person, public or private institution, agency, or business concern approved by the division lawfully providing medical care, services, goods, and supplies authorized

1 under [this act] P.L.1968, c.413, holding, where applicable, a
2 current valid license to provide such services or to dispense such
3 goods or supplies.

4 i. "Qualified applicant" means a person who is a resident of
5 this State, and either a citizen of the United States or an eligible
6 alien, and is determined to need medical care and services as
7 provided under [this act] P.L.1968, c.413, with respect to whom
8 the period for which eligibility to be a recipient is determined shall
9 be the maximum period permitted under federal law, and who:

10 (1) Is a dependent child or parent or caretaker relative of a
11 dependent child who would be, except for resources, eligible for the
12 aid to families with dependent children program under the State
13 Plan for Title IV-A of the federal Social Security Act as of July 16,
14 1996;

15 (2) Is a recipient of Supplemental Security Income for the Aged,
16 Blind and Disabled under Title XVI of the Social Security Act;

17 (3) Is an "ineligible spouse" of a recipient of Supplemental
18 Security Income for the Aged, Blind and Disabled under Title XVI
19 of the Social Security Act, as defined by the federal Social Security
20 Administration;

21 (4) Would be eligible to receive Supplemental Security Income
22 under Title XVI of the federal Social Security Act or, without
23 regard to resources, would be eligible for the aid to families with
24 dependent children program under the State Plan for Title IV-A of
25 the federal Social Security Act as of July 16, 1996, except for
26 failure to meet an eligibility condition or requirement imposed
27 under such State program which is prohibited under Title XIX of
28 the federal Social Security Act such as a durational residency
29 requirement, relative responsibility, consent to imposition of a lien;

30 (5) (Deleted by amendment, P.L.2000, c.71).

31 (6) Is an individual under 21 years of age who, without regard to
32 resources, would be, except for dependent child requirements,
33 eligible for the aid to families with dependent children program
34 under the State Plan for Title IV-A of the federal Social Security
35 Act as of July 16, 1996, or groups of such individuals, including but
36 not limited to, children in resource family placement under
37 supervision of the Division of [Youth and Family Services] Child
38 Protection and Permanency in the Department of Children and
39 Families whose maintenance is being paid in whole or in part from
40 public funds, children placed in a resource family home or
41 institution by a private adoption agency in New Jersey or children
42 in intermediate care facilities, including developmental centers for
43 the developmentally disabled, or in psychiatric hospitals;

44 (7) Would be eligible for the Supplemental Security Income
45 program, but is not receiving such assistance and applies for
46 medical assistance only;

47 (8) Is determined to be medically needy and meets all the
48 eligibility requirements described below:

- 1 (a) The following individuals are eligible for services, if they
2 are determined to be medically needy:
- 3 (i) Pregnant women;
- 4 (ii) Dependent children under the age of 21;
- 5 (iii) Individuals who are 65 years of age and older; and
- 6 (iv) Individuals who are blind or disabled pursuant to either 42
7 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
- 8 (b) The following income standard shall be used to determine
9 medically needy eligibility:
- 10 (i) For one person and two person households, the income
11 standard shall be the maximum allowable under federal law, but
12 shall not exceed 133 1/3% of the State's payment level to two
13 person households under the aid to families with dependent children
14 program under the State Plan for Title IV-A of the federal Social
15 Security Act in effect as of July 16, 1996; and
- 16 (ii) For households of three or more persons, the income standard
17 shall be set at 133 1/3% of the State's payment level to similar size
18 households under the aid to families with dependent children
19 program under the State Plan for Title IV-A of the federal Social
20 Security Act in effect as of July 16, 1996.
- 21 (c) The following resource standard shall be used to determine
22 medically needy eligibility:
- 23 (i) For one person households, the resource standard shall be
24 200% of the resource standard for recipients of Supplemental
25 Security Income pursuant to 42 U.S.C. s.1382(1)(B);
- 26 (ii) For two person households, the resource standard shall be
27 200% of the resource standard for recipients of Supplemental
28 Security Income pursuant to 42 U.S.C. s.1382(2)(B);
- 29 (iii) For households of three or more persons, the resource
30 standard in subparagraph (c)(ii) above shall be increased by
31 \$100.00 for each additional person; and
- 32 (iv) The resource standards established in (i), (ii), and (iii) are
33 subject to federal approval and the resource standard may be lower
34 if required by the federal Department of Health and Human
35 Services.
- 36 (d) Individuals whose income exceeds those established in
37 subparagraph (b) of paragraph (8) of this subsection may become
38 medically needy by incurring medical expenses as defined in 42
39 C.F.R.435.831(c) which will reduce their income to the applicable
40 medically needy income established in subparagraph (b) of
41 paragraph (8) of this subsection.
- 42 (e) A six-month period shall be used to determine whether an
43 individual is medically needy.
- 44 (f) Eligibility determinations for the medically needy program
45 shall be administered as follows:
- 46 (i) County welfare agencies and other entities designated by the
47 commissioner are responsible for determining and certifying the
48 eligibility of pregnant women and dependent children. The division

1 shall reimburse county welfare agencies for 100% of the reasonable
2 costs of administration which are not reimbursed by the federal
3 government for the first 12 months of this program's operation.
4 Thereafter, 75% of the administrative costs incurred by county
5 welfare agencies which are not reimbursed by the federal
6 government shall be reimbursed by the division;

7 (ii) The division is responsible for certifying the eligibility of
8 individuals who are 65 years of age and older and individuals who
9 are blind or disabled. The division may enter into contracts with
10 county welfare agencies to determine certain aspects of eligibility.
11 In such instances the division shall provide county welfare agencies
12 with all information the division may have available on the
13 individual.

14 The division shall notify all eligible recipients of the
15 Pharmaceutical Assistance to the Aged and Disabled program,
16 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the
17 medically needy program and the program's general requirements.
18 The division shall take all reasonable administrative actions to
19 ensure that Pharmaceutical Assistance to the Aged and Disabled
20 recipients, who notify the division that they may be eligible for the
21 program, have their applications processed expeditiously, at times
22 and locations convenient to the recipients; and

23 (iii) The division is responsible for certifying incurred medical
24 expenses for all eligible persons who attempt to qualify for the
25 program pursuant to subparagraph (d) of paragraph (8) of this
26 subsection;

27 (9) (a) Is a child who is at least one year of age and under 19
28 years of age and, if older than six years of age but under 19 years of
29 age, is uninsured; and

30 (b) Is a member of a family whose income does not exceed
31 133% of the poverty level and who meets the federal Medicaid
32 eligibility requirements set forth in section 9401 of Pub.L.99-509
33 (42 U.S.C. s.1396a);

34 (10) Is a pregnant woman who is determined by a provider to be
35 presumptively eligible for medical assistance based on criteria
36 established by the commissioner, pursuant to section 9407 of
37 Pub.L.99-509 (42 U.S.C. s.1396a(a));

38 (11) Is an individual 65 years of age and older, or an individual
39 who is blind or disabled pursuant to section 301 of Pub.L.92-603
40 (42 U.S.C. s.1382c), whose income does not exceed 100% of the
41 poverty level, adjusted for family size, and whose resources do not
42 exceed 100% of the resource standard used to determine medically
43 needy eligibility pursuant to paragraph (8) of this subsection;

44 (12) Is a qualified disabled and working individual pursuant to
45 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income
46 does not exceed 200% of the poverty level and whose resources do
47 not exceed 200% of the resource standard used to determine

1 eligibility under the Supplemental Security Income Program,
2 P.L.1973, c.256 (C.44:7-85 et seq.);

3 (13) Is a pregnant woman or is a child who is under one year of
4 age and is a member of a family whose income does not exceed
5 185% 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), except that a pregnant woman who is
8 determined to be a qualified applicant shall, notwithstanding any
9 change in the income of the family of which she is a member,
10 continue to be deemed a qualified applicant until the end of the 60-
11 day period beginning on the last day of her pregnancy;

12 (14) (Deleted by amendment, P.L.1997, c.272).

13 (15) (a) Is a specified low-income Medicare beneficiary pursuant
14 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January
15 1, 1993 do not exceed 200% of the resource standard used to
16 determine eligibility under the Supplemental Security Income
17 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income
18 beginning January 1, 1993 does not exceed 110% of the poverty
19 level, and beginning January 1, 1995 does not exceed 120% of the
20 poverty level.

21 (b) An individual who has, within 36 months, or within 60
22 months in the case of funds transferred into a trust, of applying to
23 be a qualified applicant for Medicaid services in a nursing facility
24 or a medical institution, or for home or community-based services
25 under section 1915(c) of the federal Social Security Act (42 U.S.C.
26 s.1396n(c)), disposed of resources or income for less than fair
27 market value shall be ineligible for assistance for nursing facility
28 services, an equivalent level of services in a medical institution, or
29 home or community-based services under section 1915(c) of the
30 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of
31 the ineligibility shall be the number of months resulting from
32 dividing the uncompensated value of the transferred resources or
33 income by the average monthly private payment rate for nursing
34 facility services in the State as determined annually by the
35 commissioner. In the case of multiple resource or income transfers,
36 the resulting penalty periods shall be imposed sequentially.
37 Application of this requirement shall be governed by 42 U.S.C.
38 s.1396p(c). In accordance with federal law, this provision is
39 effective for all transfers of resources or income made on or after
40 August 11, 1993. Notwithstanding the provisions of this subsection
41 to the contrary, the State eligibility requirements concerning
42 resource or income transfers shall not be more restrictive than those
43 enacted pursuant to 42 U.S.C. s.1396p(c).

44 (c) An individual seeking nursing facility services or home or
45 community-based services and who has a community spouse shall
46 be required to expend those resources which are not protected for
47 the needs of the community spouse in accordance with section
48 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))

1 on the costs of long-term care, burial arrangements, and any other
2 expense deemed appropriate and authorized by the commissioner.
3 An individual shall be ineligible for Medicaid services in a nursing
4 facility or for home or community-based services under section
5 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if
6 the individual expends funds in violation of this subparagraph. The
7 period of ineligibility shall be the number of months resulting from
8 dividing the uncompensated value of transferred resources and
9 income by the average monthly private payment rate for nursing
10 facility services in the State as determined by the commissioner.
11 The period of ineligibility shall begin with the month that the
12 individual would otherwise be eligible for Medicaid coverage for
13 nursing facility services or home or community-based services.

14 This subparagraph shall be operative only if all necessary
15 approvals are received from the federal government including, but
16 not limited to, approval of necessary State plan amendments and
17 approval of any waivers;

18 (16) Subject to federal approval under Title XIX of the federal
19 Social Security Act, is a dependent child, parent or specified
20 caretaker relative of a child who is a qualified applicant, who would
21 be eligible, without regard to resources, for the aid to families with
22 dependent children program under the State Plan for Title IV-A of
23 the federal Social Security Act as of July 16, 1996, except for the
24 income eligibility requirements of that program, and whose family
25 earned income,

26 (a) if a dependent child, does not exceed 133% of the poverty
27 level; and

28 (b) if a parent or specified caretaker relative, beginning
29 September 1, 2005 does not exceed 100% of the poverty level,
30 beginning September 1, 2006 does not exceed 115% of the poverty
31 level and beginning September 1, 2007 does not exceed 133% of
32 the poverty level,

33 plus such earned income disregards as shall be determined
34 according to a methodology to be established by regulation of the
35 commissioner;

36 The commissioner may increase the income eligibility limits for
37 children and parents and specified caretaker relatives, as funding
38 permits;

39 (17) Is an individual from 18 through 20 years of age who is not
40 a dependent child and would be eligible for medical assistance
41 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to
42 income or resources, who, on the individual's 18th birthday was in
43 resource family care under the care and custody of the Division of
44 **【Youth and Family Services】** Child Protection and Permanency in
45 the Department of Children and Families and whose maintenance
46 was being paid in whole or in part from public funds;

47 (18) Is a person between the ages of 16 and 65 who is
48 permanently disabled and working, and:

- 1 (a) whose income is at or below 250% of the poverty level, plus
- 2 other established disregards;
- 3 (b) who pays the premium contribution and other cost sharing as
- 4 established by the commissioner, subject to the limits and
- 5 conditions of federal law; and
- 6 (c) whose assets, resources and unearned income do not exceed
- 7 limitations as established by the commissioner;
- 8 (19) Is an uninsured individual under 65 years of age who:
- 9 (a) has been screened for breast or cervical cancer under the
- 10 federal Centers for Disease Control and Prevention breast and
- 11 cervical cancer early detection program;
- 12 (b) requires treatment for breast or cervical cancer based upon
- 13 criteria established by the commissioner;
- 14 (c) has an income that does not exceed the income standard
- 15 established by the commissioner pursuant to federal guidelines;
- 16 (d) meets all other Medicaid eligibility requirements; and
- 17 (e) in accordance with Pub.L.106-354, is determined by a
- 18 qualified entity to be presumptively eligible for medical assistance
- 19 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established
- 20 by the commissioner pursuant to section 1920B of the federal Social
- 21 Security Act (42 U.S.C. s.1396r-1b); or
- 22 (20) Subject to federal approval under Title XIX of the federal
- 23 Social Security Act, is a single adult or couple, without dependent
- 24 children, whose income in 2006 does not exceed 50% of the poverty
- 25 level, in 2007 does not exceed 75% of the poverty level and in 2008
- 26 and each year thereafter does not exceed 100% of the poverty level;
- 27 except that a person who is a recipient of Work First New Jersey
- 28 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107
- 29 et seq.), shall not be a qualified applicant.
- 30 j. "Recipient" means any qualified applicant receiving benefits
- 31 under this act.
- 32 k. "Resident" means a person who is living in the State
- 33 voluntarily with the intention of making his home here and not for a
- 34 temporary purpose. Temporary absences from the State, with
- 35 subsequent returns to the State or intent to return when the purposes
- 36 of the absences have been accomplished, do not interrupt continuity
- 37 of residence.
- 38 l. "State Medicaid Commission" means the Governor, the
- 39 Commissioner of Human Services, the President of the Senate and
- 40 the Speaker of the General Assembly, hereby constituted a
- 41 commission to approve and direct the means and method for the
- 42 payment of claims pursuant to **[this act]** P.L.1968, c.413.
- 43 m. "Third party" means any person, institution, corporation,
- 44 insurance company, group health plan as defined in section 607(1)
- 45 of the federal "Employee Retirement and Income Security Act of
- 46 1974," 29 U.S.C. s.1167(1), service benefit plan, health
- 47 maintenance organization, or other prepaid health plan, or public,
- 48 private or governmental entity who is or may be liable in contract,

1 tort, or otherwise by law or equity to pay all or part of the medical
2 cost of injury, disease or disability of an applicant for or recipient
3 of medical assistance payable under [this act] P.L.1968, c.413.

4 n. "Governmental peer grouping system" means a separate
5 class of skilled nursing and intermediate care facilities administered
6 by the State or county governments, established for the purpose of
7 screening their reported costs and setting reimbursement rates under
8 the Medicaid program that are reasonable and adequate to meet the
9 costs that must be incurred by efficiently and economically operated
10 State or county skilled nursing and intermediate care facilities.

11 o. "Comprehensive maternity or pediatric care provider" means
12 any person or public or private health care facility that is a provider
13 and that is approved by the commissioner to provide comprehensive
14 maternity care or comprehensive pediatric care as defined in
15 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
16 (C.30:4D-6).

17 p. "Poverty level" means the official poverty level based on
18 family size established and adjusted under Section 673(2) of
19 Subtitle B, the "Community Services Block Grant Act," of
20 Pub.L.97-35 (42 U.S.C. s.9902(2)).

21 q. "Eligible alien" means one of the following:

22 (1) an alien present in the United States prior to August 22,
23 1996, who is:

24 (a) a lawful permanent resident;

25 (b) a refugee pursuant to section 207 of the federal "Immigration
26 and Nationality Act" (8 U.S.C. s.1157);

27 (c) an asylee pursuant to section 208 of the federal
28 "Immigration and Nationality Act" (8 U.S.C. s.1158);

29 (d) an alien who has had deportation withheld pursuant to
30 section 243(h) of the federal "Immigration and Nationality Act" (8
31 U.S.C. s.1253 (h));

32 (e) an alien who has been granted parole for less than one year
33 by the U.S. Citizenship and Immigration Services pursuant to
34 section 212(d)(5) of the federal "Immigration and Nationality Act"
35 (8 U.S.C. s.1182(d)(5));

36 (f) an alien granted conditional entry pursuant to section
37 203(a)(7) of the federal "Immigration and Nationality Act" (8
38 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

39 (g) an alien who is honorably discharged from or on active duty
40 in the United States armed forces and the alien's spouse and
41 unmarried dependent child.

42 (2) An alien who entered the United States on or after August
43 22, 1996, who is:

44 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of
45 this subsection; or

46 (b) an alien as described in paragraph (1)(a), (e) or (f) of this
47 subsection who entered the United States at least five years ago.

1 (3) A legal alien who is a victim of domestic violence in
2 accordance with criteria specified for eligibility for public benefits
3 as provided in Title V of the federal "Illegal Immigration Reform
4 and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).
5 (cf: P.L.2006, c.47, s.159)
6

7 113. Section 7 of P.L.2007, c.58 (C.30:4D-59) is amended to
8 read as follows:

9 7. a. The Medicaid audit, program integrity, fraud and abuse
10 prevention and recovery functions, all officers and employees that
11 the Medicaid Inspector General deems qualified and substantially
12 engaged therein, and any documents and records that the Medicaid
13 Inspector General deems necessary and related to the transfer of
14 such functions and personnel, shall be transferred to the Office of
15 the Medicaid Inspector General from the Medicaid Office of
16 Program Integrity Unit and the Third Party Liability Unit in the
17 Division of Medical Assistance and Health Services, the Division of
18 Disability Services, the Division of Developmental Disabilities, the
19 Division of Mental Health and Addiction Services, the Division of
20 **【Youth and Family Services】** Child Protection and Permanency, the
21 Division of **【Child Behavioral Health Services】** Children's System
22 of Care, the Department of Health and Senior Services, and the
23 Department of the Treasury. The Medicaid Inspector General shall
24 consult with the head of each department or agency from which
25 such function is to be transferred to determine the officers and
26 employees to be transferred.

27 b. The Medicaid Inspector General shall have general
28 managerial control over the office and shall establish the
29 organizational structure of the office as the Medicaid Inspector
30 General deems appropriate to carry out the responsibilities and
31 functions of the office. Within the limits of funds appropriated
32 therefor, the Medicaid Inspector General may hire such employees
33 in the unclassified service as are necessary to administer the office.
34 These employees shall serve at the pleasure of the Medicaid
35 Inspector General. Subject to the availability of appropriations, the
36 Medicaid Inspector General may obtain the services of certified
37 public accountants, qualified management consultants, professional
38 auditors, or other professionals necessary to independently perform
39 the functions of the office.

40 (cf: P.L.2007, c.58, s.7)
41

42 114. Section 10 of P.L.1985, c.307 (C.30:4G-10) is amended to
43 read as follows:

44 10. a. There is established in the department an Advisory
45 Council on Personal Attendant Services which consists of 19
46 members as follows: the Commissioner of Health and Senior
47 Services, the Director of the Division of **【Youth and Family**
48 **Services】** Child Protection and Permanency in the Department of

1 Children and Families, the Director of the Division of
2 Developmental Disabilities, and the Director of the Division of
3 Medical Assistance and Health Services in the Department of
4 Human Services, the Director of the Division of Veterans' Services
5 in the Department of Military and Veterans' Affairs, and the
6 Director of the Division of Vocational Rehabilitation Services in
7 the Department of Labor and Workforce Development, or their
8 designees, who shall serve ex officio, and 13 members appointed by
9 the commissioner who are residents of this State, one of whom is a
10 member of the New Jersey Association of County Representatives
11 of Disabled Persons, four of whom represent providers of personal
12 attendant services, five of whom represent consumers of personal
13 attendant services and three of whom represent advocacy groups or
14 agencies for the physically disabled.

15 A vacancy in the membership of the council shall be filled in the
16 same manner as the original appointment.

17 The members of the council shall serve without compensation,
18 but the department shall reimburse the members for the reasonable
19 expenses incurred in the performance of their duties.

20 b. The council shall hold an organizational meeting within 30
21 days after the appointment of its members. The members of the
22 council shall elect from among them a chairman, who shall be the
23 chief executive officer of the council and the members shall elect a
24 secretary, who need not be a member of the council.

25 c. The council shall:

26 (1) Advise the commissioner on matters pertaining to personal
27 attendant services and the development of the personal attendant
28 program, upon the request of the commissioner;

29 (2) Review the rules and regulations promulgated for the
30 implementation of the personal attendant program and make
31 recommendations to the commissioner, as appropriate;

32 (3) Evaluate the effectiveness of the personal attendant program
33 in achieving the purposes of this act; and

34 (4) Assess the Statewide need for personal attendant services
35 and the projected cost for providing these services Statewide.

36 (cf: P.L.2006, c.47, s.160)

37

38 115. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to
39 read as follows:

40 1. As used in **[this act]** P.L.1997, c.254 (C.30:5B-6.1 et seq.):

41 "Department" means the Department of Children and Families.

42 "Division" means the Division of **[Youth and Family Services]**
43 Child Protection and Permanency in the Department of Children
44 and Families.

45 "Staff member" means any owner, sponsor, director, or person
46 employed by or working at a child care center on a regularly
47 scheduled basis during the center's operating hours, including full-

1 time, part-time, voluntary, contract, consulting, and substitute staff,
2 whether compensated or not.

3 "Child care center" or **["Center"]** "center" means any facility
4 which is maintained for the care, development or supervision of six
5 or more children under 13 years of age who attend the facility for
6 less than 24 hours a day, and which is subject to State licensure or
7 life-safety approval, pursuant to the provisions of the "Child Care
8 Licensing Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .
9 (cf: P.L.2006, c.47, s.163)

10

11 116. Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is amended to
12 read as follows:

13 1. As used in sections 1 through 7 and 9 through 12 of
14 P.L.2000, c.77 (C.30:5B-6.10 et seq.):

15 "Child care center" or "center" means any facility which is
16 maintained for the care, development, or supervision of six or more
17 children under 13 years of age who attend the facility for less than
18 24 hours a day, and which is subject to State licensure or life-safety
19 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

20 "Department" means the Department of Children and Families.

21 "Division" means the Division of **["Youth and Family Services"]**
22 Child Protection and Permanency in the Department of Children
23 and Families.

24 "Staff member" means a person 18 years of age or older who
25 owns, sponsors, or directs a child care center, or who is employed
26 by or works in a child care center on a regularly scheduled basis
27 during the center's operating hours, including full-time, part-time,
28 voluntary, contract, consulting, and substitute staff, whether
29 compensated or not.

30 (cf: P.L.2006, c.47, s.164)

31

32 117. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to
33 read as follows:

34 14. a. The Director of the Division of Family Development in
35 the Department of Human Services, a designee of the
36 Commissioner of Children and Families, and the Director of the
37 **["Division"]** Office on Women in the Department of **["Community**
38 **Affairs"]** Children and Families shall establish a Child Care
39 Advisory Council which shall consist of at least 15 individuals who
40 have experience, training, or other interests in child care issues. To
41 the extent possible, the directors shall designate members of
42 existing councils or task forces heretofore established on child care
43 in New Jersey as the advisory council.

44 b. The advisory council shall:

45 (1) Review rules and regulations or proposed revisions to
46 existing rules and regulations governing the licensing of child care
47 centers;

1 (2) Review proposed statutory amendments governing the
2 licensing of child care centers and make recommendations to the
3 commissioner;

4 (3) Advise the commissioner on the administration of the
5 licensing responsibilities under this act;

6 (4) Advise the Commissioners of Human Services **[,] and**
7 **Children and Families[, and Community Affairs]** and other
8 appropriate units of State government on the needs, priorities,
9 programs, and policies relating to child care throughout the State;

10 (5) Study and recommend alternative resources for child care;
11 and

12 (6) Facilitate employer supported child care through information
13 and technical assistance.

14 c. The advisory council may accept from any governmental
15 department or agency, public or private body, or any other source
16 grants or contributions to be used in carrying out its responsibilities
17 under **[this act] P.L.1983, c.492 (C.30:5B-1 et seq.)**.

18 (cf: P.L.2006, c.47, s.165)

19
20 118. Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is amended to
21 read as follows:

22 2. As used in sections 1 through 4 of P.L.1993, c.350
23 (C.30:5B-25.1 through C.30:5B-25.4):

24 "Child abuse registry" means the child abuse registry of the
25 Division of **[Youth and Family Services] Child Protection and**
26 **Permanency** in the Department of Children and Families established
27 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11).

28 "Provider" means a family day care provider as defined by
29 section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not
30 limited to, a family day care provider's assistant and a substitute
31 family day care provider.

32 "Family day care sponsoring organization" means an agency or
33 organization which contracts with the Department of Human
34 Services to assist in the registration of family day care providers in
35 a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16
36 et seq.).

37 "Household member" means an individual over 14 years of age
38 who resides in a family day care provider's home.

39 (cf: P.L.2006, c.47, s.168)

40
41 119. Section 3 of P.L.1993, c.350, (C.30:5B-25.3) is amended to
42 read as follows:

43 3. a. The Division of **[Youth and Family Services] Child**
44 **Protection and Permanency** in the Department of Children and
45 Families shall conduct a search of its child abuse registry to
46 determine if a report of child abuse or neglect has been filed,
47 pursuant to section 3 of P.L.1971, c.437 (C.9:6-8.10), involving a
48 person registering as a prospective provider or a household member

1 of the prospective provider or as a current provider or household
2 member of the current provider.

3 b. The division shall conduct the search only upon receipt of
4 the prospective or current provider or household member's written
5 consent to the search. If the person refuses to provide his consent,
6 the family day care sponsoring organization shall deny the
7 prospective or current provider's application for a certificate or
8 renewal of registration.

9 c. The division shall advise the sponsoring organization of the
10 results of the child abuse registry search within a time period to be
11 determined by the Department of Children and Families.

12 d. The department shall not issue a certificate or renewal of
13 registration to a prospective or current provider unless the
14 department has first determined that no substantiated charge of
15 child abuse or neglect against the prospective or current provider or
16 household member is found during the child abuse registry search.

17 (cf: P.L.2006, c.47, s.169)

18

19 120. Section 3 of P.L.1987, c.215 (C.30:5B-28) is amended to
20 read as follows:

21 3. The Commissioner of Human Services, in consultation with
22 the Commissioner of Education and the Advisory Council on Child
23 Care established pursuant to section 14 of P.L.1983, c.492 (C.
24 30:5B-14) and the **【Division】 Office** on Women in the Department
25 of **【Community Affairs** established pursuant to P.L. 1974, c. 87 (C.
26 52:27D-43.8 et seq.) **】 Children and Families**, shall establish criteria
27 for assessing the suitability of grant applicants. Each applicant for
28 a grant under this act shall:

29 a. Describe the need for and type of child care services to be
30 furnished;

31 b. Provide assurances that the applicant has knowledge of and
32 experience in the special nature of child care services for school-age
33 children;

34 c. Provide assurances that each person to be employed by the
35 applicant for child care has appropriate experience and character
36 including a criminal history records check of the files of the State
37 Bureau of Identification and the Federal Bureau of Investigation,
38 Identification Division;

39 d. Provide evidence that the applicant will be afforded use of
40 an appropriate school facility or another appropriate location as
41 approved by the commissioner, which may be a child care center
42 licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.);

43 e. Provide assurances that the program will be in conformity
44 with all appropriate statutes, regulations, ordinances, and such
45 programs as shall be developed for the program created by **【this**
46 **act】** P.L.1987, c.215 (C.30:5B-26 et seq.);

f. Provide a tentative budget for the program, including a proposed sliding-fee schedule which should reflect a family's capacity to pay;

g. Provide assurances that the parents of school-age children will be involved in the development and implementation of the child care program; and

h. Provide such other assurances and information as the commissioner shall reasonably require to carry out the provisions of **【this act】** P.L.1987, c.215.

(cf: P.L.1987, c.215, s.3)

121. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to read as follows:

2. a. A unified child care agency contracted with the Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall request that the Division of **【Youth and Family Services】** Child Protection and Permanency in the Department of Children and Families conduct a child abuse record information check of the division's child abuse records, as promptly as possible, to determine if an incident of child abuse or neglect has been substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), against:

(1) a prospective approved home provider as defined in N.J.A.C.10:15-1.2 providing child care services under the "New Jersey Cares for Kids Program" established pursuant to N.J.A.C.10:15-5.1, or to a child whose parent is receiving assistance under the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but continues to receive supportive services pursuant to the provisions of section 5 of P.L.1997, c.13 (C.44:10-38); or

(2) any adult member of the prospective provider's household.

b. The division shall conduct the child abuse record information check only upon receipt of the prospective approved home provider's or any adult household member's written consent to the check. If the person refuses to provide his consent, the unified child care agency shall deny the prospective approved home provider's application to provide child care services.

c. If the division determines that an incident of child abuse or neglect by the prospective approved home provider or any adult member of the household has been substantiated, the division shall release the results of the child abuse record information check to the unified child care agency pursuant to subsection g. of section 1 of P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the prospective approved home provider's application to provide child care services.

d. Before denying the prospective approved home provider's application to provide child care services, the unified child care agency shall give notice personally or by certified or registered mail to the last known address of the prospective approved home

1 provider with return receipt requested, of the reasons why the
2 application will be denied. The notice shall afford the prospective
3 approved home provider the opportunity to be heard and to contest
4 the agency's action. The hearing shall be conducted in accordance
5 with the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.).

7 e. If a prospective approved home provider's application to
8 provide child care services is denied, the unified child care agency
9 shall notify the parent of the child who would be eligible to receive
10 such services, personally and in writing, of the reasons why the
11 application was denied and the parent's right to select another
12 provider. The parent shall keep such information confidential and
13 shall not disclose the information except as authorized by law.

14 (cf: P.L.2006, c.47, s.171)
15

16 122. Section 2 of P.L.1995, c.321 (C.30:9A-19) is amended to
17 read as follows:

18 2. a. A person shall not conduct, maintain or operate a mental
19 health program unless: (1) the commissioner or the Commissioner
20 of Children and Families, as applicable, has issued a license to that
21 person, in accordance with rules and regulations adopted by the
22 commissioner or the Commissioner of Children and Families, as
23 applicable, which prescribe standards for the provision of services
24 by a mental health program; and (2) that person has a purchase of
25 service contract or an affiliation agreement with the Division of
26 Mental Health and Addiction Services in the Department of Human
27 Services or the Department of Children and Families, including, but
28 not limited to, the Division of **【Child Behavioral Health Services】**
29 Children's System of Care, 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: 2006, c.47, s.172)
39

40 123. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to
41 read as follows:

42 2. "Community residence for the developmentally disabled"
43 means any community residential facility housing up to 16 persons
44 with developmental disabilities, which provides food, shelter, and
45 personal guidance for persons with developmental disabilities who
46 require assistance, temporarily or permanently, in order to live
47 independently in the community. Such residences shall not be
48 considered health care facilities within the meaning of the "Health

1 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)
2 and shall include, but not be limited to, group homes, halfway
3 houses, supervised apartment living arrangements and hostels.

4 "Community residence for the mentally ill" means any
5 community residential facility which provides food, shelter, and
6 personal guidance, under such supervision as required, to not more
7 than 15 persons with mental illness who require assistance
8 temporarily or permanently, in order to live independently in the
9 community. These residences shall be approved for a purchase of
10 service contract or an affiliation agreement pursuant to procedures
11 established by the Division of Mental Health and Addiction
12 Services in the Department of Human Services or the Division of
13 **【Child Behavioral Health Services】** Children's System of Care in
14 the Department of Children and Families, as applicable. These
15 residences shall not house persons who have been assigned to a
16 State psychiatric hospital after having been found not guilty of a
17 criminal offense by reason of insanity or unfit to be tried on a
18 criminal charge. These residences shall not be considered health
19 care facilities within the meaning of the "Health Care Facilities
20 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall
21 include, but not be limited to, group homes, halfway houses,
22 supervised apartment living arrangements, family care homes, and
23 hostels.

24 "Community residence for persons with head injuries" means a
25 community residential facility providing food, shelter, and personal
26 guidance, under such supervision as required, to not more than 15
27 persons with head injuries, who require assistance, temporarily or
28 permanently, in order to live in the community, and shall include,
29 but not be limited to: group homes, halfway houses, supervised
30 apartment living arrangements, and hostels. Such a residence shall
31 not be considered a health care facility within the meaning of the
32 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1
33 et seq.).

34 "Developmental disability" or "developmentally disabled" means
35 a severe, chronic disability of a person which: a. is attributable to a
36 mental or physical impairment or combination of mental or physical
37 impairments; b. is manifest before age 22; c. is likely to continue
38 indefinitely; d. results in substantial functional limitations in three
39 or more of the following areas of major life activity, that is, self-
40 care, receptive and expressive language, learning, mobility, self-
41 direction and capacity for independent living, or economic self-
42 sufficiency; and e. reflects the need for a combination and sequence
43 of special interdisciplinary or generic care, treatment or other
44 services which are of lifelong or extended duration and are
45 individually planned and coordinated. Developmental disability
46 includes, but is not limited to, severe disabilities attributable to an
47 intellectual disability, autism, cerebral palsy, epilepsy, spina bifida,

1 and other neurological impairments where the above criteria are
2 met.

3 "Mentally ill" or "mental illness" means any psychiatric disorder
4 which has required an individual to receive either inpatient
5 psychiatric care or outpatient psychiatric care on an extended basis.

6 "Person with head injury" means a person who has sustained an
7 injury, illness, or traumatic changes to the skull, the brain contents
8 or its coverings which results in a temporary or permanent
9 physiobiological decrease of cognitive, behavioral, social, or
10 physical functioning which causes partial or total disability.

11 (cf: P.L.2010, c.50, s.60)

12

13 124. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is amended
14 to read as follows:

15 10. a. Within six months of the effective date of **[this act]**
16 P.L.1987, c.112, the Director of the Division of Mental Health and
17 Addiction Services in the Department of Human Services or the
18 Division of **[Child Behavioral Health Services]** Children's System
19 of Care in the Department of Children and Families, as applicable,
20 shall develop program standards which include criteria for
21 educational and professional experience of employees of a
22 community residence for the mentally ill and staffing ratios
23 appropriate to the needs of the residents of the community
24 residences for the mentally ill.

25 b. Within six months after the effective date of P.L.1993,
26 c.329, the Commissioner of Human Services or the Commissioner
27 of Children and Families, as applicable, shall develop program
28 standards which include criteria for educational and professional
29 experience of employees of a community residence for persons with
30 head injuries and staffing ratios appropriate to the needs of the
31 residents of these community residences.

32 (cf: P.L.2006, c.47, s.179)

33

34 125. Section 4 of P.L.1979, c.337 (C.30:14-4) is amended to
35 read as follows:

36 4. a. There is created an Advisory Council on Domestic
37 Violence which shall consist of 20 members: the Director of the
38 **[Division]** Office on Women in the Department **[of Community**
39 **Affairs]** Children and Families, the Director of the Division of
40 **[Youth and Family Services]** Child Protection and Permanency in
41 the Department of Children and Families and the Director of the
42 Division of Family Development in the Department of Human
43 Services, the Director of the Administrative Office of the Courts,
44 the Commissioner of the Department of Education, the
45 Commissioner of Labor and Workforce Development, the Attorney
46 General, or their designees, and one representative of Legal
47 Services of New Jersey, one former domestic violence shelter
48 resident, one representative of the Police Chiefs Association, one

1 representative of the County Prosecutors Association, one
 2 representative of the New Jersey State Nurses Association, one
 3 representative of the Mental Health Association in New Jersey, one
 4 representative of the New Jersey Crime Prevention Officers
 5 Association, one representative of the New Jersey Hospital
 6 Association, one representative of the Violent Crimes
 7 Compensation Board, and four representatives of the New Jersey
 8 Coalition for Battered Women to be appointed by the Governor.

9 b. The advisory council shall:

10 (1) Monitor the effectiveness of the laws concerning domestic
 11 violence and make recommendations for their improvement;

12 (2) Review proposed legislation governing domestic violence
 13 and make recommendations to the Governor and the Legislature;

14 (3) Study the needs, priorities, programs, and policies relating to
 15 domestic violence throughout the State; and

16 (4) Ensure that all service providers and citizens are aware of
 17 the needs of and services available to victims of domestic violence
 18 and make recommendations for community education and training
 19 programs.

20 c. The advisory council shall periodically advise the Director
 21 of the Division of **【Youth and Family Services】** Child Protection
 22 and Permanency in the Department of Children and Families and
 23 the Director of the **【Division】** Office on Women in the Department
 24 of **【Community Affairs】** Children and Families on its activities,
 25 findings, and recommendations.

26 (cf: P.L.2006, c.47, s.181)

27
 28 126. Section 3 of P.L.2001, c.195 (C.30:14-15) is amended to
 29 read as follows:

30 3. a. There is hereby established the "Domestic Violence
 31 Victims' Fund," a dedicated fund within the General Fund and
 32 administered by the Division of **【Youth and Family Services】** Child
 33 Protection and Permanency in the Department of Children and
 34 Families. The fund shall be the depository of moneys realized from
 35 the civil penalty imposed pursuant to section 1 of P.L.2001, c.195
 36 (C.2C:25-29.1) and any other moneys made available for the
 37 purposes of the fund.

38 b. All moneys deposited in the "Domestic Violence Victims'
 39 Fund" shall be used for direct services to victims of domestic
 40 violence, including, but not limited to, shelter services, legal
 41 advocacy services, and legal assistance services, and for related
 42 administrative costs of the Division of **【Youth and Family**
 43 **Services】** Child Protection and Permanency.

44 (cf: P.L.2006, c.47, s.182)

45
 46 127. Section 1 of P.L.1999, c.223 (C.34:15C-21) is amended to
 47 read as follows:

1 1. a. There is created, in the New Jersey State Employment
2 and Training Commission, a council which shall be known as the
3 Council on Gender Parity in Labor and Education.

4 b. The council shall consist of ~~17~~ 16 members who are
5 individuals with experience in the fields of labor, education,
6 training, or gender equity. The ~~17~~ 16 members shall include: six
7 members appointed by the Director of the ~~Division~~ Office on
8 Women; six members appointed by the Executive Director of the
9 State Employment and Training Commission; and ~~five~~ four
10 members who shall serve ex officio, one of whom shall be
11 appointed by the Commissioner of ~~Community Affairs~~ Children
12 and Families, one by the Commissioner of Education, one by the
13 Commissioner of Human Services, ~~one by the Commissioner of~~
14 ~~Labor and Workforce Development~~ and one by the Executive
15 Director of the Commission on Higher Education. Not more than
16 half of the members appointed by the Director of the ~~Division~~
17 Office on Women and not more than half of the members appointed
18 by the Executive Director of the State Employment and Training
19 Commission shall be of the same political party. The members
20 appointed by the director and executive director shall serve for
21 terms of three years, except that of the eight members first
22 appointed by the director and the executive director, four shall be
23 appointed for three years, two shall be appointed for two years, and
24 two shall be appointed for one year. Each member shall hold office
25 for the term of appointment and until his successor is appointed and
26 qualified. A member appointed to fill a vacancy occurring in the
27 membership of the council for any reason other than the expiration
28 of the term shall have a term of appointment for the unexpired term
29 only. Vacancies shall be filled in the same manner as the original
30 appointment. A member may be appointed for any number of
31 successive terms. Any member appointed by the director or the
32 executive director may be removed from the council by the director
33 or the executive director, as the case may be, for cause, after a
34 hearing and may be suspended by the director or the executive
35 director pending the completion of the hearing.

36 c. Members of the council shall serve without compensation,
37 but may be reimbursed for necessary expenses incurred in the
38 performance of their duties as members. Action may be taken and
39 motions and resolutions may be adopted by the council at a council
40 meeting by an affirmative vote of a majority of the members. The
41 council shall elect from its members a chairperson who shall be a
42 nongovernmental member of the council. Advanced notification
43 for, and copies of the minutes of, each meeting of the council shall
44 be filed with the Governor, the President of the Senate, and the
45 Speaker of the General Assembly.

46 (cf: P.L.2005, c.354, s.19)

1 128. Section 2 of P.L.1999, c.223 (C.34:15C-22) is amended to
2 read as follows:

3 2. The Council shall:

4 a. Assess the effectiveness of State programs designed to
5 provide gender equity in labor, education, and training;

6 b. Make recommendations to the Commissioners of the
7 **【Departments of Community Affairs】** Children and Families,
8 Education, Human Services, and Labor and Workforce
9 Development, and the Secretary of Higher Education regarding the
10 needs, priorities, programs, and policies related to access and equity
11 for labor, education, and workforce training throughout the State;

12 c. Review current and proposed legislation and regulations
13 pertaining to gender equity in labor, education, and workforce
14 training and make recommendations regarding possible legislation
15 and regulations to the State Employment and Training Commission
16 and the **【Division】** Office on Women;

17 d. Develop policies to insure that State agencies set
18 benchmarks and integrate their data collection systems to assess
19 progress toward achieving gender equity and take action to insure
20 that appropriate data collection systems exist where needed;

21 e. Develop policies to promote linkages among individuals,
22 schools, organizations, and public agencies providing gender equity
23 services and programs;

24 f. Educate and provide information to the public on the issues
25 and current developments in gender equity by issuing reports and
26 holding events such as conferences and symposia;

27 g. Submit an annual report to the Governor, the Legislature, the
28 State Employment and Training Commission, and the **【Division】**
29 Office on Women of its assessments and recommendations made
30 pursuant to this section;

31 h. Conduct studies and promote research, as practicable, to
32 develop the means to correct gender inequitable practices, including
33 practices leading to pay disparities between men and women and
34 publish and otherwise make available to employers, labor
35 organizations, professional associations, educational institutions,
36 the media, and the general public the findings resulting from these
37 studies and other materials;

38 i. Develop and make available information, as practicable,
39 regarding best practices for workplace gender equity to enable
40 employers to evaluate job categories based on objective criteria,
41 such as educational requirements, skill requirements, independence,
42 working conditions, and responsibility; and

43 j. Establish a Statewide recognition of exceptional practices, as
44 practicable, to promote gender equity in the workplace to be
45 presented to a workplace, as shall be defined by the Council, that, at
46 a minimum, has demonstrated it has made a substantial effort to
47 eliminate pay disparities between men and women, and thus
48 deserves special recognition, in addition to any other requirements

1 and specifications the Council deems appropriate in the
2 determination of the workplace to be recognized.

3 (cf: P.L.2011, c.186, s.1)

4
5 129. Section 2 of P.L.2007, c.319, s.2 (C.38A:3-39) is amended
6 to read as follows:

7 2. The commission shall consist of 15 members who are New
8 Jersey residents. The Governor shall appoint 12 members and of
9 the 12 appointed, nine shall be women. There shall be appointed
10 one representative from each of the following branches of military
11 service who may also be affiliated with an organization named
12 below: the Army; the Air Force; the Coast Guard[,]; the Marines;
13 and the Navy. There shall also be appointed by the Governor, one
14 representative from the Veterans of Foreign Wars, one
15 representative from the American Legion, one representative from
16 the Disabled American Veterans, one representative from the
17 American Veterans, one representative from the New Jersey Army
18 National Guard, one representative from the New Jersey Air
19 National Guard[;] , and one representative from the Military Order
20 of the Purple Heart. The Commissioner of [the Department of]
21 Military and Veterans' Affairs, the Commissioner of [the
22 Department of] Labor and Workforce Development, and the
23 Director of the [Division] Office on Women in the Department of
24 [Community Affairs] Children and Families, or their respective
25 designees, shall serve as ex-officio members.

26 The public members shall serve for terms of three years and until
27 the appointment and qualification of their successors, except that of
28 the initial appointment of public members, four shall be appointed
29 for a term of three years, four shall be appointed for a term of two
30 years, and four shall be appointed for a term of one year.

31 If any public member discontinues affiliation with the respective
32 veterans' organization, the member shall immediately resign
33 membership with the commission.

34 Any vacancy in the membership of the commission shall be
35 filled in the same manner as the original appointments are made.

36 (cf: P.L.2007, c.319, s.2)

37
38 130. Section 35 of P.L.1979, c.496 (C.44:7-93) is amended to
39 read as follows:

40 35. a. As used in this section, "eligible resident" means a
41 resident of a residential health care facility, rooming house, or
42 boarding house who is: eligible to receive services under the latest
43 New Jersey Comprehensive Annual Services Program Plan for the
44 use of funds appropriated under Title XX of the Federal Social
45 Security Act; an "eligible person" under the act to which this act is
46 a supplement; an otherwise aged, blind, or disabled person; or a

1 resident designated to be eligible by the Commissioner of Human
2 Services.

3 b. County welfare boards shall provide services to eligible
4 residents of residential health care facilities, rooming houses, and
5 boarding houses which shall include, but not be limited to, the
6 following:

7 (1) Investigation and evaluation of reports of abuse or
8 exploitation, as defined in section 36 hereunder, or of threats of
9 such abuse or exploitation of eligible residents, at the direction of
10 the Commissioner of Human Services;

11 (2) Visits to all such facilities having eligible residents, at
12 regularly scheduled intervals to assess the needs of such residents,
13 determine whether they are receiving needed services and
14 appropriate levels of care, and to provide such services where
15 appropriate;

16 (3) Provision of information to eligible residents concerning
17 social service, welfare, mental health, home health, and medical
18 assistance programs available to them; referral of eligible residents
19 to State, county, and local agencies and organizations for any
20 [such] services which county welfare boards cannot provide; and
21 follow up to such referrals to determine whether such services are
22 being provided;

23 (4) Reporting of any suspected violations of the provisions of
24 this act and of any complaints received concerning services and
25 conditions in such facilities to the commissioner and to appropriate
26 State and local agencies for remedial action; and

27 (5) Provision of information to eligible residents whose
28 continued residence in such facilities may be injurious or dangerous
29 to their health concerning alternative housing and living
30 arrangements available to them.

31 County welfare boards shall coordinate all services provided
32 under this subsection with services provided to eligible residents by
33 the State Divisions of Mental Health and Addiction Services and
34 Developmental Disabilities in the Department of Human Services
35 and Division of [Youth and Family Services] Child Protection and
36 Permanency in the Department of Children and Families, charitable
37 institutions, and other State and local agencies and service
38 providers.

39 c. In order to fulfill their responsibilities under subsection b.
40 above, county welfare boards shall be entitled to receive full and
41 free access to residential health care facilities, rooming houses, and
42 boarding houses by the owners and operators of [such] the
43 facilities, and to receive cooperation and assistance from State and
44 local law enforcement officials as needed.

45 d. The Commissioner of Human Services shall:

46 (1) Promulgate all necessary regulations to implement the
47 provisions of this section;

1 (2) Maintain a central file of all complaints received concerning
 2 suspected violations of the provisions of this act and concerning
 3 services and conditions at residential health care facilities, rooming
 4 houses, and boarding houses and shall maintain a record of the State
 5 and local agencies to which complaints have been referred by
 6 county welfare boards; refer any [such] complaints received by the
 7 commissioner to State and local agencies for remedial action as
 8 necessary; and follow up all complaints to determine whether
 9 [such] remedial action has been taken;

10 (3) Provide such training and educational programs to the
 11 operators of such facilities as will enable them to appropriately
 12 respond to the needs of their residents;

13 (4) Designate agencies to:

14 (a) Identify those residential health care facilities, rooming
 15 houses, and boarding houses in which substantial numbers of
 16 persons reside who are in need of mental health or developmental
 17 disabilities services;

18 (b) Receive referrals and be responsible for the provision of
 19 mental health or developmental disability services, or both;

20 (c) Report any apparent violation of this act to the appropriate
 21 State and local officials and authorities;

22 (d) Coordinate their efforts with county welfare boards,
 23 charitable institutions, the State Divisions of Mental Health and
 24 Addiction Services and Developmental Disabilities in the
 25 Department of Human Services, and Division of [Youth and Family
 26 Services] Child Protection and Permanency in the Department of
 27 Children and Families, and other State and local entities and service
 28 providers;

29 (5) Periodically monitor and evaluate services provided to
 30 eligible residents by county welfare boards and community agencies
 31 serving persons with mental illness or developmental disabilities;

32 (6) Issue a report to the Legislature's Standing Reference
 33 Committees on Health, Human Services and Senior Citizens
 34 concerning the implementation of this section, [1] one year
 35 following the effective date of this act.

36 e. Any person who submits or reports a complaint concerning a
 37 suspected violation of the provisions of this act or concerning
 38 services and conditions in residential health care facilities, rooming
 39 houses, and boarding houses, or who testifies in any administrative
 40 or judicial proceeding arising from [such] a complaint, shall have
 41 immunity from any civil or criminal liability on account of such
 42 complaint, unless such person has acted in bad faith or with
 43 malicious purpose.

44 (cf: P.L.2010, c.50, s.75)

45

46 131. Section 10 of P.L.1991, c.134 (C.45:15BB-10) is amended
 47 to read as follows:

1 10. There is created within the Division of Consumer Affairs in
2 the Department of Law and Public Safety, the State Board of Social
3 Work Examiners. The board shall consist of ~~【nine】~~ 10 members
4 who are residents of the State, two of whom shall be public
5 members appointed pursuant to the provisions of subsection b. of
6 section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of whom shall be
7 the Commissioner of Human Services, or ~~【his】~~ the commissioner's
8 designee, and one of whom shall be the Commissioner of Children
9 and Families, or the commissioner's designee, the latter two
10 appointed in fulfillment of the requirement of subsection c. of that
11 section. Of the six remaining members, three shall have been
12 actively engaged in the practice of social work for at least five years
13 immediately preceding their appointment, and, except for the
14 members first appointed, one shall be a licensed clinical social
15 worker, one shall be a licensed social worker, and one shall be a
16 certified social worker pursuant to this act. Of the three remaining
17 members, two shall be social work educators, one of whom shall
18 represent a baccalaureate level program and one of whom shall
19 represent a master's level program; and one shall be a social worker
20 with a doctorate level degree, and, all of whom, except for the
21 members first appointed, shall be licensed or certified pursuant to
22 this act.

23 The Governor shall appoint each member, other than the State
24 executive department member, for terms of three years, except that
25 of the social worker members first appointed, two shall serve for a
26 term of three years, two shall serve for terms of two years and two
27 shall serve for terms of one year. Any vacancy in the membership
28 shall be filled for the unexpired term in the manner provided by the
29 original appointment. No member of the board may serve more
30 than two successive terms in addition to any unexpired term to
31 which he has been appointed. The Governor may remove any
32 member of the board, other than the State executive department
33 member, for cause.

34 (cf: P.L.1991, c.134, s.10)

35
36 132. Section 3 of P.L.2001, c.81 (C.52:4B-51) is amended to
37 read as follows:

38 3. The Attorney General shall establish a Statewide Sexual
39 Assault Nurse Examiner program in the Department of Law and
40 Public Safety.

41 Upon implementation of the certification process for a forensic
42 sexual assault nurse examiner pursuant to section 5 of ~~【this act】~~
43 P.L.2001, c.81 (C.52:4B-53), the county prosecutor in each county
44 shall appoint or designate a certified forensic sexual assault nurse
45 examiner to serve as program coordinator for the program in the
46 county in accordance with the provisions of this section.

47 a. The county prosecutor may appoint an employee of the
48 prosecutor's office who is a certified forensic sexual assault nurse

1 examiner to serve as program coordinator to administer the program
2 in that county.

3 b. In a county where the county prosecutor does not appoint an
4 employee of his office to serve as program coordinator, the county
5 prosecutor shall designate a certified forensic sexual assault nurse
6 examiner who is an employee of a licensed health care facility or a
7 county rape care program that is designated by the **【Division】**
8 Office on Women in the Department of **【Community Affairs】**
9 Children and Families to serve as the program coordinator. A
10 person designated as a program coordinator pursuant to this
11 subsection shall not be deemed an employee of the county
12 prosecutor's office.

13 (cf: P.L.2001, c.81, s.3)

14
15 133. Section 6 of P.L.2001, c.81 (C.52:4B-54) is amended to
16 read as follows:

17 6. a. The county prosecutor's office in each county shall
18 establish a Sexual Assault Response Team or shall enter into a
19 collaborative agreement with another county to share the services of
20 that county's response team. The response team shall be comprised
21 of: a certified forensic sexual assault nurse examiner, a rape care
22 advocate from the county program established, or designated by the
23 **【Division】** Office on Women in the Department of **【Community**
24 **Affairs】** Children and Families, as provided under section 3 of
25 P.L.2001, c.81 (C.52:4B-51), and a law enforcement official. The
26 response team shall:

27 (1) respond to a report of sexual assault at the request of a
28 victim of sexual assault pursuant to guidelines established by the
29 Attorney General pursuant to section 17 of **【this act】** P.L.2001,
30 c.81 (C.52:4B-60); and

31 (2) provide treatment, counseling, legal, and forensic medical
32 services to a victim of sexual assault in accordance with the
33 standard protocols developed by the Attorney General pursuant to
34 subsection d. of section 6 of P.L.1985, c.404 (C.52:4B-44).

35 b. Each member of the response team shall complete the
36 standardized education and training program developed by the
37 program coordinator pursuant to subsection e. of section 4 of **【this**
38 **act】** P.L.2001, c.81 (C.52:4B-52).

39 (cf: P.L.2001, c.81, s.6)

40
41 134. Section 7 of P.L.2001, c.81 (C.52:4B-55) is amended to
42 read as follows:

43 7. a. The Attorney General shall establish a Sexual Assault
44 Nurse Examiner Program Coordinating Council comprised of: the
45 Attorney General, the Director of the **【Division】** Office on Women,
46 the Chief of the Office of Victim-Witness Advocacy, the Executive
47 Director of the New Jersey Coalition Against Sexual Assault, and

1 the Executive Director of the New Jersey Board of Nursing, or their
2 respective designees; a representative from the New Jersey County
3 Prosecutor's Association; and the program coordinators appointed
4 or designated pursuant to section 3 of **[this act]** P.L.2001, c.81
5 (C.52:4B-51).

6 The Attorney General, through the sexual assault unit established
7 pursuant to section 8 of P.L.2001, c.81 (C.52:4B-56), and in
8 consultation with the coordinating council, shall oversee the
9 Statewide Sexual Assault Nurse Examiner program and identify and
10 obtain any State and federal funding available to supplement the
11 funds appropriated to operate the program.

12 b. The coordinating council shall review the effectiveness of
13 the services provided by the State to victims of sexual assault and
14 make recommendations to the Attorney General for any needed
15 changes in the standards, regulations or State policy concerning the
16 provision of victim services.

17 (cf: P.L.2001, c.81, s.7)

18
19 135. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
20 read as follows:

21 2. As used in **[this act]** P.L.1961, c.49 (C.52:14-17.26 et seq.):

22 (a) The term "State" means the State of New Jersey.

23 (b) The term "commission" means the State Health Benefits
24 Commission, created by section 3 of **[this act]** P.L.1961, c.49
25 (C.52:14-17.27).

26 (c) (1) The term "employee" means an appointive or elective
27 officer, a full-time employee of the State of New Jersey, or a full-
28 time employee of an employer other than the State who appears on
29 a regular payroll and receives a salary or wages for an average of
30 the number of hours per week as prescribed by the governing body
31 of the participating employer which number of hours worked shall
32 be considered full-time, determined by resolution, and not less than
33 20.

34 (2) After the effective date of P.L.2010, c.2, the term
35 "employee" means (i) a full-time appointive or elective officer
36 whose hours of work are fixed at 35 or more per week, a full-time
37 employee of the State, or a full-time employee of an employer other
38 than the State who appears on a regular payroll and receives a
39 salary or wages for an average of the number of hours per week as
40 prescribed by the governing body of the participating employer
41 which number of hours worked shall be considered full-time,
42 determined by resolution, and not less than 25, or (ii) an appointive
43 or elective officer, an employee of the State, or an employee of an
44 employer other than the State who has or is eligible for health
45 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et
46 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1
47 et seq.) on that effective date and continuously thereafter provided
48 the officer or employee is covered by the definition in paragraph (1)

1 of this subsection. For the purposes of this act an employee of
2 Rutgers, The State University of New Jersey, shall be deemed to be
3 an employee of the State, and an employee of the New Jersey
4 Institute of Technology shall be considered to be an employee of
5 the State during such time as the Trustees of the Institute are party
6 to a contractual agreement with the State Treasurer for the provision
7 of educational services. The term "employee" shall further mean,
8 for purposes of this act, a former employee of the South Jersey Port
9 Corporation, who is employed by a subsidiary corporation or other
10 corporation, which has been established by the Delaware River Port
11 Authority pursuant to subdivision (m) of Article I of the compact
12 creating the Delaware River Port Authority (R.S.32:3-2), as defined
13 in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligible
14 for continued membership in the Public Employees' Retirement
15 System pursuant to subsection j. of section 7 of P.L.1954, c.84
16 (C.43:15A-7).

17 For the purposes of this act the term "employee" shall not
18 include persons employed on a short-term, seasonal, intermittent or
19 emergency basis, persons compensated on a fee basis, persons
20 having less than two months of continuous service or persons whose
21 compensation from the State is limited to reimbursement of
22 necessary expenses actually incurred in the discharge of their
23 official duties, provided, however, that the term "employee" shall
24 include persons employed on an intermittent basis to whom the
25 State has agreed to provide coverage under P.L.1961, c.49
26 (C.52:14-17.25 et seq.) in accordance with a binding collective
27 negotiations agreement. An employee paid on a 10-month basis,
28 pursuant to an annual contract, will be deemed to have satisfied the
29 two-month waiting period if the employee begins employment at
30 the beginning of the contract year. The term "employee" shall also
31 not include retired persons who are otherwise eligible for benefits
32 under this act but who, although they meet the age or disability
33 eligibility requirement of Medicare, are not covered by Medicare
34 Hospital Insurance, also known as Medicare Part A, and Medicare
35 Medical Insurance, also known as Medicare Part B. A determination
36 by the commission that a person is an eligible employee within the
37 meaning of this act shall be final and shall be binding on all parties.

38 (d) (1) The term "dependents" means an employee's spouse,
39 partner in a civil union couple or an employee's domestic partner as
40 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the
41 employee's unmarried children under the age of 23 years who live
42 with the employee in a regular parent-child relationship. "Children"
43 shall include stepchildren, legally adopted children and children
44 placed by the Division of **【Youth and Family Services】** Child
45 Protection and Permanency in the Department of Children and
46 Families, provided they are reported for coverage and are wholly
47 dependent upon the employee for support and maintenance. A
48 spouse, partner in a civil union couple, domestic partner or child

1 enlisting or inducted into military service shall not be considered a
2 dependent during the military service. The term "dependents" shall
3 not include spouses, partners in a civil union couple or domestic
4 partners of retired persons who are otherwise eligible for the
5 benefits under this act but who, although they meet the age or
6 disability eligibility requirement of Medicare, are not covered by
7 Medicare Hospital Insurance, also known as Medicare Part A, and
8 Medicare Medical Insurance, also known as Medicare Part B.

9 (2) Notwithstanding the provisions of paragraph (1) of this
10 subsection to the contrary and subject to the provisions of paragraph
11 (3) of this subsection, for the purposes of an employer other than
12 the State that is participating in the State Health Benefits Program
13 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term
14 "dependents" means an employee's spouse or partner in a civil
15 union couple and the employee's unmarried children under the age
16 of 23 years who live with the employee in a regular parent-child
17 relationship. "Children" shall include stepchildren, legally adopted
18 children and children placed by the Division of [Youth and Family
19 Services] Child Protection and Permanency in the Department of
20 Children and Families provided they are reported for coverage and
21 are wholly dependent upon the employee for support and
22 maintenance. A spouse, partner in a civil union couple or child
23 enlisting or inducted into military service shall not be considered a
24 dependent during the military service. The term "dependents" shall
25 not include spouses or partners in a civil union couple of retired
26 persons who are otherwise eligible for benefits under P.L.1961, c.49
27 (C.52:14-17.25 et seq.) but who, although they meet the age or
28 disability eligibility requirement of Medicare, are not covered by
29 Medicare Hospital Insurance, also known as Medicare Part A, and
30 Medicare Medical Insurance, also known as Medicare Part B.

31 (3) An employer other than the State that is participating in the
32 State Health Benefits Program pursuant to section 3 of P.L.1964,
33 c.125 (C.52:14-17.34) may adopt a resolution providing that the
34 term "dependents" as defined in paragraph (2) of this subsection
35 shall include domestic partners as provided in paragraph (1) of this
36 subsection.

37 (e) The term "carrier" means a voluntary association,
38 corporation or other organization, including a health maintenance
39 organization as defined in section 2 of the "Health Maintenance
40 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully
41 engaged in providing or paying for or reimbursing the cost of,
42 personal health services, including hospitalization, medical and
43 surgical services, under insurance policies or contracts, membership
44 or subscription contracts, or the like, in consideration of premiums
45 or other periodic charges payable to the carrier.

46 (f) The term "hospital" means (1) an institution operated
47 pursuant to law which is primarily engaged in providing on its own
48 premises, for compensation from its patients, medical diagnostic

1 and major surgical facilities for the care and treatment of sick and
2 injured persons on an inpatient basis, and which provides such
3 facilities under the supervision of a staff of physicians and with 24
4 hour a day nursing service by registered graduate nurses, or (2) an
5 institution not meeting all of the requirements of (1) but which is
6 accredited as a hospital by the Joint Commission on Accreditation
7 of Hospitals. In no event shall the term "hospital" include a
8 convalescent nursing home or any institution or part thereof which
9 is used principally as a convalescent facility, residential center for
10 the treatment and education of children with mental disorders, rest
11 facility, nursing facility or facility for the aged or for the care of
12 drug addicts or alcoholics.

13 (g) The term "State managed care plan" means a health care
14 plan under which comprehensive health care services and supplies
15 are provided to eligible employees, retirees, and dependents: (1)
16 through a group of doctors and other providers employed by the
17 plan; or (2) through an individual practice association, preferred
18 provider organization, or point of service plan under which services
19 and supplies are furnished to plan participants through a network of
20 doctors and other providers under contracts or agreements with the
21 plan on a prepayment or reimbursement basis and which may
22 provide for payment or reimbursement for services and supplies
23 obtained outside the network. The plan may be provided on an
24 insured basis through contracts with carriers or on a self-insured
25 basis, and may be operated and administered by the State or by
26 carriers under contracts with the State.

27 (h) The term "Medicare" means the program established by the
28 "Health Insurance for the Aged Act," Title XVIII of the "Social
29 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,
30 or its successor plan or plans.

31 (i) The term "traditional plan" means a health care plan which
32 provides basic benefits, extended basic benefits and major medical
33 expense benefits as set forth in section 5 of P.L.1961, c.49
34 (C.52:14-17.29) by indemnifying eligible employees, retirees, and
35 dependents for expenses for covered health care services and
36 supplies through payments to providers or reimbursements to
37 participants.

38 (j) The term "successor plan" means a State managed care plan
39 that shall replace the traditional plan and that shall provide benefits
40 as set forth in subsection (B) of section 5 of P.L.1961, c.49
41 (C.52:14-17.29) with provisions regarding reimbursements and
42 payments as set forth in paragraph (1) of subsection (C) of section 5
43 of P.L.1961, c.49 (C.52:14-17.29).
44 (cf: P.L.2010, c.2, s.9)

45
46 136. Section 1 of P.L.2005, c.347 (C.52:17B-210) is amended to
47 read as follows:

1 1. The Attorney General, in consultation with the New Jersey
2 School Boards Association, the New Jersey Coalition Against
3 Sexual Assault, the New Jersey Education Association, and the
4 **【Division】** Office on Women, shall prepare a pamphlet to educate
5 children about pedophile crimes and how to reduce their chances of
6 becoming victims of **【such】** pedophile crimes. The pamphlet shall
7 be distributed to all public and private elementary and secondary
8 schools throughout the State. The schools shall reproduce the
9 pamphlet for distribution to students. The pamphlets shall be
10 designed by the Attorney General.

11 (cf: P.L.2005, c.347, s.1)

12

13 137. Section 2 of P.L.1985, c.66 (C.52:27D-29.15) is amended
14 to read as follows:

15 2. The Commissioner of **【the Department of Community**
16 **Affairs】** Children and Families, in consultation with the **【Division】**
17 Office on Women **【established pursuant to P.L.1974, c.87**
18 **(C.52:27D-43.8 et seq.)】** and the Advisory Council on Child Care
19 established pursuant to section 14 of P.L.1983, c.492 (C.30:5B-14),
20 shall establish an Intergenerational Child Care Demonstration
21 Matching Program in the Division on Aging established pursuant to
22 section 28 of P.L. 1966, c.293 (C.52:27D-28) to enable senior
23 residents of the State, 60 years of age or older, to be recruited and
24 matched by a county office on aging so they may render nurturing
25 child care services to pre-school and latchkey children of working
26 parents after school hours.

27 (cf: P.L.1985, c.66, s.2)

28

29 138. Section 3 of P.L.1985, c.66 (C.52:27D-29.16) is amended
30 to read as follows:

31 3. a. The Division on Aging, the **【Division】** Office on
32 Women, and the Advisory Council on Child Care shall recommend
33 standards to ensure that the Intergenerational Child Care
34 Demonstration Matching Program is of high quality and benefits
35 both children and older people. Subject to the "Administrative
36 Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), the
37 Commissioner of **【the Department of Community Affairs】** Children
38 and Families shall adopt all regulations necessary to effectuate the
39 purposes of **【this act】** P.L.1985, c.66 (C.52:27D-29.14 et seq.).

40 b. Any county office on aging that is interested in participating
41 in the program may submit a proposal to the commissioner. The
42 commissioner shall review the proposals and approve the proposals
43 that best meet the purposes of the demonstration program.

44 (cf: P.L.1985, c.66, s.3)

45

46 139. Section 1 of P.L.1974, c.87 (C.52:27D-43.8) is amended to
47 read as follows:

1 1. This act shall be known as, and may be cited as, the
2 **["Division"] "Office on Women Act [of 1974]."**

3 (cf: P.L.1974, c.87, s.1)
4

5 140. Section 2 of P.L.1974, c.87 (C.52:27D-43.9) is amended to
6 read as follows:

7 2. There is hereby established in the Department of
8 **["Community Affairs a Division"] Children and Families, Division of**
9 **Family and Community Partnerships, an Office on Women.** The
10 **["division"] office** shall consist of a director and the New Jersey
11 Advisory Commission on the Status of Women.

12 (cf: P.L.1974, c.87, s.2)
13

14 141. (New section) a. The Division on Women in the
15 Department of Community Affairs, together with its functions,
16 powers, and duties, is transferred to the Department of Children and
17 Families and shall be reconstituted as the Office on Women in the
18 department. The transfer pursuant to this section shall be made in
19 accordance with the provisions of the "State Agency Transfer Act,"
20 P.L.1971, c.375 (C.52:14D-1 et seq.).

21 b. All appropriations and other monies available, and to
22 become available, to the Division on Women in the Department of
23 Community Affairs, transferred to the Department of Children and
24 Families and reconstituted as the Office on Women in the
25 department pursuant to P.L. , c. (C.) (pending before the
26 Legislature as this bill), are continued in the Office on Women in
27 the Department of Children and Families established hereunder and
28 shall be available for the objects and purposes for which these
29 monies are appropriated, subject to the provisions of P.L. ,
30 c. (C.) (pending before the Legislature as this bill) and any
31 other terms, restrictions, limitations, or other requirements imposed
32 by law.

33 c. Whenever, in any law, rule, regulation, order, contract,
34 document, judicial, or administrative proceeding or otherwise,
35 reference is made to the Division on Women in the Department of
36 Community Affairs, the same shall mean and refer to the Office on
37 Women in the Department of Children and Families.
38

39 142. Section 3 of P.L.1974, c.87 (C.52:27D-43.10) is amended to
40 read as follows:

41 3. The Director of the **["Division"] Office** on Women shall be a
42 person qualified by training and experience to perform the duties of
43 **["his or her"] the** office. The director shall be appointed by the
44 Governor, by and with the advice and consent of the Senate, and
45 shall serve at the pleasure of the Governor during the Governor's
46 term of office and until the appointment and qualification of a
47 successor. The director shall administer the work of **["such**

1 division] the office under the direction and supervision of the
2 commissioner, and shall perform such other functions of the
3 department as the commissioner may prescribe. The director shall
4 receive such salary as shall be provided by law.

5 (cf: P.L.1974, c.87, s.3)

6
7 143. Section 5 of P.L.1974, c.87 (C.52:27D-43.12) is amended
8 to read as follows:

9 5. The **【Division】** Office on Women shall be under the
10 supervision of the director. The director shall:

11 a. Appoint and remove such professionals, technical, and
12 clerical assistants, and employees, subject to the provisions of Title
13 11, Civil Service of the Revised Statutes, and other applicable
14 statutes, as may be necessary to enable the **【division】** office to
15 perform the duties imposed upon it by **【this act】** P.L.1974, c.87
16 (C.52:27D-43.8 et seq.) and shall fix their compensation within the
17 limits of available appropriations and as shall be provided by law;

18 b. Select and retain the services of consultants whose advice is
19 considered necessary to assist the **【division】** office in obtaining
20 information or developing plans and programs required for the
21 performance of the duties and responsibilities of the **【division】**
22 office as provided by **【this act】** P.L.1974, c.87;

23 c. Attend all meetings of the New Jersey Advisory
24 Commission on the Status of Women and its committees but shall
25 have no vote. The director may delegate to subordinate officers or
26 employees the responsibility to attend the meetings of the
27 commission.

28 (cf: P.L.1974, c.87, s.5)

29
30 144. Section 6 of P.L.1974, c.87 (C.52:27D-43.13) is amended
31 to read as follows:

32 6. The **【division】** office, under the supervision and leadership
33 of the director, shall:

34 a. Serve as the central permanent agency for the coordination
35 of programs and services for the women of New Jersey and for the
36 evaluation of the effectiveness of their implementation and as a
37 planning agency for the development of new programs and services;

38 b. Establish a liaison with all other governmental departments
39 and agencies involved with the enforcement of laws, ordinances,
40 and regulations and with the development of programs affecting the
41 status of women;

42 c. Request State departments and other public and private
43 agencies on a State, county, and local level to initiate joint efforts to
44 promote the expansion of rights and opportunities available to the
45 women of this State;

46 d. Cooperate with all Federal and interstate programs and
47 services provided for women;

- 1 e. Engage in a continuous study of the changing needs and
- 2 concerns of women in New Jersey and develop and recommend new
- 3 programs to the Governor and the Legislature;
- 4 f. Consult with, advise, and otherwise provide professional
- 5 assistance to organized efforts by communities, organizations,
- 6 associations, and groups which are working toward the goal of
- 7 improving the status of women;
- 8 g. Serve as a clearing house to publish and disseminate
- 9 information and to provide assistance and direction to women with
- 10 specific problems and needs;
- 11 h. Act as a search committee for the Governor and other
- 12 executive officers in the State Government for the purpose of
- 13 discovering and recommending women who are talented and
- 14 qualified to serve in the Executive Branch of the State
- 15 Government;
- 16 i. Report annually to the Commissioner of [the Department of
- 17 Community Affairs] Children and Families and the Governor on its
- 18 activities and recommendations;
- 19 j. Do all other things necessary to carry out the powers and
- 20 duties granted under [this act] P.L.1974, c.87 (C.52:27D-43.8 et
- 21 seq.).
- 22 (cf: P.L1974, c.87, s.6)
- 23

24 145. Section 8 of P.L.1974, c.87 (C.52:27D-43.15) is amended
25 read as follows:

- 26 8. The commission, acting jointly and as a body, shall advise
- 27 the Director of the [Division] Office on Women on matters referred
- 28 to it by the director and may originate and make recommendations
- 29 to the director concerning policies and their implementation. The
- 30 commission, or any member thereof, may not act in the name of or
- 31 as an agent of the [Division] Office on Women or give instructions
- 32 to the director or a member of the staff of the [division] office.
- 33 (cf: P.L.1974, c.87, s.8)
- 34

35 146. Section 1 of P.L.2003, c.225 (C.52:27D-43.17a) is
36 amended to read as follows:

- 37 1. As used in this act:
- 38 "Board" means the Domestic Violence Fatality and Near Fatality
- 39 Review Board established pursuant to [this act] P.L.2003, c.225
- 40 (C.52:27D-43.17a et seq.).
- 41 "Domestic violence-related fatality" or "fatality" means a death
- 42 which arises as a result of one or more acts of domestic violence as
- 43 defined in section 3 of P.L.1991, c.261 (C.2C:25-19).
- 44 "Near fatality" means a case in which a victim of domestic
- 45 violence is in serious or critical condition, as certified by a
- 46 physician.

1 "Panel" means the Panel to Study Domestic Violence in the Law
2 Enforcement Community established pursuant to section 9 of [this
3 act] P.L.2003, c.225 (C.52:27D-43.17i).
4 (cf: P.L.2003, c.225, s.1)
5

6 147. Section 2 of P.L.2003, c.225 (C.52:27D-43.17b) is
7 amended to read as follows:

8 2. There is established the Domestic Violence Fatality and
9 Near Fatality Review Board. For the purposes of complying with
10 the provisions of Article V, Section IV, paragraph 1 of the New
11 Jersey Constitution, the board is established within the Department
12 of [Community Affairs] Children and Families, but
13 notwithstanding the establishment, the board shall be independent
14 of any supervision or control by the department or any board or
15 officer thereof.

16 The purpose of the board is to review the facts and circumstances
17 surrounding domestic violence-related fatalities and near fatalities
18 in New Jersey in order to identify their causes and their relationship
19 to government and nongovernment service delivery systems, and to
20 develop methods of prevention. The board shall: review trends and
21 patterns of fatalities and near fatalities; evaluate the responses of
22 government and nongovernment service delivery systems to
23 fatalities and near fatalities and offer recommendations for
24 improvement of these responses; identify and characterize high-risk
25 groups in order to develop public policy; collect statistical data, in a
26 consistent and uniform manner, on the occurrence of fatalities and
27 near fatalities; and improve collaboration between State and local
28 agencies and organizations for the purpose of developing initiatives
29 to prevent domestic violence.

30 (cf: P.L.2003, c.225, s.2)
31

32 148. Section 3 of P.L.2003, c.225 (C.52:27D-43.17c) is
33 amended to read as follows:

34 3. a. The board shall consist of [23] 20 members as follows:

35 (1) the Commissioners of Community Affairs, Human Services,
36 Children and Families, and Health and Senior Services, [the
37 Director of the Division on Women in the Department of
38 Community Affairs], the Attorney General, the Public Defender,
39 the Superintendent of the State Police, the Director of the Division
40 of [Youth and Family Services] Child Protection and Permanency
41 in the Department of Children and Families, [the Supervisor of the
42 Office on the Prevention of Violence Against Women in the
43 Department of Community Affairs established pursuant to
44 Executive Order No. 61 (1992)], the State Medical Examiner, [the
45 Program Director of the Domestic Violence Fatality Review Board
46 established pursuant to Executive Order No. 110 (2000)] and the

1 chairperson of the Child Fatality and Near Fatality Review Board,
2 or their designees, who shall serve ex officio;

3 (2) eight public members appointed by the Governor who shall
4 include a representative of the County Prosecutors Association of
5 New Jersey with expertise in prosecuting domestic violence cases, a
6 representative of the New Jersey Coalition for Battered Women, a
7 representative of a program for battered women that provides
8 intervention services to perpetrators of acts of domestic violence, a
9 representative of the law enforcement community with expertise in
10 the area of domestic violence, a psychologist with expertise in the
11 area of domestic violence or other related fields, a licensed social
12 worker with expertise in the area of domestic violence, a licensed
13 health care professional knowledgeable in the screening and
14 identification of domestic violence cases and a county probation
15 officer; and

16 (3) two retired judges appointed by the Administrative Director
17 of the Administrative Office of the Courts, one with expertise in
18 family law and one with expertise in municipal law as it relates to
19 domestic violence.

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

30 c. The board shall select a chairperson from among its
31 members who shall be responsible for the coordination of all
32 activities of the board.

33 d. The board is entitled to call to its assistance and avail itself
34 of the services of employees of any State, county, or municipal
35 department, board, bureau, commission, or agency as it may require
36 and as may be available for the purposes of reviewing a case
37 pursuant to the provisions of **[this act]** P.L. 2003, c.225 (C.52:27D-
38 43.17a. et seq.).

39 e. The board may seek the advice of experts, such as persons
40 specializing in the fields of psychiatric and forensic medicine,
41 nursing, psychology, social work, education, law enforcement,
42 family law, academia, military affairs, or other related fields, if the
43 facts of a case warrant additional expertise.

44 (cf: P.L.2011, c.129, s.1)

45
46 149. Section 2 of P.L.1979, c.125 (C.52:27D-43.19) is amended
47 to read as follows:

1 2. As used in **[this act]** P.L.1979, c.125 (C.52:27D-43.18 et
2 seq), a "displaced homemaker" is an individual who has not worked
3 in the labor force for a substantial number of years but has, during
4 those years, worked in the home providing unpaid services for
5 family members and has been dependent upon the income of
6 another family member but is no longer supported by that income
7 and:

8 a. Is receiving public assistance because of dependent children
9 in the home but is within **[1]** one year of no longer being eligible
10 for **[such]** assistance; or

11 b. Is unemployed or underemployed and is experiencing
12 difficulty in obtaining or upgrading employment; or

13 c. Is at least 40 years of age, an age at which discrimination
14 based on age is likely, and at which entry or reentry to or
15 advancement in the labor market is difficult.

16 "Commissioner" means the Commissioner of **[the Department of**
17 **Community Affairs]** Children and Families.

18 **["Division"]** Office shall mean the **[Division]** Office on
19 Women within the Department of **[Community Affairs]** Children
20 and Families.

21 (cf: P.L.1979, c.125, s.2)

22

23 150. Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is amended
24 to read as follows:

25 3. The **[Division]** Office on Women in the Department of
26 **[Community Affairs]** Children and Families shall identify existing
27 displaced homemaker programs and provide technical assistance
28 and encouragement for the expansion of other multi-purpose
29 programs which provide:

30 a. Job counseling services which are specifically designed for
31 displaced homemakers, and which aid them in acquiring knowledge
32 of their talents and skills in relation to existing jobs, and which
33 counsel displaced homemakers with respect to appropriate job
34 opportunities.

35 b. Job training and job placement services which develop, by
36 working with State and local government agencies and private
37 employers, training and placement programs for jobs in the public
38 and private sectors, which assist participants in gaining admission
39 to existing public and private job training programs and
40 opportunities, and which identify community needs and encourage
41 the creation of new jobs in the public and private sectors.

42 c. Health education and counseling services which cooperate
43 with existing health programs to provide counseling on preventive
44 health care, health care consumer education, family health care and
45 nutrition, alcohol and drug addiction, and overcoming health
46 barriers to employment.

1 d. Financial management services which provide information
2 and assistance with respect to credit, insurance, taxes, estate and
3 probate problems, mortgages, loans, and other related financial
4 matters.

5 e. Educational services, including outreach and information
6 about courses offering credit through secondary or post-secondary
7 education programs, and including bilingual programs where
8 appropriate, as well as information about other programs which are
9 determined to be of interest and benefit to displaced homemakers in
10 developing employable skills.

11 f. Legal counseling and referral services.

12 g. Outreach and information services with respect to Federal
13 and State employment, education, health, public assistance, and
14 unemployment assistance programs.
15 (cf: P.L.1979, c.125, s.3)

16

17 151. Section 5 of P.L.1979, c.125 (C.52:27D-43.22) is amended
18 to read as follows:

19 5. The **【Division】** Office on Women within the Department of
20 **【Community Affairs】** Children and Families shall make a
21 continuous study of the needs of displaced homemakers, and
22 effective programs and services and funding available to meet those
23 needs. The **【division】** office shall also coordinate community
24 organizations, women's groups, and public agencies to maximize
25 the utilization of existing programs and resources. **【Such】** The
26 coordination shall include, but not be limited to, the Division on
27 Aging in the Department of Community Affairs, the Office on
28 Women of the Division of Vocational Education in the Department
29 of Education, the Division of Vocational Rehabilitation Services in
30 the Department of Labor and Industry, and the Division of Welfare
31 in the Department of Human Services. The goal of this coordination
32 shall be to put eligible people in touch with existing programs and
33 to foster cooperation and the exchange of information among all
34 departments and agencies of State Government which sponsor
35 programs for which displaced homemakers would be eligible.

36 (cf: P.L.1979, c.125, s.5)

37

38 152. Section 6 of P.L.1979, c.125 (C.52:27D-43.23) is amended
39 to read as follows:

40 6. The **【division】** office shall compile and maintain a
41 description and assessment of each program operating pursuant to
42 **【this act】** P.L.1979, c.125 (C.52:27D-43.18 et seq.), including the
43 number of displaced homemakers served, the number who obtained
44 employment, the number who enrolled in educational courses, the
45 number of those enrolled who completed such educational courses,
46 the cost per displaced homemaker for each program, and the total
47 number of staff and staff ratio to persons served under the program.

1 【Such】 The report shall be available within 【1】 one year of the
2 effective date of 【the act】 P.L.1979, c.125.

3 (cf: P.L.1979, c.125, s.6)

4
5 153. Section 3 of P.L.1993, c.188 (C.52:27D-43.24b) is
6 amended to read as follows:

7 3. The Department of 【Community Affairs】 Children and
8 Families shall establish a trust fund for the deposit of the fees
9 collected pursuant to section 2 of 【this amendatory and
10 supplementary act】 P.L.1993, c.188 (C.52:27D-43.24a). The
11 moneys from the trust fund shall be used for the specific purpose of
12 providing grants-in-aid to programs for displaced homemakers as
13 identified by the 【Division】 Office on Women in the Department of
14 【Community Affairs】 Children and Families pursuant to section 3
15 of P.L.1979, c.125 (C.52:27D-43.20).

16 (cf: P.L.1993, c.188, s.3)

17
18 154. Section 2 of P.L.2005, c.204 (C.52:27D-43.36) is amended
19 to read as follows:

20 2. a. The Director of the 【Division】 Office on Women in the
21 Department of 【Community Affairs】 Children and Families, in
22 consultation with the Advisory Council on Domestic Violence and
23 the Commissioners of Human Services and Health and Senior
24 Services, shall establish a domestic violence public awareness
25 campaign in order to promote public awareness of domestic
26 violence among the general public and health care and social
27 services professionals and provide information to assist victims of
28 domestic violence and their children.

29 b. The public awareness campaign shall include the
30 development and implementation of public awareness and outreach
31 efforts to promote domestic violence prevention and education,
32 including, but not limited to, the following subjects:

33 (1) the causes and nature of domestic violence;

34 (2) risk factors;

35 (3) preventive measures; and

36 (4) the availability of, and how to access, services in the
37 community for victims of domestic violence, including, but not
38 limited to, shelter services, legal advocacy services, and legal
39 assistance services.

40 c. The director shall coordinate the efforts of the 【division】
41 office with any activities being undertaken by other State agencies
42 to promote public awareness of, and provide information to the
43 public about, domestic violence.

44 d. The director, within the limits of funds available for this
45 purpose, shall seek to utilize electronic and print media, and may
46 prepare and disseminate such written information as the director

1 deems necessary, to accomplish the purposes of [this act]
2 P.L.2005, c.204 (C.52:27D-43.35 et seq.).

3 e. The [division] office shall make available electronically on
4 its Internet website in English and Spanish information about
5 domestic violence as described in subsection b. of this section.

6 f. The director may accept, for the purposes of the public
7 awareness campaign, any special grant of funds, services, or
8 property from the federal government or any of its agencies, or
9 from any foundation, organization, or other entity.

10 g. The director shall report to the Governor and the Legislature,
11 no later than 18 months after the effective date of [this act]
12 P.L.2005, c.204 (C.52:27D-43.35 et seq.), on the activities and
13 accomplishments of the public awareness campaign.
14 (cf: P.L.2005, c.204, s.2)

15

16 155. Section 2 of P.L.1999, c.239 (C.52:27D-444) is amended to
17 read as follows:

18 2. The Legislature finds and declares that:

19 a. Micro-business loans are usually granted to those businesses
20 that are mostly sole proprietorships with five or fewer employees,
21 that require an initial capital outlay of less than \$35,000 to start a
22 new business or expand an existing business, utilize loans in
23 amounts of less than \$15,000 with most loans being paid back on
24 time, and experience a default rate that is often no higher than on
25 commercial loans;

26 b. Experience in numerous other states and in certain urban
27 areas in New Jersey has shown that "micro lending," or carefully
28 underwriting small loans to individual entrepreneurs with well-
29 developed, realistic business plans, has been successful in helping
30 individuals, without regard to geographical location, to start micro-
31 businesses;

32 c. Nonprofit community-based development corporations have
33 the experience of providing the training and technical assistance
34 that is necessary for prospective entrepreneurs to establish a viable
35 business;

36 d. While the New Jersey Economic Development Authority
37 currently manages several programs to promote the development of
38 micro and small businesses in the State and the New Jersey
39 Development Authority for Small Businesses, Minorities' and
40 Women's Enterprises has a peer group micro-lending program in
41 place which targets urban areas of the State, there is a need to
42 establish a separate micro-business credit program to provide new
43 and innovative ways to assist more unemployed women and
44 underemployed women in all areas of the State to enter or reenter
45 the marketplace and to recognize that nonprofit community-based
46 development corporations and certain Statewide women's business
47 organizations have the experience of providing the training and

1 technical assistance that is necessary for prospective entrepreneurs
2 to establish a viable business; and

3 e. It is appropriate to establish a micro-business credit program
4 that would target only those potential female entrepreneurs who
5 have little or no prior business experience, are self-motivated and
6 are willing to undertake an extensive training program and receive
7 other kinds of technical assistance in order to gain the necessary
8 experience to start a successful business through grants given to
9 certified nonprofit community development corporations and
10 certain Statewide women's business organizations, and the
11 Department of Community Affairs which has experience in
12 evaluating and monitoring community development corporations
13 [and which already manages a number of programs through its
14 Division on Women to assist women to improve their lives] is the
15 appropriate State agency to accomplish these goals.

16 (cf: P.L.2004, c.176, s.2)

17
18 156. (New section) a. Notwithstanding any law, rule, or
19 regulation to the contrary, commencing on or after the effective date
20 of P.L. , c. (C.) (pending before the Legislature as this bill)
21 and subject to the provisions of subsection b. of this section, the
22 Division of Children's System of Care in the Department of
23 Children and Families shall determine eligibility and provide
24 support and services, to the extent possible, for persons with
25 developmental disabilities, as defined in section 3 of P.L.1977, c.82
26 (C.30:6D-3), under 21 years of age. The Division of Children's
27 System of Care shall be responsible for licensing, inspection, and
28 standard-setting with regard to facilities providing services for
29 persons with developmental disabilities under 21 years of age.

30 The Division of Developmental Disabilities in the Department of
31 Human Services shall cease providing services for those persons
32 with developmental disabilities under 21 years of age as of the date
33 that the Division of Children's System of Care in Department of
34 Children and Families commences determining eligibility and
35 providing services for these persons, except that the Division of
36 Developmental Disabilities may establish procedures including, but
37 not limited to, a redetermination of eligibility for services, if
38 appropriate, by the Commissioner of Human Services, for the
39 transition of persons with developmental disabilities to adult
40 services provided by the Division of Developmental Disabilities in
41 the Department of Human Services.

42 b. The Director of the Division of Developmental Disabilities
43 in the Department of Human Services and the Director of the
44 Division of Children's System of Care in the Department of
45 Children and Families shall establish and enter into an inter-agency
46 agreement as necessary for the purposes of subsection a. of this
47 section.

1 c. The Commissioners of Human Services and Children and
2 Families, in consultation with each other and pursuant to the
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.), shall adopt, notwithstanding any provision of P.L. 1968, c.
5 410 (C.52:14B-1 et seq.) to the contrary, immediately upon filing
6 with the Office of Administrative Law, such rules and regulations
7 as the Commissioners deem necessary to effectuate the purposes of
8 section 156 of P.L. , c. (C.) (pending before the Legislature
9 as this bill), which shall be effective for a period not to exceed 12
10 months following the effective date of P.L. , c. (C.)
11 (pending before the Legislature as this bill). The regulations shall
12 thereafter be amended, adopted, or readopted by the commissioners
13 in accordance with the provision of P.L.1968, c. 410 (C.52:14B-1 et
14 seq.).

15 d. Whenever any law, rule, regulation, order, contract, or
16 document pertaining to persons with developmental disabilities, as
17 defined in section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years
18 of age refers to the Division of Developmental Disabilities in the
19 Department of Human Services, the same shall mean and refer to
20 the Division of Children's System of Care in the Department of
21 Children and Families.

22
23 157. (New section) a. Notwithstanding any law, rule, or
24 regulation to the contrary, commencing on or after the effective date
25 of P.L. , c. (C.) (pending before the Legislature as this bill)
26 and subject to the provisions of subsection b. of this section, the
27 Division of Children's System of Care in the Department of
28 Children and Families, in lieu of the Division of Mental Health and
29 Addiction Services in the Department of Human Services, shall
30 provide, manage, and coordinate services for the treatment of
31 substance abuse and related afflictions for persons under 21 years of
32 age.

33 b. The Director of the Division of Mental Health and Addiction
34 Services in the Department of Human Services and the Director of
35 the Division of Children's System of Care in the Department of
36 Children and Families shall establish and enter into an inter-agency
37 agreement as necessary for the purposes of subsection a. of this
38 section.

39 c. The Commissioners of Human Services and Children and
40 Families, in consultation with each other and pursuant to the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.), shall adopt, notwithstanding any provision of P.L.1968, c.
43 410 (C.52:14B-1 et seq.) to the contrary, immediately upon filing
44 with the Office of Administrative Law, such rules and regulations
45 as the Commissioners deem necessary to effectuate the purposes of
46 section 157 of P.L. , c. (C.) (pending before the Legislature
47 as this bill), which shall be effective for a period not to exceed 12
48 months following the effective date of P.L. , c. (C.)

1 (pending before the Legislature as this bill). The regulations shall
2 thereafter be amended, adopted, or readopted by the commissioners
3 in accordance with the provision of P.L.1968, c. 410 (C.52:14B-1 et
4 seq.).

5
6 158. This act shall take effect immediately.
7
8

9 **STATEMENT**
10

11 The bill makes various changes to and reorganizes the
12 Department of Children and Families (DCF). Specifically, the bill
13 renames: 1) the Division of Youth and Family Services as the
14 Division of Child Protection and Permanency; 2) the Division of
15 Prevention and Community Partnerships as the Division of Family
16 and Community Partnerships; and 3) the Division of Child
17 Behavioral Health Services as the Division of Children's System of
18 Care. The bill transfers the Division on Women from the
19 Department of Community Affairs to DCF and reconstitutes the
20 division as the Office on Women in DCF.

21 The bill also establishes that the Division of Children's System
22 of Care in the DCF, in lieu of the Division of Developmental
23 Disabilities (DDD) in the Department of Human Services (DHS), is
24 to determine eligibility and provide support and services, to the
25 extent possible, for persons with developmental disabilities, as
26 defined in section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years
27 of age. The Division of Children's System of Care is also to be
28 responsible for licensing, inspection, and standard-setting with
29 regard to facilities providing services for persons with
30 developmental disabilities under 21 years of age.

31 The bill provides that DDD is to cease providing services for
32 those persons with developmental disabilities under 21 years of age
33 as of the date that the Division of Children's System of Care in
34 commences determining eligibility and providing services for these
35 persons, except that DDD may establish procedures including, but
36 not limited to, a redetermination of eligibility for services, if
37 appropriate, by the Commissioner of Human Services, for the
38 transition of persons with developmental disabilities to adult
39 services provided by DDD.

40 The bill also establishes that the Division of Children's System
41 of Care, in lieu of the Division of Mental Health and Addiction
42 Services in DHS, is to provide, manage, and coordinate services for
43 the treatment of substance abuse and related afflictions for persons
44 under 21 years of age. The bill provides that the Directors of the
45 Division of Developmental Disabilities and the Director of the
46 Division of Mental Health and Addiction Services in DHS and
47 the Director of the Division of Children's System of Care in DCF

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1 establish and enter into inter-agency agreements as necessary for
2 the purposes of this bill.

3 Finally, the bill makes changes to various boards and
4 commissions to reflect the organizational changes to DCF.