

[First Reprint]

**SENATE, No. 2070**

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**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

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INTRODUCED JUNE 14, 2012

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senator Allen**

**SYNOPSIS**

Reorganizes Department of Children and Families.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 21, 2012, with amendments.



**(Sponsorship Updated As Of: 6/26/2012)**

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 <sup>1</sup>[and reconstituting the division as the Office on Women]<sup>1</sup>,  
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 <sup>1</sup>[mental retardation] intellectual  
38 disabilities<sup>1</sup> or learning disabilities;

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted June 21, 2012.

1       b. If a juvenile is adjudged delinquent, and except to the extent  
2 that an additional specific disposition is required pursuant to  
3 subsection e. or f. of this section, the court may order incarceration  
4 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one  
5 or more of the following dispositions:

6       (1) Adjourn formal entry of disposition of the case for a period  
7 not to exceed 12 months for the purpose of determining whether the  
8 juvenile makes a satisfactory adjustment, and if during the period of  
9 continuance the juvenile makes such an adjustment, dismiss the  
10 complaint; provided that if the court adjourns formal entry of  
11 disposition of delinquency for a violation of an offense defined in  
12 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
13 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
14 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
15 juveniles adjudicated delinquent;

16       (2) Release the juvenile to the supervision of the juvenile's  
17 parent or guardian;

18       (3) Place the juvenile on probation to the chief probation officer  
19 of the county or to any other suitable person who agrees to accept  
20 the duty of probation supervision for a period not to exceed three  
21 years upon such written conditions as the court deems will aid  
22 rehabilitation of the juvenile;

23       (4) Transfer custody of the juvenile to any relative or other  
24 person determined by the court to be qualified to care for the  
25 juvenile;

26       (5) Place the juvenile under the care and responsibility of the  
27 Department of Children and Families so that the commissioner may  
28 designate a division or organizational unit in the department  
29 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of  
30 providing services in or out of the home. Within 14 days, unless for  
31 good cause shown, but not later than 30 days, the Department of  
32 Children and Families shall submit to the court a service plan,  
33 which shall be presumed valid, detailing the specifics of any  
34 disposition order. The plan shall be developed within the limits of  
35 fiscal and other resources available to the department. If the court  
36 determines that the service plan is inappropriate, given existing  
37 resources, the department may request a hearing on that  
38 determination;

39       (6) Place the juvenile under the care and custody of the  
40 Commissioner of **'[Human Services] Children and Families'** for  
41 the purpose of receiving the services of the Division of  
42 **'[Developmental Disabilities] Children's System of Care'** of that  
43 department, provided that the juvenile has been determined to be  
44 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

45       (7) Commit the juvenile, pursuant to applicable laws and the  
46 Rules of Court governing civil commitment, to the Department of  
47 Children and Families under the responsibility of the Division of  
48 **'[Child Behavioral Health Services] Children's System of Care'** for

1 the purpose of placement in a suitable public or private hospital or  
2 other residential facility for the treatment of persons who are  
3 mentally ill, on the ground that the juvenile is in need of  
4 involuntary commitment;

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

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

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

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

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

44 (13) Order that the juvenile participate in a program of academic  
45 or vocational education or counseling, such as a youth service  
46 bureau, requiring attendance at sessions designed to afford access to  
47 opportunities for normal growth and development. This may  
48 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<sup>1,1</sup> 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

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

6 (2) When a court in a county that does not have a juvenile  
7 detention facility or a contractual relationship permitting  
8 incarceration pursuant to subsection c. of this section is required to  
9 impose a term of incarceration pursuant to subsection e. of this  
10 section, the court may, subject to limitations on commitment to  
11 State correctional facilities of juveniles who are under the age of 11  
12 or developmentally disabled, set a term of incarceration consistent  
13 with subsection c. which shall be served in a State correctional  
14 facility. When a juvenile who because of age or developmental  
15 disability cannot be committed to a State correctional facility or  
16 cannot be incarcerated in a county facility, the court shall order a  
17 disposition appropriate as an alternative to any incarceration  
18 required pursuant to subsection e. <sup>1</sup>[.]

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

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

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

34

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

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

46 b. When, as a result of any information supplied by the crisis  
47 intervention unit, court intake services has reason to believe that a  
48 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 as  
46 follows:

1       5. a. Records maintained pursuant to **[this act]** P.L.1994, c.133  
2 (C.2C:7-1 et seq.) shall be open to any law enforcement agency in  
3 this State, the United States, or any other state and may be released  
4 to the Division of **[Youth and Family Services]** Child Protection  
5 and Permanency in the Department of Children and Families for  
6 use in carrying out its responsibilities under law. Law enforcement  
7 agencies in this State shall be authorized to release relevant and  
8 necessary information regarding sex offenders to the public when  
9 the release of the information is necessary for public protection in  
10 accordance with the provisions of P.L.1994, c.128 (C.2C:7-6 et  
11 seq.).

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

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

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

27 (cf: P.L.2006, c.47, s.23)

28

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

30       2C:12-1. Assault. a. Simple assault. A person is guilty of  
31 assault if he:

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

34       (2) Negligently causes bodily injury to another with a deadly  
35 weapon; or

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

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

41       b. Aggravated assault. A person is guilty of aggravated assault  
42 if he:

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

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

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

1 c.224 (C.2A:42-86) or a cable television company subject to the  
2 provisions of the "Cable Television Act," P.L.1972, c.186  
3 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
4 the performance of his duties in regard to connecting, disconnecting  
5 or repairing or attempting to connect, disconnect or repair any gas,  
6 electric or water utility, or cable television or telecommunication  
7 service; or

8 (j) Any health care worker employed by a licensed health care  
9 facility to provide direct patient care, any health care professional  
10 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
11 the Revised Statutes to practice a health care profession, except a  
12 direct care worker at a State or county psychiatric hospital or State  
13 developmental center or veterans' memorial home, while clearly  
14 identifiable as being engaged in the duties of providing direct  
15 patient care or practicing the health care profession; or

16 (k) Any direct care worker at a State or county psychiatric  
17 hospital or State developmental center or veterans' memorial home,  
18 while clearly identifiable as being engaged in the duties of  
19 providing direct patient care or practicing the health care  
20 profession, provided that the actor is not a patient or resident at the  
21 facility who is classified by the facility as having a mental illness or  
22 developmental disability; or

23 (6) Causes bodily injury to another person while fleeing or  
24 attempting to elude a law enforcement officer in violation of  
25 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
26 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
27 other provision of law to the contrary, a person shall be strictly  
28 liable for a violation of this subsection upon proof of a violation of  
29 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
30 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
31 bodily injury to another person; or

32 (7) Attempts to cause significant bodily injury to another or  
33 causes significant bodily injury purposely or knowingly or, under  
34 circumstances manifesting extreme indifference to the value of  
35 human life recklessly causes such significant bodily injury; or

36 (8) Causes bodily injury by knowingly or purposely starting a  
37 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
38 results in bodily injury to any emergency services personnel  
39 involved in fire suppression activities, rendering emergency  
40 medical services resulting from the fire or explosion or rescue  
41 operations, or rendering any necessary assistance at the scene of the  
42 fire or explosion, including any bodily injury sustained while  
43 responding to the scene of a reported fire or explosion. For  
44 purposes of this subsection, "emergency services personnel" shall  
45 include, but not be limited to, any paid or volunteer fireman, any  
46 person engaged in emergency first-aid or medical services and any  
47 law enforcement officer. Notwithstanding any other provision of  
48 law to the contrary, a person shall be strictly liable for a violation of

1 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
2 resulted in bodily injury to any emergency services personnel; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 f. A person who commits a simple assault as defined in  
2 paragraph (1), (2) or (3) of subsection a. of this section in the  
3 presence of a child under 16 years of age at a school or community  
4 sponsored youth sports event is guilty of a crime of the fourth  
5 degree. The defendant shall be strictly liable upon proof that the  
6 offense occurred, in fact, in the presence of a child under 16 years  
7 of age. It shall not be a defense that the defendant did not know  
8 that the child was present or reasonably believed that the child was  
9 16 years of age or older. The provisions of this subsection shall not  
10 be construed to create any liability on the part of a participant in a  
11 youth sports event or to abrogate any immunity or defense available  
12 to a participant in a youth sports event. As used in this act, "school  
13 or community sponsored youth sports event" means a competition,  
14 practice or instructional event involving one or more interscholastic  
15 sports teams or youth sports teams organized pursuant to a  
16 nonprofit or similar charter or which are member teams in a youth  
17 league organized by or affiliated with a county or municipal  
18 recreation department and shall not include collegiate, semi-  
19 professional or professional sporting events.  
20 (cf: P.L.2012, c.3, s.1)

21

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

23 2C:13-1. Kidnapping. a. Holding for ransom, reward, or as a  
24 hostage. A person is guilty of kidnapping if he unlawfully removes  
25 another from the place where he is found or if he unlawfully  
26 confines another with the purpose of holding that person for ransom  
27 or reward or as a shield or hostage.

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

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

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

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

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

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

47 (2) Kidnapping is a crime of the first degree and upon  
48 conviction thereof, an actor shall be sentenced to a term of

1 imprisonment by the court, if the victim of the kidnapping is less  
2 than 16 years of age and if during the kidnapping:

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

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

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

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

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

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

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

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

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

1 his parent and without purpose to commit a criminal offense with or  
2 against the victim.

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

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

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

15 g. As used in subsections e. and f. of this section, "parent"  
16 means a parent, guardian or other lawful custodian of a victim.  
17 (cf: P.L.2006, c.47, s.24)

18

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

20 2C:13-4. Interference with custody.

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

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

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

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

41 (4) After the issuance of a temporary or final order specifying  
42 custody, joint custody rights or parenting time, takes, detains,  
43 entices, or conceals a minor child from the other parent in violation  
44 of the custody or parenting time order.

45 Interference with custody is a crime of the second degree if the  
46 child is taken, detained, enticed, or concealed: (i) outside the  
47 United States or (ii) for more than 24 hours. Otherwise,  
48 interference with custody is a crime of the third degree but the

1 presumption of non-imprisonment set forth in subsection e. of  
2 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall  
3 not apply.

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

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

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

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

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

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

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

42 (2) Commences an action affecting custody in an appropriate  
43 court.

44 e. The offenses enumerated in this section are continuous in  
45 nature and continue for so long as the child is concealed or  
46 detained.

47 f. (1) In addition to any other disposition provided by law, a  
48 person convicted under subsection a. of this section shall make

1 restitution of all reasonable expenses and costs, including  
2 reasonable counsel fees, incurred by the other parent in securing the  
3 child's return.

4 (2) In imposing sentence under subsection a. of this section the  
5 court shall consider, in addition to the factors enumerated in chapter  
6 44 of Title 2C of the New Jersey Statutes:

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

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

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

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

12

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

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

23 a. A public agency authorized to investigate a report of  
24 domestic violence;

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

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

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

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

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

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

1 Any individual, agency, surrogate, or court which receives from  
2 the Administrative Office of the Courts the records referred to in  
3 this section shall keep **[such]** the records and reports, or parts  
4 thereof, confidential and shall not disseminate or disclose such  
5 records and reports, or parts thereof; provided that nothing in this  
6 section shall prohibit a receiving individual, agency, surrogate or  
7 court from disclosing records and reports, or parts thereof, in a  
8 manner consistent with and in furtherance of the purpose for which  
9 the records and reports or parts thereof were received.

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

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

21

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

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

31 b. If the determination is made that the person is the sole  
32 caretaker of the child, the presentence investigation shall also  
33 include:

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

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

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

45 c. The court shall provide the information compiled pursuant to  
46 subsection b. of this section, from the presentence investigation, to  
47 the Division of **[Youth and Family Services]** Child Protection and

1 Permanency in the Department of Children and Families.

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

3

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

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

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

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

20 b. For purposes of this section, "crime" includes any of the  
21 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4       "Appointed standby guardian" means a person appointed  
5 pursuant to section 6 of **[this act]** P.L.1995, c.76 (C.3B:12-72) to  
6 assume the duties of guardian over the person and, when applicable,  
7 the property of a minor child upon the death or a determination of  
8 incapacity or debilitation, and with the consent, of the parent or  
9 legal custodian.

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

19       "Consent" means written consent signed by the parent or legal  
20 custodian in the presence of two witnesses who shall also sign the  
21 document. The written consent shall constitute the terms for the  
22 commencement of the duties of the standby guardian.

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

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

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

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

37       "Determination of debilitation" 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 debilitation.

42       "Determination of incapacity" means a written determination  
43 made by the attending physician which contains the physician's  
44 opinion to a reasonable degree of medical certainty regarding the  
45 nature, cause, extent, and probable duration of the parent's or legal  
46 custodian's incapacity.



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

5 "Minor child" means a child under the age of eighteen years but  
6 excludes a child residing in a placement funded or approved by the  
7 Division of **[Youth and Family Services]** Child Protection and  
8 Permanency in the Department of Children and Families pursuant to  
9 either a voluntary placement agreement or court order.

10 "Triggering event" means an event stated in the designation,  
11 petition or decree which empowers the standby guardian to assume  
12 the duties of the office, which event may be the death, incapacity or  
13 debilitation, with the consent, of the custodial parent or legal  
14 custodian, whichever occurs first.

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

16  
17 13. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to  
18 read as follows:

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

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

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

30 "Commissioner" means the Commissioner of Children and  
31 Families.

32 "Court" means the Superior Court, Chancery Division, Family  
33 Part.

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

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

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

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

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

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

8 "Kinship relationship" means a family friend or a person with a  
9 biological or legal relationship with the child.

10 "Parental incapacity" means incapacity of such a serious nature  
11 as to demonstrate that the parent is unable, unavailable, or unwilling  
12 to perform the regular and expected functions of care and support of  
13 the child.

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

15  
16 14. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read  
17 as follows:

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

20 a. "Approved agency" means a nonprofit corporation,  
21 association, or agency, including any public agency, approved by  
22 the Department of Children and Families for the purpose of placing  
23 children for adoption in New Jersey;

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

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

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

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

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

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

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

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

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

5 k. "Home study" means an approved agency's formal  
6 assessment of the capacity and readiness of prospective adoptive  
7 parents to adopt a child, including the agency's written report and  
8 recommendations conducted in accordance with rules and  
9 regulations promulgated by the Director of the Division of [Youth  
10 and Family Services] Child Protection and Permanency; and

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

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

27

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

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

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

34 (2) the firm, partnership, corporation, association, or agency is  
35 an approved agency to act as agent, finder, or to otherwise  
36 materially assist in the placement of any child for adoption in this  
37 State, or

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

40 (4) the placement is through an intermediary and (a) the person  
41 with whom the child is to be placed has been approved for  
42 placement for adoption by an approved agency home study which  
43 consists of the agency's formal written assessment of the capacity  
44 and readiness of the prospective adoptive parents to adopt a child,  
45 conducted in accordance with rules and regulations promulgated by  
46 the Director of the Division of [Youth and Family Services] Child  
47 Protection and Permanency;

1 (b) The birth parent, except one who cannot be identified or  
2 located prior to the placement of the child for adoption, shall be  
3 offered counseling as to ~~his or her~~ the birth parent's options other  
4 than placement of the child for adoption. Such counseling shall be  
5 made available by or through an approved licensed agency in New  
6 Jersey or in the birth parent's state or country of residence. The fact  
7 that counseling has been made available, and the name, address, and  
8 telephone number of the agency through which the counseling is  
9 available, shall be confirmed in a written document signed by the  
10 birth parent and acknowledged in this State pursuant to section 1 of  
11 P.L.1991, c.308 (R.S.46:14-2.1) or acknowledged in another state  
12 or country pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1)  
13 a copy of which shall be provided to the birth parent and the agency  
14 conducting the adoption complaint investigation pursuant to section  
15 12 of P.L.1977, c.367 (C.9:3-48) and shall be filed with the court  
16 prior to termination of parental rights; and

17 (c) Written notice shall be given to the birth parent, except one  
18 who cannot be identified or located prior to the placement of the  
19 child for adoption, and the adoptive parent that the decision not to  
20 place the child for adoption or the return of the child to the birth  
21 parent cannot be conditioned upon reimbursement of expenses by  
22 the birth parent to the adoptive parent, and that payments by the  
23 adoptive parent are non-refundable. Provision of such notice shall  
24 be confirmed in a written document signed by the birth parent and  
25 adoptive parent in separate documents which shall be acknowledged  
26 in this State pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-  
27 2.1) or acknowledged in another state or country pursuant to section  
28 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of which shall be  
29 provided to the birth parent, and the agency conducting the adoption  
30 complaint investigation pursuant to section 12 of P.L.1977, c.367  
31 (C.9:3-48), and shall be filed with the court prior to termination of  
32 parental rights.

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

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

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

44 e. It shall not be a violation of subsection d. of this section: (1)  
45 to pay, provide, or reimburse to a parent of the child, or for a parent  
46 of the child to receive payment, provision, or reimbursement for  
47 medical, hospital, counseling, or other similar expenses incurred in  
48 connection with the birth or any illness of the child, or the

1 reasonable living expenses of the mother of the child during her  
2 pregnancy including payments for reasonable food, clothing,  
3 medical expenses, shelter, and religious, psychological, vocational,  
4 or similar counseling services during the period of the pregnancy  
5 and for a period not to exceed four weeks after the termination of  
6 the pregnancy by birth or otherwise. These payments may be made  
7 directly to the birth mother or on the mother's behalf to the supplier  
8 of the goods or services, or

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

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

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

15

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

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

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

43

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

46 3. In any case in which the Division of **【Youth and Family**  
47 **Services】** Child Protection and Permanency accepts a child in its

1 care or custody, the child's resource family parent or relative  
2 providing care for the child, as applicable, shall receive written  
3 notice of, and shall have a right to be heard at, any review or  
4 hearing held with respect to the child, but the resource family parent  
5 or relative shall not be made a party to the review or hearing solely  
6 on the basis of the notice and right to be heard.  
7 (cf: P.L.2007, c.228, s.1)

8  
9 18. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to  
10 read as follows:

11 21. a. (1) In addition to meeting the other requirements  
12 established by the Department of Children and Families, a home  
13 study completed by an approved agency shall include a  
14 recommendation regarding the suitability of the home for the  
15 placement of a child based upon the results of State and federal  
16 criminal history record checks for each prospective adoptive parent  
17 and each adult residing in the home.

18 For the purposes of this section, the federal criminal history  
19 record check conducted by the U.S. Citizenship and Immigration  
20 Services in the Department of Homeland Security on a prospective  
21 adoptive parent shall be valid for the prospective adoptive parent in  
22 fulfilling the home study requirement for the State.

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

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

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

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

38 (6) The department shall advise the approved agency of  
39 information received from State and federal criminal history record  
40 checks based upon the fingerprints submitted by the agency.  
41 Information provided to the approved agency shall be confidential  
42 and not disclosed by the approved agency to any individual or entity  
43 without the written permission of the person who is the subject of  
44 the record check.

45 (7) The commissioner shall adopt regulations for the use of  
46 criminal history record information by approved agencies when  
47 determining the suitability of a home for the placement of a child  
48 for the purposes of adoption.

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

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

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

23  
24       19. Section 9 of P.L.2006, c.47 (C.9:3A-9) is amended to read as  
25 follows:

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

43       As used in this section, the Office of Children's Services  
44 includes, but is not limited to, the Division of **[Youth and Family**  
45 **Services]** Child Protection and Permanency, the Division of **[Child**  
46 **Behavioral Health Services]** Children's System of Care, the  
47 Division of **[Prevention and Community Partnerships]** Family and

1 Community Partnerships, and the New Jersey Child Welfare  
2 Training Academy in the Department of Human Services.  
3 (cf: P.L.2006, c.47, s.9)

4  
5 20. Section 10 of P.L.2006, c.47 (C.9:3A-10) is amended to read  
6 as follows:

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

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

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

25  
26 21. Section 3 of P.L.1971, c.437 (C.9:6-8.10) is amended to read  
27 as follows:

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

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

41  
42 22. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to  
43 read as follows:

44 1. a. All records of child abuse reports made pursuant to  
45 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained  
46 by the Department of Children and Families in investigating such  
47 reports including reports received pursuant to section 20 of



1 P.L.1974, c.119 (C.9:6-8.40), and all reports of findings forwarded  
2 to the child abuse registry pursuant to section 4 of P.L.1971, c.437  
3 (C.9:6-8.11) shall be kept confidential and may be disclosed only  
4 under the circumstances expressly authorized under subsections b.,  
5 c., d., e., f., and g. herein. The department shall disclose  
6 information only as authorized under subsections b., c., d., e., f.,  
7 and g. of this section that is relevant to the purpose for which the  
8 information is required, provided, however, that nothing may be  
9 disclosed which would likely endanger the life, safety, or physical  
10 or emotional well-being of a child or the life or safety of any other  
11 person or which may compromise the integrity of a department  
12 investigation or a civil or criminal investigation or judicial  
13 proceeding. If the department denies access to specific information  
14 on this basis, the requesting entity may seek disclosure through the  
15 Chancery Division of the Superior Court. This section shall not be  
16 construed to prohibit disclosure pursuant to paragraphs (2) and (7)  
17 of subsection b. of this section.

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

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

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

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

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

34 (4) A physician, a hospital director or his designate, a police  
35 officer, or other person authorized to place a child in protective  
36 custody when such person has before him a child whom he  
37 reasonably suspects may be abused or neglected and requires the  
38 information in order to determine whether to place the child in  
39 protective custody;

40 (5) An agency, whether public or private, including any division  
41 or unit in the Department of Human Services or the Department of  
42 Children and Families, authorized to care for, treat, assess, evaluate,  
43 or supervise a child who is the subject of a child abuse report, or a  
44 parent, guardian, resource family parent, or other person who is  
45 responsible for the child's welfare, or both, when the information is  
46 needed in connection with the provision of care, treatment,  
47 assessment, evaluation, or supervision to such child or such parent,  
48 guardian, resource family parent, or other person and the provision

1 of information is in the best interests of the child as determined by  
2 the Division of [Youth and Family Services] Child Protection and  
3 Permanency;

4 (6) A court or the Office of Administrative Law, upon its  
5 finding that access to such records may be necessary for  
6 determination of an issue before it, and such records may be  
7 disclosed by the court or the Office of Administrative Law in whole  
8 or in part to the law guardian, attorney, or other appropriate person  
9 upon a finding that such further disclosure is necessary for  
10 determination of an issue before the court or the Office of  
11 Administrative Law;

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

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

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

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

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

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

35 (13) Any person or entity mandated by statute to consider child  
36 abuse or neglect information when conducting a background check  
37 or employment-related screening of an individual employed by or  
38 seeking employment with an agency or organization providing  
39 services to children;

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

- 1 (15) The members of a county multi-disciplinary team,  
2 established in accordance with State guidelines, for the purpose of  
3 coordinating the activities of agencies handling alleged cases of  
4 child abuse and neglect;
- 5 (16) A person being evaluated by the department or the court as a  
6 potential care-giver to determine whether that person is willing and  
7 able to provide the care and support required by the child;
- 8 (17) The legal counsel of a child, parent, or guardian, whether  
9 court-appointed or retained, when information is needed to discuss  
10 the case with the department in order to make decisions relating to  
11 or concerning the child;
- 12 (18) A person who has filed a report of suspected child abuse or  
13 neglect for the purpose of providing that person with only the  
14 disposition of the investigation;
- 15 (19) A parent, resource family parent, or legal guardian when the  
16 information is needed in a department matter in which that parent,  
17 resource family parent, or legal guardian is directly involved. The  
18 information may be released only to the extent necessary for the  
19 requesting parent, resource family parent, or legal guardian to  
20 discuss services or the basis for the department's involvement or to  
21 develop, discuss, or implement a case plan for the child;
- 22 (20) A federal, State, or local government entity, to the extent  
23 necessary for such entity to carry out its responsibilities under law  
24 to protect children from abuse and neglect;
- 25 (21) Citizen review panels designated by the State in compliance  
26 with the federal "Child Abuse Prevention and Treatment Act  
27 Amendments of 1996," Pub.L.104-235;
- 28 (22) The Child Fatality and Near Fatality Review Board  
29 established pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.); or
- 30 (23) Members of a family team or other case planning group  
31 formed by the Division of **【Youth and Family Services】** Child  
32 Protection and Permanency and established in accordance with  
33 regulations adopted by the Commissioner of Children and Families  
34 for the purpose of addressing the child's safety, permanency, or  
35 well-being, when the provision of such information is in the best  
36 interests of the child as determined by the Division of **【Youth and**  
37 **Family Services】** Child Protection and Permanency.
- 38 Any individual, agency, board, court, grand jury, legislative  
39 committee, or other entity which receives from the department the  
40 records and reports referred to in subsection a., shall keep **【such】**  
41 the records and reports, or parts thereof, confidential and shall not  
42 disclose **【such】** the records and reports or parts thereof except as  
43 authorized by law.
- 44 c. The department may share information with a child who is  
45 the subject of a child abuse or neglect report, as appropriate to the  
46 child's age or condition, to enable the child to understand the basis  
47 for the department's involvement and to participate in the

1 development, discussion, or implementation of a case plan for the  
2 child.

3 d. The department may release the records and reports referred  
4 to in subsection a. of this section to any person engaged in a bona  
5 fide research purpose, provided, however, that no names or other  
6 information identifying persons named in the report shall be made  
7 available to the researcher unless it is absolutely essential to the  
8 research purpose and provided further that the approval of the  
9 Commissioner of Children and Families or his designee shall first  
10 have been obtained.

11 e. For incidents determined by the department to be  
12 substantiated, the department shall forward to the police or law  
13 enforcement agency in whose jurisdiction the child named in the  
14 report resides, the identity of persons alleged to have committed  
15 child abuse or neglect and of victims of child abuse or neglect, their  
16 addresses, the nature of the allegations, and other relevant  
17 information, including, but not limited to, prior reports of abuse or  
18 neglect and names of siblings obtained by the department during its  
19 investigation of a report of child abuse or neglect. The police or  
20 law enforcement agency shall keep such information confidential.

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

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

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

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

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

3       2. a. Upon receiving the presentencing investigation information  
4 from the court pursuant to section 1 of P.L.2003, c.301 (C.2C:44-  
5 6.2) concerning a sole caretaker of a child who will be incarcerated  
6 and the person who will assume care and custody of the child  
7 during the period of incarceration, the Division of **【Youth and**  
8 **Family Services】** Child Protection and Permanency in the  
9 Department of Children and Families shall conduct a child abuse  
10 record information check of its child abuse records to determine if  
11 an incident of child abuse or neglect has been substantiated against  
12 the person who will be responsible for the child's care and custody  
13 or any adult and juvenile over 12 years of age in the person's  
14 household.

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

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

23

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

26       4. Upon receipt of any such report, the Division of **【Youth and**  
27 **Family Services】** Child Protection and Permanency, or such  
28 another entity in the Department of Children and Families as may  
29 be designated by the Commissioner of Children and Families to  
30 investigate child abuse or neglect, shall immediately take such  
31 action as shall be necessary to insure the safety of the child and to  
32 that end may request and shall receive appropriate assistance from  
33 local and State law enforcement officials. A representative of the  
34 division or other designated entity shall initiate an investigation  
35 within 24 hours of receipt of the report, unless the division or other  
36 entity authorizes a delay based upon the request of a law  
37 enforcement official. The division or other entity shall also, within  
38 72 hours, forward a report of such matter to the child abuse registry  
39 operated by the division in Trenton.

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

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

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

3 5. The Division of **【Youth and Family Services】** Child  
4 Protection and Permanency shall maintain, at all times, an  
5 emergency telephone service for the receipt of calls involving a  
6 report, complaint, or allegation of child abuse or neglect.  
7 (cf: P.L.2004, c.130, s.24)

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

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

16  
17 27. Section 2 of P.L.1973, c.147 (C.9:6-8.17) is amended to read  
18 as follows:

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

26  
27 28. Section 3 of P.L.1973, c.147 (C.9:6-8.18) is amended to read  
28 as follows:

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

42  
43 29. Section 4 of P.L.1973, c.147 (C.9:6-8.19) is amended to read  
44 as follows:

45 4. a. The **【Bureau of Children's Services or its successor, the】**  
46 **Division of 【Youth and Family Services】** Child Protection and  
47 Permanency, shall immediately after the receipt of such report, and

1 after making a determination to take the child into protective  
2 custody, shall serve or attempt to serve, written notice upon the  
3 parents or guardian that the said child has been taken into protective  
4 custody. The notice shall contain a statement of the maximum  
5 duration of the protective custody and the location of the child  
6 during protective custody.

7 b. The parents or guardian of a child in protective custody may,  
8 upon request and in the reasonable discretion of the physician,  
9 director, or his designate, or appropriate official of the [Bureau of  
10 Children's Services, or its successor, the] Division of [Youth and  
11 Family Services] Child Protection and Permanency, visit the [said]  
12 child, provided that the life or health of the child will not be  
13 endangered by such visit.

14 c. The entire period of protective custody shall not exceed [3]  
15 three court days. The protective custody may be terminated earlier  
16 at the discretion of the reporting physician, director or appropriate  
17 official of the [Bureau of Children's Services or its successor, the]  
18 Division of [Youth and Family Services] Child Protection and  
19 Permanency, or upon order of the court.

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

21

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

24 5. In any case in which the Division of [Youth and Family  
25 Services] Child Protection and Permanency accepts a child in its  
26 care or custody, the child's resource family parent or relative  
27 providing care for the child, as applicable, shall receive written  
28 notice of and an opportunity to be heard at any review or hearing  
29 held with respect to the child, but the resource family parent or  
30 relative shall not be made a party to the review or hearing solely on  
31 the basis of the notice and opportunity to be heard.

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

33

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

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

38 a. "Parent or guardian" means any natural parent, adoptive  
39 parent, resource family parent, stepparent, paramour of a parent<sub>1</sub> or  
40 any person, who has assumed responsibility for the care, custody<sub>1</sub> or  
41 control of a child or upon whom there is a legal duty for such care.  
42 Parent or guardian includes a teacher, employee<sub>1</sub> or volunteer,  
43 whether compensated or uncompensated, of an institution who is  
44 responsible for the child's welfare and any other staff person of an  
45 institution regardless of whether or not the person is responsible for  
46 the care or supervision of the child. Parent or guardian also  
47 includes a teaching staff member or other employee, whether

1 compensated or uncompensated, of a day school as defined in  
2 section 1 of P.L.1974, c.119 (C.9:6-8.21).

3 b. "Child" means any child alleged to have been abused or  
4 neglected.

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

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

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

46 d. "Law guardian" means an attorney admitted to the practice  
47 of law in this State, regularly employed by the Office of the Public  
48 Defender or appointed by the court, and designated under [this act]



1 P.L.1974, c.119 to represent minors in alleged cases of child abuse  
2 or neglect and in termination of parental rights proceedings.

3 e. "Attorney" means an attorney admitted to the practice of law  
4 in this State who shall be privately retained; or, in the instance of an  
5 indigent parent or guardian, an attorney from the Office of the  
6 Public Defender or an attorney appointed by the court who shall be  
7 appointed in order to avoid conflict between the interests of the  
8 child and the parent or guardian in regard to representation.

9 f. "Division" means the Division of **[Youth and Family**  
10 **Services]** Child Protection and Permanency in the Department of  
11 Children and Families unless otherwise specified.

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

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

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

23

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

26 9. a. A police officer or a designated employee of the Probation  
27 Division or a designated employee of the division may remove a  
28 child from the place where **[he]** the child is residing, or any **[such]**  
29 person or any physician treating **[such]** a child may keep a child in  
30 **[his]** the person's or physician's custody without an order pursuant  
31 to section 8 of P.L.1974, c.119 (C.9:6-8.28) and without the consent  
32 of the parent or guardian regardless of whether the parent or  
33 guardian is absent, if the child is in such condition that **[his]** the  
34 child's continuance in **[said]** the place or residence or in the care  
35 and custody of the parent or guardian presents an imminent danger  
36 to the child's life, safety, or health, and there is insufficient time to  
37 apply for a court order pursuant to section 8 of P.L.1974, c.119  
38 (C.9:6-8.28), or any physician or hospital treating **[such]** a child  
39 may keep a child in custody pursuant to P.L.1973, c.147 (C.9:6-  
40 8.16 et seq.). The Division of **[Youth and Family Services]** Child  
41 Protection and Permanency shall not be required to provide  
42 reasonable efforts to prevent placement if removal of the child is  
43 necessary due to imminent danger to the child's life, safety, or  
44 health in accordance with section 24 of P.L. 1999, c.53 (C.30:4C-  
45 11.2).

46 b. If a person authorized by this section removes or keeps  
47 custody of a child, he shall (1) inform the division immediately; (2)

1 bring the child immediately to a place designated by the division for  
2 this purpose, and (3) make every reasonable effort to inform the  
3 parent or guardian of the facility to which **[he]** the person has  
4 brought the child.

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

9 d. Any person acting under the authority of **[this act]**  
10 P.L.1974, c.119 (C.9:6-8.21 et seq.) may request and shall receive  
11 appropriate assistance from local and State law enforcement  
12 officials.

13 (cf: P.L.1999, c.53, s.9)

14

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

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

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

34 If the court determines that removal of the child by a physician,  
35 police officer, designated employee of the Probation Division, or  
36 designated employee of the Division of **[Youth and Family**  
37 **Services]** Child Protection and Permanency was necessary due to  
38 imminent danger to the child's life, safety, or health, the court shall  
39 find that the Division of **[Youth and Family Services]** Child  
40 Protection and Permanency was not required to provide reasonable  
41 efforts to prevent placement of the child in accordance with section  
42 24 of P.L.1999, c.53 (C.30:4C-11.2).

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

1 d. Upon such hearing, the court may, for good cause shown,  
2 release the child to the custody of his parent or guardian from  
3 whose custody or care the child was removed, pending a final order  
4 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-  
5 8.53).

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

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

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

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

21

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

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

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

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

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

40

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

43 1. When a child is placed in the custody of a relative or other  
44 suitable person or the Division of **【Youth and Family Services】**  
45 Child Protection and Permanency pursuant to section 34 of  
46 P.L.1974, c.119 (C.9:6-8.54), because of a finding of abuse or  
47 neglect, the Superior Court, Chancery Division, Family Part shall  
48 order the parent and, when appropriate, any other adult domiciled in

1 the home to undergo substance abuse assessment, when necessary.  
2 If the assessment reveals positive evidence of substance abuse, the  
3 court shall require the parent and other adult, when appropriate, to  
4 demonstrate that he is receiving treatment and complying with the  
5 treatment program for the substance abuse problem before the child  
6 is returned to the parental home.  
7 (cf: P.L.1998, c.127, s.1)

8  
9 36. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read  
10 as follows:

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

13 a. The purpose of the task force is to study and develop  
14 recommendations regarding the most effective means of improving  
15 the quality and scope of child protective and preventative services  
16 provided or supported by State government, including a review of  
17 the practices and policies utilized by the Division of **【Youth and  
18 Family Services】** Child Protection and Permanency and the  
19 Division of **【Prevention and Community Partnerships】** Family and  
20 Community Partnerships in the Department of Children and  
21 Families in order to:

22 (1) optimize coordination of child abuse-related services and  
23 investigations;

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

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

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

29 (5) develop a Statewide plan to prevent child abuse and neglect  
30 and mechanisms to facilitate child abuse and neglect prevention  
31 strategies in coordination with the Division of **【Prevention and  
32 Community Partnerships】** Family and Community Partnerships;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4

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

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

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

40 The task force shall be co-chaired, one co-chair shall be the  
41 Commissioner of Children and Families and the other shall be  
42 appointed by the Governor with the advice and consent of the  
43 Senate. The second co-chair shall be selected from among the  
44 public members and shall serve at the pleasure of the Governor.  
45 The public members shall serve for a term of three years.

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

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

3 2. As used in this act:

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

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

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

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

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

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

16 "Parent or guardian" means a person defined pursuant to section  
17 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the  
18 care, custody, or control of a child or upon whom there is a legal  
19 duty for such care.

20 "Reasonable efforts" means attempts by an agency authorized by  
21 the Division of **[Youth and Family Services]** Child Protection and  
22 Permanency to assist the parents in remedying the circumstances  
23 and conditions that led to the placement of the child and in  
24 reinforcing the family structure, as defined in section 7 of P.L.1991,  
25 c.275 (C.30:4C-15.1).

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

29 a. the employment, use, persuasion, inducement, enticement, or  
30 coercion of any child to engage in, or assist any other person to  
31 engage in, any sexually explicit conduct or simulation of such  
32 conduct;

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

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

38 "Significant bodily injury" means a temporary loss of the  
39 functioning of any bodily member or organ or temporary loss of any  
40 one of the five senses.

41 "Withholding of medically indicated treatment" means the failure  
42 to respond to a child's life-threatening conditions by providing  
43 treatment, including appropriate nutrition, hydration, and  
44 medication which, in the treating physician's reasonable judgment,  
45 will most likely be effective in ameliorating or correcting all such  
46 conditions. The term does not include the failure to provide  
47 treatment, other than appropriate nutrition, hydration, or medication

1 to a child when, in the treating physician's reasonable medical  
2 judgment:

- 3 a. the child is chronically and irreversibly comatose;  
4 b. the provision of such treatment would merely prolong dying,  
5 not be effective in ameliorating or correcting all of the child's life-  
6 threatening conditions, or otherwise be futile in terms of the  
7 survival of the child; or  
8 c. the provision of such treatment would be virtually futile in  
9 terms of the survival of the child and the treatment itself under such  
10 circumstances would be inhumane.

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

12

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

15 7. a. The board shall consist of ~~【14】~~ 13 members as follows:  
16 the Commissioner of Children and Families, the Commissioner of  
17 Health and Senior Services, the Director of the Division of ~~【Youth~~  
18 ~~and Family Services】~~ Child Protection and Permanency in the  
19 Department of Children and Families, the Attorney General, ~~【the~~  
20 ~~Child Advocate】~~ and the Superintendent of State Police, or their  
21 designees, the State Medical Examiner, and the Chairperson or  
22 Executive Director of the New Jersey Task Force on Child Abuse  
23 and Neglect, who shall serve ex officio; and six public members  
24 appointed by the Governor, one of whom shall be a representative  
25 of the New Jersey Prosecutors' Association, one of whom shall be a  
26 Law Guardian, one of whom shall be a pediatrician with expertise  
27 in child abuse and neglect, one of whom shall be a psychologist  
28 with expertise in child abuse and neglect, one of whom shall be a  
29 social work educator with experience and expertise in the area of  
30 child abuse or a related field and one of whom shall have expertise  
31 in substance abuse.

32 b. The public members of the board shall serve for three-year  
33 terms. Of the public members first appointed, three shall serve for a  
34 period of two years, and three shall serve for a term of three years.  
35 They shall serve without compensation but shall be eligible for  
36 reimbursement for necessary and reasonable expenses incurred in  
37 the performance of their official duties and within the limits of  
38 funds appropriated for this purpose. Vacancies in the membership  
39 of the board shall be filled in the same manner as the original  
40 appointments were made.

41 c. The Governor shall appoint a public member to serve as  
42 chairperson of the board who shall be responsible for the  
43 coordination of all activities of the board and who shall provide the  
44 technical assistance needed to execute the duties of the board.

45 d. The board is entitled to call to its assistance and avail itself  
46 of the services of employees of any State, county, or municipal  
47 department, board, bureau, commission, or agency as it may require



1 and as may be available for the purposes of reviewing a case  
2 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).  
3 The board may also seek the advice of experts, such as persons  
4 specializing in the fields of pediatric, radiological, neurological,  
5 psychiatric, orthopedic, and forensic medicine; nursing;  
6 psychology; social work; education; law enforcement; family law;  
7 substance abuse; child advocacy; or other related fields, if the facts  
8 of a case warrant additional expertise.

9 (cf: P.L.2006, c.47, s.60)

10

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

13 3. As used in **[this act]** P.L.1999, c.224 (C.9:12A-2 et seq.):

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

15 "Division" means the Division of **[Youth and Family Services]**  
16 Child Protection and Permanency in the Department of Children  
17 and Families.

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

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

22

23 41. Section 2 of P.L. 1979 **[.]** c.42 (C.18A:35-4.4) is  
24 amended to read as follows:

25 2. The Commissioner of Education, in consultation with the  
26 Department of **[Community Affairs]** Children and Families,  
27 **[Division]** '[Office] Division' on Women, shall appoint an  
28 advisory council to assist and advise the State Board of Education  
29 in the development and implementation of educational programs for  
30 the prevention of sexual assault.

31 The advisory council shall consist of 15 members chosen from  
32 among the legal, law enforcement, medical, and educational  
33 communities, and shall also include representatives of community-  
34 based groups providing services and assistance to victims of sexual  
35 assault. Each shall be appointed for a 2-year term and shall serve  
36 without compensation.

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

38

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

41 1. a. If any child enrolled in a school district has an unexcused  
42 absence from school for five consecutive school days, the  
43 attendance officer of the district shall investigate the absence and  
44 notify the district superintendent of the absence. In the event the  
45 investigation leads the district superintendent to have reasonable  
46 cause to believe the child has been abused or neglected as defined  
47 in section 1 of P.L.1974, c.119 (C.9:6-8.21), the district

1 superintendent shall then notify the Division of [Youth and Family  
2 Services] Child Protection and Permanency in the Department of  
3 Children and Families for its determination of whether the division  
4 is or has been involved with the child and whether action, as  
5 appropriate, is warranted.

6 b. When a child's parent, guardian, or other person having  
7 charge and control of the child notifies a school district that the  
8 child will be withdrawing from the district and transferring to  
9 another school district, the principal of the school from which the  
10 child is withdrawing shall request that the parent, guardian, or other  
11 person having charge and control of the child provide the principal  
12 with the name and location of the school district in which the child  
13 will subsequently be enrolled and the expected date of enrollment.  
14 The principal shall provide the information supplied by the parent,  
15 guardian, or other person having charge and control of the child to  
16 the district superintendent. Five school days following the expected  
17 date of enrollment, the superintendent of the district of last  
18 attendance shall contact the school district in which the child is to  
19 be subsequently enrolled to determine if the child has enrolled in  
20 the district. If the child has not been so enrolled, the attendance  
21 officer of the transfer district shall investigate the failure to enroll  
22 and notify the superintendent of the transfer district of the failure to  
23 enroll. In the event the investigation leads the superintendent of the  
24 transfer district to have reasonable cause to believe the child has  
25 been abused or neglected as defined in section 1 of P.L.1974, c.119  
26 (C.9:6-8.21), the superintendent of the transfer district shall then  
27 notify the Division of [Youth and Family Services] Child  
28 Protection and Permanency in the Department of Children and  
29 Families for its determination of whether the division is or has been  
30 involved with the child and whether action, as appropriate, is  
31 warranted. If the child has been so enrolled, the district of last  
32 attendance and the transfer district shall arrange for the transfer of  
33 the child's records in accordance with the provisions of section 1 of  
34 P.L.1986, c.160 (C.18A:36-19a) and subsection b. of section 4 of  
35 P.L.1995, c.395 (C.18A:36-25.1).

36 c. School district policies for the early detection of missing and  
37 abused children required pursuant to section 2 of P.L.1984, c.228  
38 (C.18A:36-25) shall include provisions to implement the  
39 requirements of this section.  
40 (cf: P.L.2007, c.248, s.1)

41  
42 43. Section 1 of P.L.1997, c.362 (C.18A:40A-7.1) is amended  
43 as follows:

44 1. a. Except as provided by section 3 of P.L.1971, c.437  
45 (C.9:6-8.10), if a public or private elementary or secondary school  
46 pupil who is participating in a school-based drug and alcohol abuse  
47 counseling program provides information during the course of a  
48 counseling session in that program which indicates that the pupil's

1 parent or guardian or other person residing in the pupil's household  
2 is dependent upon or illegally using a substance as that term is  
3 defined in section 2 of P.L.1987, c.387 (C.18A:40A-9), that  
4 information shall be kept confidential and may be disclosed only  
5 under the circumstances expressly authorized under subsection b. of  
6 this section.

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

9 (1) subject to the pupil's written consent, to another person or  
10 entity whom the pupil specifies in writing in the case of a secondary  
11 school pupil, or to a member of the pupil's immediate family or the  
12 appropriate school personnel in the case of an elementary school  
13 pupil;

14 (2) pursuant to a court order;

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

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

26 c. Any disclosure made pursuant to paragraph (1) or (2) of  
27 subsection b. of this section shall be limited to that information  
28 which is necessary to carry out the purpose of the disclosure, and  
29 the person or entity to whom the information is disclosed shall be  
30 prohibited from making any further disclosure of that information  
31 without the pupil's written consent. The disclosure shall be  
32 accompanied by a written statement advising the recipient that the  
33 information is being disclosed from records the confidentiality of  
34 which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and  
35 that this law prohibits any further disclosure of this information  
36 without the written consent of the person from whom the  
37 information originated. Nothing in **[this act]** P.L.1997, c.362  
38 (C.18A:40A-7.1 et seq.) shall be construed as prohibiting the  
39 Division of **[Youth and Family Services]** Child Protection and  
40 Permanency or a law enforcement agency from using or disclosing  
41 the information in the course of conducting an investigation or  
42 prosecution. Nothing in **[this act]** P.L.1997, c.362 shall be  
43 construed as authorizing the violation of any federal law.

44 d. The prohibition on the disclosure of information provided by  
45 a pupil pursuant to subsection a. of this section shall apply whether  
46 the person to whom the information was provided believes that the  
47 person seeking the information already has it, has other means of  
48 obtaining it, is a law enforcement or other public official, has

1 obtained a subpoena, or asserts any other justification for the  
2 disclosure of this information.

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

4

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

7 3. The Commissioners of Education and Labor and Workforce  
8 Development each shall:

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

12 b. In consultation with the Division on Civil Rights in the  
13 Department of Law and Public Safety and the **["Office"]**  
14 Division<sup>1</sup> on Women in the Department of **["Community Affairs"]**  
15 Children and Families, identify the factors which have produced  
16 low rates of minority and female participation in apprenticeship and  
17 other technical training programs;

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

20 d. Advise the Legislature of any additional legislative action  
21 which would advance the purposes of **["this act"]** P.L.1985, c.427  
22 (C.18A:54D-1 et seq.).

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

24

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

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

28 "Commissioner" means the Commissioner of Health and Senior  
29 Services.

30 **["Division on Women"]** <sup>1</sup>**["Office on Women"]** "Division on  
31 Women"<sup>1</sup> means the **["Division"]** <sup>1</sup>**["Office"]** Division<sup>1</sup> on Women in  
32 the Department of **["Community Affairs"]** Children and Families.

33 "Emergency care to sexual assault victims" means a medical  
34 examination, procedure, or service provided by an emergency  
35 health care facility to a sexual assault victim following an alleged  
36 sexual offense.

37 "Emergency contraception" means one or more prescription  
38 drugs to prevent pregnancy, used separately or in combination,  
39 administered to or self-administered by a patient within a medically  
40 recommended time after sexual intercourse, dispensed for that  
41 purpose in accordance with professional standards of practice and  
42 determined to be safe by the United States Food and Drug  
43 Administration.

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

1 "Medically and factually accurate and objective" means verified  
2 or supported by the weight of research conducted in compliance  
3 with accepted scientific methods and standards, published in peer-  
4 reviewed journals and recognized as accurate and objective by  
5 leading professional organizations and agencies with relevant  
6 expertise in the field of obstetrics and gynecology.

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

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

14 "Sexual offense" means sexual assault and aggravated sexual  
15 assault as set forth in N.J.S.2C:14-2, criminal sexual contact and  
16 aggravated criminal sexual contact as set forth in N.J.S.2C:14-3,  
17 fourth degree lewdness as set forth in subsection b. of N.J.S.2C:14-  
18 4 and endangering the welfare of a child by engaging in sexual  
19 conduct which would impair or debauch the morals of the child as  
20 set forth in N.J.S.2C:24-4.

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

22

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

25 4. a. The commissioner, in collaboration with the Director of  
26 the **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women, the New Jersey  
27 Coalition Against Sexual Assault, and the Sexual Assault Nurse  
28 Examiner program, shall develop, prepare, and produce, in  
29 quantities sufficient to comply with the purposes of **[this act]**  
30 P.L.2005, c.50 (C.26:2H-12.6b et seq.), written information relating  
31 to: emergency contraception for the prevention of pregnancy in  
32 sexual assault victims; and sexually transmitted diseases.

33 b. The information shall be clearly written and readily  
34 comprehensible in a culturally competent manner, as the  
35 commissioner, in collaboration with the **[Division]** <sup>1</sup>**[Office]**  
36 Division<sup>1</sup> on Women, the New Jersey Coalition Against Sexual  
37 Assault, and the Sexual Assault Nurse Examiner program, deems  
38 necessary to inform a sexual assault victim. The information shall  
39 explain:

40 (1) the nature of emergency contraception, the effectiveness of  
41 emergency contraception in preventing pregnancy, where  
42 emergency contraception can be obtained, and treatment options;  
43 and

44 (2) the symptoms and effects of sexually transmitted diseases,  
45 and treatment options.

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

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

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

8 5. a. The commissioner shall:

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

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

16 (3) notify the Sexual Assault Nurse Examiner program of all  
17 substantiated complaints;

18 (4) compile the substantiated complaints;

19 (5) analyze the substantiated complaints, at least annually, to  
20 determine if there is any pattern of failure to provide services  
21 pursuant to **【this act】** P.L.2005, c.50; and

22 (6) determine, at least annually, whether an emergency health  
23 care facility is complying with the provisions of **【this act】**  
24 P.L.2005, c.50. The commissioner may utilize all means within his  
25 regulatory authority concerning health care facilities to verify a  
26 facility's compliance with **【this act】** P.L.2005, c.50.

27 b. If the commissioner determines that an emergency health  
28 care facility is not in compliance with the provisions of **【this act】**  
29 P.L.2005, c.50, the commissioner may assess such penalties and  
30 take other actions against the facility, as provided in P.L.1971,  
31 c.136 (C.26:2H-1 et seq.). Any such penalties assessed for  
32 noncompliance shall be paid to the Department of the Treasury and  
33 allocated, on a quarterly basis, to the **【Division】** <sup>1</sup>**【Office】**  
34 Division<sup>1</sup> on Women for supplemental funding for designated rape  
35 crisis centers.

36 c. The commissioner shall prepare an annual report, which  
37 shall be available to the public, summarizing the substantiated  
38 complaints, the actions taken by an emergency health care facility  
39 or the commissioner to address the complaints, and the  
40 commissioner's findings concerning any pattern of failure to  
41 provide services under, or noncompliance with, the provisions of  
42 **【this act】** P.L.2005, c.50.

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

44  
45 48. Section 7 of P.L.2005, c.50 (C.26:2H-12.6g) is amended to  
46 read as follows:

1       7. Pursuant to the "Administrative Procedure Act," P.L.1968,  
2 c.410 (C.52:14B-1 et seq.), the commissioner, in consultation with  
3 the Director of the **【Division】** '**【Office】 Division**<sup>1</sup> on Women and  
4 the Sexual Assault Nurse Examiner program, shall adopt rules and  
5 regulations to effectuate the purposes of **【this act】** P.L.2005, c.50  
6 (C.26:2H-12.6b et seq.); except that, notwithstanding any provision  
7 of P.L.1968, c.410 to the contrary, the commissioner may adopt,  
8 immediately upon filing with the Office of Administrative Law,  
9 such regulations as the commissioner deems necessary to  
10 implement the provisions of this act, which shall be effective for a  
11 period not to exceed six months and may thereafter be amended,  
12 adopted or readopted by the commissioner in accordance with the  
13 requirements of P.L.1968, c.410.  
14 (cf: P.L.2005, c.50, s.7)

15  
16       49. Section 4 of P.L.1997, c.191 (C.26:2R-4) is amended to read  
17 as follows:

18       4. There is established an Interagency Council on Osteoporosis  
19 in the department to advise the commissioner on the development  
20 and implementation of the program. The members of the council  
21 shall be appointed by the commissioner, and shall include the  
22 following: The Director of the Division of Epidemiology,  
23 Environmental and Occupational Health Services and the Assistant  
24 Commissioner of Senior Affairs in the department and the Director  
25 of the **【Division】** '**【Office】 Division**<sup>1</sup> on Women in the Department  
26 of **【Community Affairs】** Children and Families, as ex officio  
27 members, and public members who are representatives of: persons  
28 with osteoporosis; women's health organizations; public health  
29 educators; experts in bone and osteoporosis research, prevention  
30 and treatment; and health care providers, including at least one  
31 radiologist, orthopedist, registered professional nurse, physical  
32 therapist, and nutritionist. The members of the council shall serve  
33 without compensation and shall not be reimbursed for any expenses  
34 incurred by them in the performance of their duties.  
35 (cf: P.L.1997, c.191, s.4)

36  
37       50. Section 5 of P.L.1999, c.72 (C.26:2V-5) is amended to read  
38 as follows:

39       5. There is established an Advisory Council on Arthritis in the  
40 department to advise the commissioner on the development and  
41 implementation of the initiative. The council shall include: two  
42 members of the Senate, to be appointed by the President of the  
43 Senate, who shall not be of the same political party; two members  
44 of the General Assembly, to be appointed by the Speaker of the  
45 General Assembly, who shall not be of the same political party; the  
46 Senior Assistant Commissioner, Public Health Prevention and  
47 Protection and the Assistant Commissioner, Division of Senior

1 Services in the department; the Director of the **【Division】**  
2 **'【Office】 Division'** on Women in the Department of **【Community**  
3 **Affairs】 Children and Families**, and a member of the Interagency  
4 Council on Osteoporosis, as ex officio members; and 15 public  
5 members to be appointed by the commissioner who may include  
6 representatives of persons with arthritis, arthritis health  
7 organizations, public health educators, experts in arthritis research,  
8 prevention and treatment and health care strategic planning, and  
9 health care providers including physicians and nurses. The public  
10 members of the council shall serve without compensation and may  
11 be reimbursed for any expenses incurred by them in the  
12 performance of their duties.

13 Legislative members shall serve during their terms of office.  
14 Public members shall serve for a term of three years from the date  
15 of their appointment and until their successors are appointed and  
16 qualified; except that of the first appointments made: five shall be  
17 for a term of one year, five for two years, and five for three years.

18 Vacancies shall be filled in the same manner as the original  
19 appointments were made.

20 The advisory council shall organize as soon as may be  
21 practicable after the appointment of its members and shall select a  
22 chairman from among its members and a secretary who need not be  
23 a member of the council.

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

25

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

28 3. a. The Commissioner of Health and Senior Services, in  
29 consultation with the Commissioner of Education and the Director  
30 of the **【Division】 '【Office】 Division'** on Women in the Department  
31 of **【Community Affairs】 Children and Families**, shall establish a  
32 public awareness campaign to inform the general public about the  
33 clinical significance and public health implications of the human  
34 papillomavirus, including its causes and the most effective means of  
35 prevention and treatment. The public awareness campaign shall be  
36 established in accordance with accepted public health practice and  
37 recommendations of the federal Centers for Disease Control and  
38 Prevention, and within the limits of available funds and any other  
39 resources available for the purposes thereof.

40 b. The commissioner shall prepare a patient information  
41 brochure regarding the human papillomavirus, including its causes  
42 and the most effective means of prevention and treatment. The  
43 department shall distribute the pamphlet, at no charge, to all  
44 pediatricians in the State. The department shall update the  
45 pamphlet as necessary, and shall make additional copies of the  
46 pamphlet available to other health care providers upon request.

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



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

3       7. The commissioner shall semiannually submit all inmate  
4 complaints submitted to the department concerning female inmates  
5 to the Director of the **【Division】** <sup>1</sup>**【Office】** Division<sup>1</sup> on Women in  
6 the Department of **【Community Affairs established pursuant to the**  
7 **"Division on Women Act of 1974," P.L.1974, c.87 (C.52:27D-43.8**  
8 **et seq.)】** Children and Families.  
9 (cf: P.L.2010, c.34, s.8)

10

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

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

17       (a) The term **【"Division of Youth and Family Services,"】**  
18 "Division of Child Protection and Permanency" or "division,"  
19 **【successor to the "Bureau of Children's Services"】** means the State  
20 agency for the care, custody, guardianship, maintenance, and  
21 protection of children, as more specifically described by the  
22 provisions of **【this act】** P.L.1951, c.138, and succeeding the agency  
23 heretofore variously designated by the laws of this State as the State  
24 Board of Child Welfare or the State Board of Children's Guardians.

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

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

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

33       (e) The term "guardianship" means control over the person and  
34 property of a child as established by the order of a court of  
35 competent jurisdiction, and as more specifically defined by the  
36 provisions of **【this act】** 】 P.L.1951, c.138. Guardianship by the  
37 Division of **【Youth and Family Services】** Child Protection and  
38 Permanency shall be treated as guardianship by the Commissioner  
39 of Children and Families exercised on his behalf wholly by and in  
40 the name of the Division of **【Youth and Family Services】** Child  
41 Protection and Permanency, acting through the chief executive  
42 officer of the division or **【his】** the chief executive's authorized  
43 representative. **【Such】** The exercise of guardianship by the  
44 division shall be at all times and in all respects subject to the  
45 supervision of the commissioner.

46       (f) The term "maintenance" means moneys expended by the  
47 Division of **【Youth and Family Services】** Child Protection and

1 Permanency to procure board, lodging, clothing, medical, dental,  
2 and hospital care, or any other similar or specialized commodity or  
3 service furnished to, on behalf of, or for a child pursuant to the  
4 provisions of **[this act]** P.L.1951, c.138; maintenance also includes  
5 but is not limited to moneys expended for shelter, utilities, food,  
6 repairs, essential household equipment, and other expenditures to  
7 remedy situations of an emergent nature to permit, as far as  
8 practicable, children to continue to live with their families.

9 (g) The term "welfare services" means consultation, counseling,  
10 and referral to or utilization of available resources, for the purpose  
11 of determining and correcting or adjusting matters and  
12 circumstances which are endangering the welfare of a child, and for  
13 the purpose of promoting **[his]** a child's proper development and  
14 adjustment in the family and the community.

15 (h) The term "resource family parent" means any person other  
16 than a natural or adoptive parent with whom a child in the care,  
17 custody, or guardianship of the Department of Children and  
18 Families is placed by the department, or with its approval, for care,  
19 and shall include any person with whom a child is placed by the  
20 division for the purpose of adoption until the adoption is finalized.

21 (i) The term "resource family home" means and includes private  
22 residences wherein any child in the care, custody, or guardianship  
23 of the Department of Children and Families may be placed by the  
24 department, or with its approval, for care, and shall include any  
25 private residence maintained by persons with whom any **[such]**  
26 child is placed by the division for the purpose of adoption until the  
27 adoption is finalized.

28 (j) The singular includes the plural form.

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

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

31 (m) The term "group home" means and includes any single  
32 family dwelling used in the placement of 12 children or less  
33 pursuant to law, recognized as a group home by the Department of  
34 Children and Families in accordance with rules and regulations  
35 adopted by the Commissioner of Children and Families; provided,  
36 however, that no group home shall contain more than 12 children.

37 (n) The term "youth facility" means a facility within this State  
38 used to house or provide services to children under **[this act]**  
39 P.L.1951, c.138, including but not limited to group homes,  
40 residential facilities, day care centers, and day treatment centers.

41 (o) The term "youth facility aid" means aid provided by the  
42 Division of **[Youth and Family Services]** Child Protection and  
43 Permanency to public, private, or voluntary agencies to purchase,  
44 construct, renovate, repair, upgrade, or otherwise improve a youth  
45 facility in consideration for an agreement for the agency to provide  
46 residential care, day treatment, or other youth services for children  
47 in need of such services.

1 (p) The term "day treatment center" means a facility used to  
2 provide counseling, supplemental educational services, therapy, and  
3 other related services to children for whom it has been determined  
4 that such services are necessary, but is not used to house these  
5 children in a residential setting.

6 (q) The term "residential facility" means a facility used to house  
7 and provide treatment and other related services on a 24-hour basis  
8 to children determined to be in need of such housing and services.

9 (r) The term "legally responsible person" means the natural or  
10 adoptive parent, or the spouse of a child receiving maintenance  
11 from or through the Division of **[Youth and Family Services]** Child  
12 Protection and Permanency.

13 (s) "Commissioner" means the Commissioner of Children and  
14 Families.

15 (t) "Department" means the Department of Children and  
16 Families.

17 (cf: P.L.2006, c.47, s.113)

18

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

21 39. Except as otherwise provided by **[this act]** P.L.1962, c.197,  
22 the [Bureau of Childrens Services] Division of Child Protection  
23 and Permanency shall in all respects and for all purposes be deemed  
24 a continuation of the agency heretofore known as the State Board of  
25 Children's Guardians or the State Board of Child Welfare.

26 (cf: P.L.1962, c.197, s.39)

27

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

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

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

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

40 (c) encourage the development of private and voluntary  
41 agencies qualified to provide welfare services for children to the  
42 end that through cooperative effort the need for such services may  
43 be limited or reduced; and

44 (d) for each child placed outside his home by the division,  
45 provide permanency through return of the child to the child's own  
46 home, if the child can be returned home without endangering the  
47 child's health or safety; through adoption, if family reunification is

1 not possible; or through an alternative permanent placement, if  
2 termination of parental rights is not appropriate.

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

4

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

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

15 The division shall, in addition, provide for the fingerprinting of  
16 any child under its custody with respect to whom the division  
17 determines, in accordance with criteria as the Commissioner of  
18 Children and Families shall establish by regulation, that the  
19 availability of a fingerprint record would be appropriate; the  
20 fingerprints of any child with respect to whom such a determination  
21 is made shall be taken no later than two months after the division  
22 has made that determination.

23 b. The division shall update the photograph of each child taken  
24 pursuant to subsection a. of this section at least every two years. In  
25 addition, the division shall retain the fingerprint information and  
26 photograph of each child for whom such records are taken for at  
27 least one year after the date that the child is no longer under the  
28 custody of the division.

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

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

35

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

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

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

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

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

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

9

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

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

15 The provisions of **[this act]** P.L.1951, c.138 shall not be  
16 construed to deny treatment by spiritual means or prayer, of any  
17 child, in accordance with the religious faith of the parent or parents  
18 of such child. The provisions of **[this act]** P.L.1951, c.138 shall  
19 not be construed to authorize or empower the **[Bureau of Childrens**  
20 **Services]** Division of Child Protection and Permanency to compel  
21 a child to undergo medical or surgical treatment, if the child, or  
22 parent or guardian of **[said]** the child, objects thereto in a signed  
23 statement upon the ground that the proposed action interferes with  
24 the free exercise of his religious principles.

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

26

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

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

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

36

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

39 11. Whenever it shall appear that any child within this State is of  
40 such circumstances that the child's safety or welfare will be  
41 endangered unless proper care or custody is provided, an  
42 application setting forth the facts in the case may be filed with the  
43 Division of **[Youth and Family Services]** Child Protection and  
44 Permanency by a parent or other relative of **[such]** the child, by a  
45 person standing in loco parentis to **[such]** the child, by a person or  
46 association or agency or public official having a special interest in

1    **[such]** the child or by the child himself, seeking that the division  
2    accept and provide **[such]** care or custody of **[such]** the child as  
3    the circumstances may require. **[Such]** The application shall be in  
4    writing, and shall contain a statement of the relationship to or  
5    special interest in **[such]** the child which justifies the filing of  
6    **[such]** the application. The provisions of this section shall be  
7    deemed to include an application on behalf of an unborn child when  
8    the prospective mother is within this State at the time of application  
9    for **[such]** services.

10    Upon receipt of an application as provided in this section, the  
11    division shall verify the statements set forth in **[such]** the  
12    application and shall investigate all the matters pertaining to the  
13    circumstances of the child. If upon such verification and  
14    investigation it shall appear (a) that the safety or welfare of **[such]**  
15    the child will be endangered unless proper care or custody is  
16    provided; (b) that the needs of **[such]** the child cannot properly be  
17    provided for by financial assistance as made available by the laws  
18    of this State; (c) that there is no person legally responsible for the  
19    support of **[such]** the child whose identity and whereabouts are  
20    known and who is willing and able to provide for the care and  
21    support required by **[such]** the child; and (d) that **[such]** the child,  
22    if suffering from a mental or physical disability requiring  
23    institutional care, is not immediately admissible to any public  
24    institution providing **[such]** care; then the division may accept and  
25    provide **[such]** care or custody as the circumstances of **[such]** the  
26    child may require.

27    (cf: P.L.1999, c.53, s.22)

28

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

31    24. In any case in which the Division of **[Youth and Family**  
32    **Services]** Child Protection and Permanency accepts a child in care  
33    or custody, including placement, the division shall not be required  
34    to provide reasonable efforts to prevent placement of the child if a  
35    court of competent jurisdiction has determined that both of the  
36    following criteria are met:

37    a. One of the following actions has occurred:

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

40    (2) the parent has been convicted of murder, aggravated  
41    manslaughter, or manslaughter of another child of the parent;  
42    aiding or abetting, attempting, conspiring, or soliciting to commit  
43    murder, aggravated manslaughter, or manslaughter of the child or  
44    another child of the parent; committing or attempting to commit an  
45    assault that resulted, or could have resulted, in the significant bodily  
46    injury to the child or another child of the parent; or committing a

1 similarly serious criminal act which resulted, or could have  
2 resulted, in the death or significant bodily injury to the child or  
3 another child of the parent,

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

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

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

10 When determining whether reasonable efforts are required to  
11 prevent placement, the health and safety of the child shall be of  
12 paramount concern to the court.

13 (cf: P.L.2004, c.130, s.50)

14

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

17 25. In any case in which the Division of **[Youth and Family**  
18 **Services]** Child Protection and Permanency accepts a child in care  
19 or custody, including placement, the division shall not be required  
20 to provide reasonable efforts to reunify the child with a parent if a  
21 court of competent jurisdiction has determined that:

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

24 b. The parent has been convicted of murder, aggravated  
25 manslaughter, or manslaughter of another child of the parent; aiding  
26 or abetting, attempting, conspiring, or soliciting to commit murder,  
27 aggravated manslaughter or manslaughter of the child or another  
28 child of the parent; committing or attempting to commit an assault  
29 that resulted, or could have resulted, in significant bodily injury to  
30 the child or another child of the parent; or committing a similarly  
31 serious criminal act which resulted, or could have resulted, in the  
32 death of or significant bodily injury to the child or another child of  
33 the parent; or

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

36 When determining whether reasonable efforts are required to  
37 reunify the child with the parent, the health and safety of the child  
38 and the child's need for permanency shall be of paramount concern  
39 to the court.

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

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

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

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

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

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

12

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

15       13. If in the course of verifying and investigating any  
16 applications or complaints, as provided for in sections 11 and 12  
17 **【hereof】** of P.L.1951, c.138 (C.30:4C-11 and C.30:4C-12), it shall  
18 appear that there is a person legally responsible for the support of  
19 the child who is willing and able to provide the care and support  
20 required by **【such】** the child; or it shall appear that the needs of the  
21 child can properly be provided for by financial assistance as made  
22 available by the laws of this State; then, the **【Bureau of Childrens**  
23 **Services】** Division of Child Protection and Permanency, before  
24 accepting and providing care or custody, shall first make proper  
25 referral of the matter to such legally responsible person, or to the  
26 agency charged with the administration of such financial assistance.  
27 If it shall appear that the welfare of the child is endangered, and that  
28 such condition can be eliminated or ameliorated by making  
29 available to or for **【such】** the child any one or more of whatever  
30 specific services the **【Bureau of Childrens Services】** Division of  
31 Child Protection and Permanency may be authorized, within the  
32 limits of legislative appropriations, to provide for all children in  
33 similar circumstances, the child shall be found eligible for care or  
34 custody, and the **【bureau】** division shall proceed to furnish **【such】**  
35 the services either by direct provision or, if the **【bureau】** division so  
36 determines in the specific case, by purchasing **【such】** services from  
37 any appropriate privately sponsored agency or institution which  
38 complies with whatever rules and regulations, established pursuant  
39 to **【this act】** P.L.1951, c.138 (C.30:4C-1 et seq.), may govern such  
40 arrangements for purchase of service.

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

42

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

45       14. The **【Bureau of Childrens Services】** Division of Child  
46 Protection and Permanency shall give due notice in writing to the  
47 applicant or complainant of the action taken on any application as



1 provided in sections 11 and 12 **【hereof】** of P.L.1951, c.138  
2 (C.30:4C-11 and C.30:4C-12).

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

4

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

7 31. The Division of **【Youth and Family Services】** Child  
8 Protection and Permanency shall not be required to file a petition  
9 seeking the termination of parental rights if:

10 a. The child is being cared for by a relative and a permanent  
11 plan for the child can be achieved without termination of parental  
12 rights;

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

16 c. The division is required to provide reasonable efforts to  
17 reunify the family but the division has not provided to the family of  
18 the child, consistent with the time period in the case plan, such  
19 services as the division deems necessary for the safe return of the  
20 child to his home.

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

22

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

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

32 b. If a person voluntarily delivers a child who is or appears to  
33 be no more than 30 days old to, and leaves the child at an  
34 emergency department of a licensed general hospital in this State  
35 and does not express an intent to return for the child, or, if a State,  
36 county, or municipal police officer brings a child to a licensed  
37 general hospital under the circumstances set forth in subsection a.  
38 of this section, the hospital shall:

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

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

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

46 c. The Division of **【Youth and Family Services】** Child  
47 Protection and Permanency shall assume the care, custody, and  
48 control of the child immediately upon receipt of notice from a

1 licensed general hospital pursuant to paragraph (3) of subsection b.  
2 of this section. The division shall commence a thorough search of  
3 all listings of missing children to ensure that the relinquished child  
4 has not been reported missing.

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

9 e. It shall be an affirmative defense to prosecution for  
10 abandonment of a child that the parent voluntarily delivered the  
11 child to and left the child at, or voluntarily arranged for another  
12 person to deliver the child to and leave the child at, a State, county,  
13 or municipal police station as provided in subsection a. of this  
14 section or the emergency department of a licensed general hospital  
15 in this State as provided in subsection b. of this section. Nothing in  
16 this subsection shall be construed to create a defense to any  
17 prosecution arising from any conduct other than the act of  
18 delivering the child as described herein, and this subsection  
19 specifically shall not constitute a defense to any prosecution arising  
20 from an act of abuse or neglect committed prior to the delivery of  
21 the child to a State, county or municipal police station as provided  
22 in subsection a. of this section or the emergency department of a  
23 licensed general hospital in this State as provided in subsection b.  
24 of this section.

25 f. A State, county, or municipal police officer and the  
26 governmental jurisdiction employing that officer or an employee of  
27 an emergency department of a licensed general hospital in this State  
28 and the hospital employing that person shall incur no civil or  
29 criminal liability for any good faith acts or omissions performed  
30 pursuant to this section.

31 g. Any person who voluntarily delivers a child who is or  
32 appears to be no more than 30 days old to a licensed general  
33 hospital or a police station in accordance with this section shall not  
34 be required to disclose that person's name or other identifying  
35 information or that of the child or the child's parent, if different  
36 from the person who delivers the child to the hospital or police  
37 station, or provide background or medical information about the  
38 child, but may voluntarily do so.

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

40

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

43 17. a. When a petition is filed under section 15 of P.L.1951,  
44 c.138 (C.30:4C-15), by a person, association, or agency other than  
45 the Division of **【Youth and Family Services】** Child Protection and  
46 Permanency, the court, in addition to causing service to be made  
47 upon the parent, parents, guardian, or person having custody and  
48 control of such child in accordance with rules of court, shall also

1 cause a copy of the petition and notice of the time and place of  
2 hearing to be served on or mailed to the division at least 20 days  
3 before the time of such hearing.

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

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

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

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

19 (3) Unless otherwise restricted by law, made direct inquiries,  
20 using the party's name and last known or suspected address, to the  
21 local post office, the **【Division of Motor Vehicles】** New Jersey  
22 Motor Vehicle Commission in , but not of, the Department of **【Law**  
23 **and Public Safety】** Transportation, the county welfare agency, the  
24 municipal police department, the Division of State Police in the  
25 Department of Law and Public Safety, the county probation office,  
26 the Department of Corrections, and any other social service or law  
27 enforcement agency known to have had contact with the parent, or  
28 the equivalent agencies in other states, territories, or countries.

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

32 c. In any case in which the identity of an absent parent cannot  
33 be determined or the known parent of a child is unable or refuses to  
34 identify the other parent, and the court is unable from other  
35 information before the court to identify the other parent, service on  
36 that parent shall be waived by the court.

37 d. Whenever a petition is filed under section 15 of P.L.1951,  
38 c.138 (C.30:4C-15), and there shall be filed with such petition a  
39 statement or statements made under oath and attesting that the best  
40 interests of the child require that he be placed under the  
41 guardianship of the division immediately and pending final hearing,  
42 the court, at a special summary hearing held upon notice to the  
43 division, may make an interlocutory order committing such child to  
44 the division until a final hearing on the petition. Such interlocutory  
45 order shall have the same force and effect as an order of  
46 commitment provided for in section 20 of P.L.1951, c.138  
47 (C.30:4C-20).

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

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

3       18. Immediately upon receipt of the copy of a petition served on  
4 or mailed to the **[Bureau of Childrens Services]** Division of Child  
5 Protection and Permanency as provided by section 17 **[hereof]** of  
6 P.L.1951, c.138 (C.30:4C-17), **[such bureau]** the division shall  
7 verify such petition and investigate all the facts pertaining to the  
8 eligibility of the child for commitment, and prior to the day set for  
9 hearing shall file with the court a report of its findings. **[Such]** The  
10 report shall show such facts as will assist the court in making a  
11 decision in the matter.

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

13

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

16       20. If upon the completion of **[such]** the hearing the court is  
17 satisfied that the best interests of **[such]** the child require that **[he]**  
18 the child be placed under proper guardianship, **[such]** the court  
19 shall make an order terminating parental rights and committing  
20 **[such]** the child to the guardianship and control of the Division of  
21 **[Youth and Family Services]** Child Protection and Permanency,  
22 and **[such]** the child shall thereupon become the legal ward of the  
23 division, which shall be the legal guardian of **[such]** the child for  
24 all purposes, including the placement of **[such]** the child for  
25 adoption.

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

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

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

3       21. The order of the court committing a child to the  
4 guardianship of the **【Bureau of Childrens Services】** Division of  
5 Child Protection and Permanency, shall in no wise be restrictive of  
6 the duties, powers, and authority of **【such bureau】** the division in  
7 the care, custody, placement, welfare, and exclusive guardianship  
8 of the child as provided in **【this act】** P.L.1951, c.138 (C.30:4C-1 et  
9 seq.), and **【such bureau】** the division shall be removed as **【such】**  
10 the guardian only by a court of competent jurisdiction upon charges  
11 preferred and upon good cause shown after an opportunity to be  
12 heard.

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

14

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

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

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

36

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

39       24. Whenever the director of welfare of any county or  
40 municipality in this State shall be called upon to serve any child  
41 whose needs cannot properly be provided for by financial assistance  
42 as made available by the laws of this State, **【such】** the director  
43 shall, within 24 hours thereafter, give written notice thereof to the  
44 **【Bureau of Childrens Services】** Division of Child Protection and  
45 Permanency, and shall file an application for care or custody, as  
46 provided in section 11 of **【this act】** P.L.1951, c.138 (C.30:4C-11),  
47 or shall file a complaint as provided in section 12 of **【this act】**

1 P.L.1951, c.138 (C.30:4C-12), or shall file a petition as provided in  
2 section 15 of **[this act]** P.L.1951, c.138 (C.30:4C-15), as the  
3 situation of the child may require. **[Such]** The notice shall contain  
4 all available information concerning the child and **[his]** the child's  
5 circumstances, which will enable the **[Bureau of Childrens**  
6 **Services]** Division of Child Protection and Permanency to take  
7 proper action. If the immediate needs of the child so require, the  
8 director shall provide for **[his]** the child's care in a suitable place,  
9 approved with reasonable promptness for that purpose by the  
10 **[bureau]** division, paying therefor as a charge against county or  
11 municipal funds until such time as the child has been found eligible  
12 for care, custody, or guardianship in accordance with the provisions  
13 of **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.).  
14 (cf: P.L.1962, c.197, s.25)

15

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

18 25. The **[Bureau of Childrens Services]** Division of Child  
19 Protection and Permanency, by its agent or agents, shall regularly  
20 visit all children under its care, custody, or guardianship under the  
21 provisions of **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.) in  
22 order to assure the maximum benefit from such services.  
23 (cf: P.L.1962, c.197, s.26)

24

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

27 3. a. Whenever the Division of **[Youth and Family Services]**  
28 Child Protection and Permanency in the Department of Children  
29 and Families places any child in a resource family home, including  
30 a change in a placement following the initial placement, there shall  
31 be a presumption that the child shall remain in the school currently  
32 attended by the child and the child shall remain in that school,  
33 pending a best interest determination as set forth in subsection c. of  
34 this section, unless the division determines that the circumstances  
35 provided in subsection b. of this section are present.

36 b. If the division determines that remaining in the present  
37 school is not in the best interest of the child upon consideration of  
38 the best interest factors listed in subsection f. of this section, and  
39 would present significant safety concerns or otherwise be a  
40 significant and immediate detriment to the child, the child may be  
41 immediately enrolled in the school district in which the resource  
42 family home is located. If the division enrolls the child in the  
43 school district in which the resource family home is located,  
44 pursuant to this subsection, the division shall, within two business  
45 days of taking such action, provide notice to the child's law  
46 guardian and a parent or legal guardian, of the new school  
47 placement and the basis for such action. If the division determines

1 there exists a credible safety issue for the child if the location of the  
2 school in the resource family's district is disclosed to the parent or  
3 legal guardian, the division shall not include the location of that  
4 school or other information about the identity of the school in the  
5 notice to the parent or legal guardian.

6 c. Except as provided in subsection b. of this section, within  
7 five business days of placement in a resource family home, the  
8 division shall make a determination, upon consideration of the best  
9 interest factors listed in subsection f. of this section, whether the  
10 presumption that the child continue to attend the school that the  
11 child currently attends is outweighed by the best interest factors  
12 supporting placement in the school district in which the resource  
13 family home is located.

14 In making that determination, the division shall make reasonable  
15 efforts to consult with a parent or guardian of the child, the child,  
16 the child's law guardian, a representative from the school the child  
17 attended at the time of removal, and any school district under  
18 consideration for placement.

19 d. If the division's determination, pursuant to subsection c. of  
20 this section, is that it is in the best interest of the child to enroll the  
21 child in the school district in which the resource family home is  
22 located, the determination shall remain preliminary pending the  
23 completion of the requirements of this subsection. If the division's  
24 determination is consistent with the presumption established  
25 pursuant to subsection a. of this section, the determination shall be  
26 deemed conclusive at the time the determination is made.

27 (1) The division shall immediately transmit a written notice to  
28 the child's law guardian and a parent or legal guardian of the child:  
29 (a) advising of the preliminary determination; (b) providing the  
30 basis for the preliminary determination; and (c) that the preliminary  
31 determination shall be deemed conclusive if the division does not  
32 receive notice that an application pursuant to this subsection has  
33 been made with the court by the date indicated on the notice, which  
34 date shall be five business days from the date the notice is  
35 transmitted by the division.

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

39 (2) Any party may make an application with the court seeking a  
40 review of whether the division's preliminary determination is in the  
41 best interest of the child upon consideration of the best interest  
42 factors listed in subsection f. of this section within the time allotted  
43 by the division as specified in the division's notice, which date shall  
44 be five business days from the date the notice is transmitted by the  
45 division, unless the child's law guardian, on behalf of the child, and  
46 a parent or legal guardian of the child agrees, in writing, to waive  
47 the opportunity for a court review of the preliminary determination

1 pursuant to this subsection, in which case the determination  
2 becomes conclusive.

3 Any party who makes an application for court review of the  
4 preliminary determination pursuant to this subsection shall provide  
5 simultaneous notice to the division and all other parties involved in  
6 the division's complaint for custody and guardianship. The court  
7 shall hear and decide such application in an expedited manner. In  
8 any such proceedings, the division shall bear the burden of proof,  
9 based on a preponderance of the evidence, that its determination to  
10 enroll the child in the school district in which the resource family  
11 home is located is in the best interest of the child.

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

16 (3) If the division does not receive timely notice pursuant to  
17 paragraph (2) of this subsection that an application has been made  
18 for court review within five business days of the transmittal date of  
19 the notice of the preliminary determination, the preliminary  
20 determination shall be deemed conclusive and the division shall  
21 implement its determination as provided in subsection g. of this  
22 section.

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

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

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

37 (1) safety considerations;

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

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

42 (4) the needs of the child, including social adjustment and  
43 wellbeing;

44 (5) the child's preference;

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

47 (7) the child's special education programming if the child is  
48 classified;



- 1 (8) the point of time in the school year;  
2 (9) the child's permanency goal and the likelihood of  
3 reunification;  
4 (10) the anticipated duration of the current placement; and  
5 (11) such other factors as provided by regulation of the  
6 Commissioner of Children and Families.

7 g. At the time a determination becomes conclusive or upon any  
8 subsequent decision by the court, the child shall either continue to  
9 be enrolled in his current school or shall be immediately enrolled in  
10 the new school district, and the mandated student record shall be  
11 provided to the new school district in accordance with applicable  
12 regulations of the State Board of Education.

13 h. The division shall provide transportation for the child to  
14 attend school during the time that a determination is being made or  
15 while a court review is pending as to where the child will attend  
16 school and for the subsequent five school days. At such time as a  
17 determination is made by the division or a decision is rendered by  
18 the court, the division shall immediately notify the school district  
19 where the child is currently attending school, the school district of  
20 residence, and the school district where the resource family home is  
21 located, as applicable.

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

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

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

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

33

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

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

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

46

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

1       2. The Division of **【Youth and Family Services】** Child  
2 Protection and Permanency, shall establish and maintain, within the  
3 limits of available appropriations, child care shelters in **【such】**  
4 numbers and at **【such】** locations throughout the State as the  
5 Commissioner of Children and Families shall deem to be necessary.  
6 (cf: P.L. 2006, c.47, s.132)

7  
8       79. Section 3 of P.L.1962, c.137 (C.30:4C-26.3) is amended to  
9 read as follows:

10       3. **【Such】** The shelters shall be equipped and used for the  
11 temporary care and supervision of children who are placed in the  
12 care, custody, or guardianship of the Division of **【Youth and**  
13 **Family Services】** Child Protection and Permanency, during the  
14 interim between such placement and placement in a suitable  
15 resource family home. **【Such】** The shelters shall be properly  
16 staffed to provide for child care and supervision and shall contain  
17 the necessary facilities for both physical and psychological  
18 examinations of **【such】** children.  
19 (cf: P.L.2004, c.130, s.60)

20  
21       80. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to  
22 read as follows:

23       1. As used in **【this act】** P.L.1962, c.136 (C.30:4C-26.4 et seq.)  
24 "resource family parent" shall mean any person with whom a child  
25 in the care, custody, or guardianship of the Department of Children  
26 and Families is placed by the department, or with its approval, for  
27 care and shall include any person with whom a child is placed by  
28 the Division of **【Youth and Family Services】** Child Protection and  
29 Permanency for the purpose of adoption until the adoption is  
30 finalized.  
31 (cf: P.L.2006, c.47, s.133)

32  
33       81. Section 2 of P.L.1962, c.136 (C.30:4C-26.5) is amended to  
34 read as follows:

35       2. Notwithstanding the provisions of any other law or any rule  
36 or regulation of the Division of **【Youth and Family Services】** Child  
37 Protection and Permanency, no agreement entered into between the  
38 division and any resource family parent for the care of any child in  
39 the care, custody, or guardianship of the division shall contain any  
40 provision prohibiting the adoption of any child by the resource  
41 family parent.  
42 (cf: P.L.2004, c.130, s.62)

43  
44       82. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to  
45 read as follows:

46       1. As used in **【this act】** P.L.1962, c.139 (C.30:4C-26.6 et seq.)  
47 "resource family parent" shall mean any person with whom a child

1 in the care, custody, or guardianship of the Department of Children  
2 and Families is placed by the department, or with its approval, for  
3 care and shall include any person with whom a child is placed by  
4 the Division of **【Youth and Family Services】** Child Protection and  
5 Permanency for the purpose of adoption until the adoption is  
6 finalized.

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

8

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

11 2. Any person, who, as a resource family parent, has cared for  
12 a child continuously for a period of 15 months or more, may apply  
13 to the Division of **【Youth and Family Services】** Child Protection  
14 and Permanency, for the placement of the child with them for the  
15 purpose of adoption and if the child is eligible for adoption, the  
16 division shall give preference and first consideration to their  
17 application over all other applications for adoption placements.

18 (cf: P.L.2004, c.130, s.64)

19

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

22 1. a. A person, in addition to meeting other requirements as  
23 may be established by the Department of Children and Families,  
24 shall become a resource family parent or eligible to adopt a child  
25 only upon the completion of an investigation to ascertain if there is  
26 a State or federal record of criminal history for the prospective  
27 adoptive or resource family parent or any other adult residing in the  
28 prospective parent's home. The investigation shall be conducted by  
29 the Division of State Police in the Department of Law and Public  
30 Safety and shall include an examination of its own files and the  
31 obtaining of a similar examination by federal authorities.

32 b. If the prospective resource family parent or any adult  
33 residing in the prospective parent's home has a record of criminal  
34 history, the Department of Children and Families shall review the  
35 record with respect to the type and date of the criminal offense and  
36 make a determination as to the suitability of the person to become a  
37 resource family parent or the suitability of placing a child in that  
38 person's home, as the case may be.

39 c. For the purposes of this section, a conviction for one of the  
40 offenses enumerated in subsection d. or e. of this section has  
41 occurred if the person has been convicted under the laws of this  
42 State or any other state or jurisdiction for an offense that is  
43 substantially equivalent to the offenses enumerated in these  
44 subsections.

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

- 1 (1) a crime against a child, including endangering the welfare of  
2 a child and child pornography pursuant to N.J.S.2C:24-4; or child  
3 abuse, neglect, or abandonment pursuant to R.S.9:6-3;
  - 4 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
5 to N.J.S.2C:11-4;
  - 6 (3) aggravated assault which would constitute a crime of the  
7 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
  - 8 (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
  - 9 (5) kidnapping and related offenses including criminal restraint;  
10 false imprisonment; interference with custody; criminal coercion; or  
11 enticing a child into a motor vehicle, structure, or isolated area  
12 pursuant to N.J.S.2C:13-1 through 2C:13-6;
  - 13 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
14 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
  - 15 (7) robbery which would constitute a crime of the first degree  
16 pursuant to N.J.S.2C:15-1;
  - 17 (8) burglary which would constitute a crime of the second  
18 degree pursuant to N.J.S.2C:18-2;
  - 19 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
20 et seq.);
  - 21 (10) endangering the welfare of an incompetent person pursuant  
22 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
23 disabled person pursuant to N.J.S.2C:24-8;
  - 24 (11) terrorist threats pursuant to N.J.S.2C:12-3;
  - 25 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking  
26 widespread injury or damage which would constitute a crime of the  
27 second degree pursuant to N.J.S.2C:17-2; or
  - 28 (13) an attempt or conspiracy to commit an offense listed in  
29 paragraphs (1) through (12) of this subsection.
- 30 e. A person shall be disqualified from being a resource family  
31 parent if that person or any adult residing in that person's household  
32 was convicted of one of the following crimes and the date of release  
33 from confinement occurred during the preceding five years:
- 34 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;
  - 35 (2) aggravated assault which would constitute a crime of the  
36 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;
  - 37 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1  
38 et seq.);
  - 39 (4) robbery which would constitute a crime of the second degree  
40 pursuant to N.J.S.2C:15-1;
  - 41 (5) burglary which would constitute a crime of the third degree  
42 pursuant to N.J.S.2C:18-2; or
  - 43 (6) an attempt or conspiracy to commit an offense listed in  
44 paragraphs (1) through (5) of this subsection.
- 45 For the purposes of this subsection, the "date of release from  
46 confinement" means the date of termination of court-ordered  
47 supervision through probation, parole, or residence in a correctional  
48 facility, whichever date occurs last.

1 For purposes of this section, "resource family parent" means any  
2 person with whom a child in the care, custody, or guardianship of  
3 the Department of Children and Families is placed by the  
4 department, or with its approval, for care and shall include any  
5 person with whom a child is placed by the Division of **【Youth and  
6 Family Services】** Child Protection and Permanency for the purpose  
7 of adoption until the adoption is finalized.

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

9

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

12 1. The Department of Children and Families may grant  
13 approval to a prospective resource family parent for a period not to  
14 exceed six months, upon completion of the State portion of the  
15 criminal history record investigation required pursuant to P.L.1985,  
16 c.396 (C.30:4C-26.8), pending completion and review of the federal  
17 portion of the criminal history record investigation required  
18 pursuant to that act, if: (1) the State portion of the criminal history  
19 record investigation indicates no information which would  
20 disqualify the person, (2) the prospective resource family parent and  
21 any adult residing in the prospective resource family parent's home  
22 submit a sworn statement to the Department of Children and  
23 Families attesting that the person does not have a record of criminal  
24 history which would disqualify the person, and (3) there is  
25 substantial compliance with department standards for resource  
26 family homes indicating there is no risk to a child's health or safety.

27 For purposes of this section, "resource family parent" means any  
28 person with whom a child in the care, custody, or guardianship of  
29 the Department of Children and Families is placed by the  
30 department, or with its approval, for care and shall include any  
31 person with whom a child is placed by the Division of **【Youth and  
32 Family Services】** Child Protection and Permanency for the purpose  
33 of adoption until the adoption is finalized.

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

35

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

38 1. a. Notwithstanding any other provision of law to the  
39 contrary, if a minor is placed in a resource family home, group  
40 home, or institution, pursuant to section 26 of P.L.1951, c.138  
41 (C.30:4C-26), and is pregnant, becomes pregnant, or gives birth to a  
42 child while in the placement, the Division of **【Youth and Family  
43 Services】** Child Protection and Permanency in the Department of  
44 Children and Families shall provide or arrange for the provision of  
45 services to ensure that the minor and her child remain together as a  
46 family unit.

1       b. A Division of **【Youth and Family Services】** Child Protection  
2 and Permanency caseworker shall develop and implement a  
3 permanency plan for the minor and her child that will enable the  
4 minor to provide a safe and stable home for her child, and shall not  
5 limit the minor's legal right to make decisions regarding the care,  
6 custody, and supervision of her child. The plan shall address, but  
7 shall not be limited to, the following areas:

- 8       (1) counseling and advocacy services;  
9       (2) information about and referral to physicians, certified nurse  
10 midwives, and other health care professionals providing prenatal  
11 care;  
12       (3) medical care, including hospital, maternity, postnatal, and  
13 preventive pediatric services; and  
14       (4) maintenance services, including, clothing, food, housing,  
15 and financial assistance.

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

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

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

33  
34       87. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to  
35 read as follows:

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

44 (cf: P.L.2006, c.47, s.137)

45  
46       88. Section 2 of P.L.1962, c.135 (C.30:4C-27.2) is amended to  
47 read as follows:

1       2. Notwithstanding the provision of any other law, the  
2 maintenance of a clothing warehouse and distribution center for the  
3 distribution of clothing to children in the care, custody, or  
4 guardianship of the Division of **【Youth and Family Services】** Child  
5 Protection and Permanency, shall be discontinued and in lieu  
6 thereof the division shall increase the monthly allowance payable to  
7 any resource family parent caring for any of the children in a  
8 sufficient amount to enable the resource family parent to purchase  
9 the necessary clothing items required by the children from the local  
10 merchants of the locality wherein the resource family parent  
11 resides.

12 (cf: P.L.2004, c.130, s.69)

13

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

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

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

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

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

25       "Division" means the Division of **【Youth and Family Services】**  
26 Child Protection and Permanency in the Department of Children  
27 and Families.

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

34       "Resource family parent" means a person who has been licensed  
35 pursuant to **【this act】** P.L.2001, c.419 to provide resource family  
36 care to five or fewer children, including a child who has been  
37 placed by the division with the person for the purpose of adoption,  
38 except that the department may license a resource family parent to  
39 provide care for more than five children, if necessary, to keep  
40 sibling groups intact or to serve the best interests of the children in  
41 the home.

42       "License" means a document issued by the department to a  
43 person who meets the requirements of **【this act】** P.L.2001, c.419 to  
44 provide resource family care to children in the person's home.

45 (cf: P.L.2006, c.47, s.138)

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

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

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

6 "Division" means the Division of [Youth and Family Services]  
7 Child Protection and Permanency in the Department of Children  
8 and Families.

9 "Residential child care facility" or "facility" means any public or  
10 private establishment subject to the regulatory authority of the  
11 department that provides room, board, care, shelter, or treatment  
12 services for children on a 24-hour-a-day basis. The term shall  
13 include: residential facilities operated by or under contract or  
14 agreement with the division to serve 13 or more children with  
15 emotional or behavioral problems as defined pursuant to section 2  
16 of P.L.1951, c.138 (C.30:4C-2); State-operated children's  
17 psychiatric facilities providing inpatient treatment; group homes,  
18 treatment homes, teaching family homes, alternative care homes,  
19 and supervised transitional living homes operated by or under  
20 contract or agreement with the division to serve 12 or fewer  
21 children with emotional or behavioral problems as defined pursuant  
22 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,  
23 including shelters serving children in juvenile-family crisis and in  
24 need of temporary shelter care, as defined pursuant to section 3 of  
25 P.L.1982, c.77 (C.2A:4A-22).

26 "Staff member" means an individual 18 years of age or older  
27 who is an administrator of, employed by, or works in a facility on a  
28 regularly scheduled basis during the facility's operating hours,  
29 including full-time, part-time, voluntary, contract, consulting, and  
30 substitute staff, whether compensated or not.

31 (cf: P.L.2006, c.47, s.139)

32

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

35 28. The [Bureau of Childrens Services] Division of Child  
36 Protection and Permanency may at any time discharge from its care,  
37 custody, or guardianship any child, if in the opinion of [such  
38 bureau] the division the best interests of the child will be promoted  
39 thereby.

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

41

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

44 29. Subject to the provisions of section 30 [hereof] of P.L.1951,  
45 c.138 (C.30:4C-30), payments for maintenance shall be made by the  
46 [Bureau of Childrens Services] Division of Child Protection and  
47 Permanency.



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

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

10

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

13 1. a. In any case in which the Department of Children and  
14 Families, through the Division of **【Youth and Family Services】**  
15 Child Protection and Permanency, is providing care or custody for  
16 any child when the child is in a resource family home, any legally  
17 responsible person of the child, if of sufficient financial ability, is  
18 liable for the full costs of maintenance of the child incurred by the  
19 division. If the legally responsible person is of insufficient  
20 financial ability, the person is liable in an amount which a court of  
21 competent jurisdiction directs according to a scheduled rate  
22 approved by the division. Nothing contained herein shall prevent  
23 the legally responsible person from voluntarily executing an  
24 agreement for payment to the division for the costs of maintenance  
25 of the child receiving care or custody when the child is in a resource  
26 family home.

27 b. The division shall have a lien against the property of the  
28 legally responsible person in an amount equal to the amount to be  
29 paid, which lien shall have priority over all unrecorded  
30 encumbrances.

31 c. If the legally responsible person fails to reimburse the  
32 department, through the division, for the costs of maintenance of a  
33 child incurred by the division when the child is in a resource family  
34 home, a court of competent jurisdiction, upon the complaint of the  
35 Commissioner of Children and Families, may summon the legally  
36 responsible person and other witnesses, and may order the legally  
37 responsible person to pay an amount to the department, according to  
38 a scheduled rate approved by the division.

39 d. In any case in which the department, through the division,  
40 has agreed to provide youth facilities aid to a public, private, or  
41 voluntary agency pursuant to **【this act】** P.L.1962, c.142 (C.30:4C-  
42 29.1 et seq.), the division shall have a lien against the property of  
43 any person, persons, or agency so contracting, in an amount equal  
44 to the amount or amounts so contracted to be paid, which lien shall  
45 have priority over all unrecorded encumbrances. **【Such】** The lien  
46 shall be reduced for each year of service provided by the agency at  
47 a rate to be negotiated by the division and the agency, but in no case

1 more than 20% a year; provided, however, that annual reductions  
2 shall not exceed \$10,000.

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

4

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

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

17 The amount reasonably necessary to provide proper burial shall  
18 be determined by the average cost for a proper burial and funeral  
19 charged by funeral directors in the locality in which the child is  
20 buried.

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

22

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

25 33. The **[Bureau of Childrens Services]** Division of Child  
26 Protection and Permanency may compromise and settle any claim  
27 due or which may become due **[such bureau]** the division for  
28 reimbursement of moneys paid to any individual or organization for  
29 maintenance of a child. A memorandum of the compromise and  
30 settlement shall be entered in the official records of the **[bureau]**  
31 division.

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

33

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

36 34. Whenever the **[Bureau of Childrens Services]** Division of  
37 Child Protection and Permanency shall recover or receive  
38 reimbursement of any moneys paid to any individual or  
39 organization for the maintenance of a child, the moneys so  
40 recovered or received shall be credited to the State treasury or to the  
41 Federal Government in the same proportion as they were charged in  
42 the original instance. The **[Bureau of Childrens Services]** division  
43 is hereby authorized to take all necessary and proper action under  
44 the laws of this State for the recovery of any **[such]** moneys  
45 wrongfully received or retained by any individual or organization,  
46 or for the recovery from the person or persons responsible under the

1 laws of this State for the support of **[such]** the child the value of  
2 maintenance furnished to **[such]** the child.

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

4

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

7 35. The **[Bureau of Childrens Services]** Division of Child  
8 Protection and Permanency is authorized to retain any voluntary  
9 contributions of money heretofore received by it, and to receive  
10 future contributions. All **[such]** contributions, whether already  
11 received or hereafter received, shall be kept in a separate fund, and  
12 shall be used only upon order of the **[bureau]** division for the  
13 purposes for which the contributions were made, and **[such]** the  
14 funds shall be in the custody and control of the **[Bureau of**  
15 **Childrens Services]** division; provided, however, that any **[such]**  
16 contribution made to the **[bureau]** division, the original purpose of  
17 which is no longer practicable or possible of achievement, may be  
18 used by the **[bureau]** division, at its discretion, for the general  
19 benefit and welfare of children under its supervision.

20 (cf: P.L.1962, c.197, s.36)

21

22 98. Section 36 of P.L.1951, c.138 (C.30:4C-36) is amended to  
23 read as follows:

24 36. On application in writing by the **[Bureau of Childrens**  
25 **Services]** Division of Child Protection and Permanency, the State  
26 Treasurer on warrant of the Director of the Division of Budget and  
27 Accounting may pay to the **[bureau]** division from its annual  
28 appropriation such amount not exceeding **[\$5,000.00]** \$5,000 as  
29 may be necessary to establish a petty cash fund for the payment of  
30 traveling expenses and **[such]** other current expenses as require a  
31 prompt cash outlay.

32 The **[Bureau of Childrens Services]** division shall file an  
33 account with vouchers attached showing all expenditures from its  
34 petty cash fund and on receipt of the amount thereof from the State  
35 Treasurer shall reimburse the fund. Any questions with reference to  
36 the allowance, expenditure, accounting, and reimbursement of petty  
37 cash moneys shall be finally determined by ruling of the Director of  
38 the Division of Budget and Accounting.

39 (cf: P.L.1962, c.197, s.37)

40

41 99. Section 37 of P.L.1951, c.138 (C.30:4C-37) is amended to  
42 read as follows:

43 37. Whenever the **[Bureau of Childrens Services]** Division of  
44 Child Protection and Permanency shall have issued, or shall  
45 hereafter issue, any checks, drafts, or warrants to be paid from  
46 moneys received from the Federal Government, the State, or any

1 county of this State for the cost of maintenance, and [such] the  
2 checks, drafts, or warrants shall not be cashed for a period of [1]  
3 one year from the date of issue, the following procedure shall be  
4 taken:

5 (a) The [Bureau of Childrens Services] division shall give due  
6 notice to the bank on which [such] the checks, drafts, or warrants  
7 were issued that no payment shall be made thereon.

8 (b) The [Bureau of Childrens Services] division shall then from  
9 time to time deposit in a special fund moneys in an amount equal to  
10 that represented by [such] the checks, drafts, or warrants, which  
11 moneys shall be held for the payments of [such] the checks, drafts,  
12 or warrants. [Such] The special fund shall be in the custody and  
13 control of the [Bureau of Childrens Services] division.

14 (c) The moneys so deposited shall be maintained in [such] the  
15 special fund for a period of [6] six years from the date of deposit,  
16 and, if still unclaimed after that time by anyone having a legal right  
17 thereto, shall be credited to the Federal Government, the State, or  
18 any county of this State in the same proportion as [such] the  
19 moneys were received by the [Bureau of Childrens Services]  
20 division in the original instance.

21 Whenever the [Bureau of Childrens Services] division shall  
22 have credited any moneys to the Federal Government, the State, or  
23 any county of this State pursuant to the provisions of this section, it  
24 shall thereupon be free of all obligations as to those checks, drafts,  
25 or warrants for which such moneys have been held for payment.

26 (cf: P.L.1962, c.197, s.38)

27

28 100. Section 2 of P.L.1962, c.206 (C.30:4C-42) is amended to  
29 read as follows:

30 2. The [Bureau of Childrens Services] Division of Child  
31 Protection and Permanency, is hereby authorized and empowered,  
32 subject to the availability of appropriations therefor, to establish an  
33 Adoption Resource Exchange, the services of which shall be  
34 available only to approved agencies as a further resource to  
35 facilitate placement of children for adoption by and through [such]  
36 the agencies.

37 (cf: P.L.1964, c.102, s.26)

38

39 101. Section 3 of P.L.1962, c.206 (C.30:4C-43) is amended to  
40 read as follows:

41 43. The Adoption Resource Exchange authorized by [this act]  
42 P.L.1962, c.206 (C.30:4C-41 et seq.) shall not itself engage in the  
43 placement of children for adoption nor shall it be construed as a  
44 substitute for other local community resources, whether public or  
45 voluntary. It shall be a facility whereby the [Bureau of Childrens  
46 Services] Division of Child Protection and Permanency and other

1 approved agencies may mutually share and exchange information  
2 concerning children available for adoption and homes available for  
3 the placement of adoptive children.

4 (cf: P.L.1964, c.102, s.27)

5

6 102. Section 4 of P.L.1962, c.206 (C.30:4C-44) is amended to  
7 read as follows:

8 44. The **【Bureau of Childrens Services】** Division of Child  
9 Protection and Permanency is hereby authorized and empowered to  
10 establish rules, regulations, and procedures necessary to accomplish  
11 the purposes of **【this act】** P.L.1962, c.206 (C.30:4C-41 et seq.).

12 (cf: P.L.1964, c.102, s.28)

13

14 103. Section 2 of P.L.1973, c.81 (C.30:4C-46) is amended to  
15 read as follows:

16 2. The Division of **【Youth and Family Services】** Child  
17 Protection and Permanency shall make payments to adoptive  
18 parents on behalf of a child placed for adoption by the division  
19 whenever:

20 a. The child because of physical or mental condition, race, age,  
21 or membership in a sibling group, or for any other reason falls into  
22 the category of a child hard to place for adoption;

23 b. The adoptive family is capable of providing the permanent  
24 family relationships needed by the child; and

25 c. Except in situations involving adoption by a child's resource  
26 family parent, there has been a reasonable effort to place the child  
27 in an adoptive setting without providing a subsidy.

28 Payments shall be made on behalf of a child placed for adoption  
29 by the division except that whenever a child who would otherwise  
30 be eligible for subsidy payment is in the care of an approved New  
31 Jersey adoption agency pursuant to P.L.1977, c.367 (C.9:3-37 et  
32 seq.) a child shall, upon application by the agency and satisfaction  
33 of the regular requirements of the adoption subsidy program, be  
34 approved for participation in the adoption subsidy program. In any  
35 case the division may approve payment in subsidization of adoption  
36 for a child without legal transfer of care or custody of the child to  
37 the division. The division shall adopt regulations for administration  
38 of this program with respect to these children, except that all  
39 children are evaluated for eligibility in the same manner as children  
40 already under the care, custody, or guardianship of the division.

41 (cf: P.L.2004, c.130, s.82)

42

43 104. Section 4 of P.L.1973, c.81 (C.30:4C-48) is amended to  
44 read as follows:

45 4. Qualification for payments in subsidization of adoption shall  
46 be determined and approved by the Division of **【Youth and Family**  
47 **Services】** Child Protection and Permanency prior to the completion

1 of the adoption proceeding, and may be redetermined annually  
2 thereafter. No payments shall be made for any child who the  
3 division has determined was brought into this State for the sole  
4 purpose of qualifying for an adoption subsidy pursuant to P.L.1973,  
5 c. 81 (C. 30:4C-45 et seq.).

6 (cf: P.L.1983, c.484, s.3)

7

8 105. Section 5 of P.L.1973, c.81 (C.30:4C-49) is amended to  
9 read as follows:

10 5. The Division of **【Youth and Family Services】** Child  
11 Protection and Permanency shall make all necessary rules and  
12 regulations for administering the program for payments in  
13 subsidization of adoptions.

14 (cf: P.L.1983, c.484, s.4)

15

16 106. Section 2 of P.L.1977, c.424 (C.30:4C-51) is amended to  
17 read as follows:

18 2. The Legislature declares that it is in the public interest,  
19 whereby the safety of children shall be of paramount concern, to  
20 afford every child placed outside his home by the Division of  
21 **【Youth and Family Services】** Child Protection and Permanency  
22 with the opportunity for eventual return to **【his】** the child's home or  
23 placement in an alternative permanent home; that it is the obligation  
24 of the State to promote this end through effective planning and  
25 regular review of each child's placement; and that it is the purpose  
26 of **【this act】** P.L.1977, c.424 (C.30:4C-50 et seq.) to establish  
27 procedures for both administrative and judicial review of each  
28 child's placement in order to ensure that such placement ensures the  
29 safety and health and serves the best interest of the child.

30 (cf: P.L.1999, c.53, s.37)

31

32 107. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to  
33 read as follows:

34 3. As used in **【this act】** P.L.1977, c.424 (C.30:4C-50 et seq.),  
35 unless the context indicates otherwise:

36 a. "Child" means any person less than 18 years of age;

37 b. "Child placed outside his home" means a child under the  
38 care, custody, or guardianship of the division who resides in a  
39 resource family home, group home, residential treatment facility,  
40 shelter for the care of abused or neglected children or juveniles  
41 considered as juvenile-family crisis cases, or independent living  
42 arrangement operated by or approved for payment by the division,  
43 or a child who has been placed by the division in the home of a  
44 person who is not related to the child and does not receive any  
45 payment for the care of the child from the division, or a child placed  
46 by the court in juvenile-family crisis cases pursuant to P.L.1982,  
47 c.77 (C.2A:4A-20 et seq.), but does not include a child placed by

1 the court in the home of a person related to the child who does not  
2 receive any payment from the division for the care of the child;

3 c. "County of supervision" means the county in which the  
4 division has established responsibility for supervision of the child;

5 d. "Division" means the Division of **【Youth and Family**  
6 **Services】** Child Protection and Permanency in the Department of  
7 Children and Families;

8 e. "Temporary caretaker" means a resource family parent as  
9 defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director  
10 of a group home or residential treatment facility;

11 f. "Designated agency" means an agency designated by the  
12 court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a  
13 family services plan.

14 (cf: P.L.2006, c.47, s.141)

15

16 108. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to  
17 read as follows:

18 1. The Legislature finds and declares that it is in the public  
19 interest, whereby the safety of children shall be of paramount  
20 concern, to afford every child placed outside **【his】** the child's home  
21 by the Division of **【Youth and Family Services】** Child Protection  
22 and Permanency in the Department of Children and Families with  
23 permanency through return to **【his】** the child's own home, if the  
24 child can be returned home without endangering the child's health  
25 or safety; through adoption, if family reunification is not possible;  
26 or through an alternative permanent placement, if termination of  
27 parental rights is not appropriate:

28 a. Due to the severity of health and social problems such as  
29 AIDS, drug abuse, and homelessness, the division often works with  
30 families over a period of many years, and the children of these  
31 families often spend a majority of their young lives in resource  
32 family care; and

33 b. Research has shown that the longer children remain in the  
34 resource family care system, the greater number of placements they  
35 experience. As a result of these multiple placements, from birth  
36 family to resource family home, and from one resource family home  
37 to another resource family home, children develop emotional and  
38 psychological problems, making it more difficult for them to  
39 develop a positive self-image; and

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

41 d. The obligation of the State to recognize and protect the  
42 rights of children in the child welfare system should be fulfilled in  
43 the context of a clear and consistent policy which limits the  
44 repeated placement of children in resource family care and  
45 promotes the eventual placement of these children in stable and safe  
46 permanent homes.

47 (cf: P.L.2006, c.47, s.142)

1       109. Section 2 of P.L.1991, c.448 (C.30:4C-53.2) is amended to  
2 read as follows:

3       2. For purposes of **【this act】** P.L.1991, c.448 (C.30:4C-53.1 et  
4 seq.), the terms "repeated placement into resource family care" and  
5 "placed again into resource family care" shall apply to a child who  
6 has been placed in the custody of the Division of **【Youth and**  
7 **Family Services】** Child Protection and Permanency for placement  
8 in resource family care by the Family Part of the Chancery Division  
9 of the Superior Court or as a result of a voluntary placement  
10 agreement pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.), released  
11 into the custody of **【his】** the child's parents or legally responsible  
12 guardian at the conclusion of the placement and is once again  
13 temporarily removed from **【his】** the child's place of residence and  
14 placed under the division's care and supervision.  
15 (cf: P.L.2004, c.130, s.85)

16

17       110. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to  
18 read as follows:

19       7. As used in sections 7 through 10 of P.L.2001, c.250  
20 (C.30:4C-84 et seq.):

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

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

30       "Commissioner" means the Commissioner of Children and  
31 Families.

32       "Court" means the Superior Court, Chancery Division, Family  
33 Part.

34       "Division" means the Division of **【Youth and Family Services】**  
35 Child Protection and Permanency in the Department of Children  
36 and Families.

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

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

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



1 for the care and protection of the child and for providing for the  
2 child's health, education, and maintenance.

3 "Kinship relationship" means a family friend or a person with a  
4 biological or legal relationship with the child.

5 (cf: P.L.2006, c.47, s.154)

6

7 111. Section 2 of P.L.2005, c.95 (C.30:4C-90) is amended to  
8 read as follows:

9 2. The Legislature finds and declares that:

10 a. An increasing number of relatives in the State, including  
11 grandparents, find themselves providing care on a long-term basis  
12 to children who cannot reside with their parents due to the parent's  
13 incapacity or inability to perform the regular and expected functions  
14 of care and support of the child;

15 b. The State law allows for the appointment of an individual as  
16 a kinship legal guardian; a kinship legal guardian has the same  
17 rights, responsibilities, and authority relating to a child as a birth  
18 parent, with the exception of consenting to the adoption of the child  
19 or a name change for the child, while the birth parent retains the  
20 obligation to pay child support and the right to court-approved  
21 visitation or parenting time with the child;

22 c. ~~["The Department of Human Services and the Department of~~  
23 ~~Children and Families offers a variety of support services and~~  
24 ~~financial aid to kinship legal guardians, which include monthly~~  
25 ~~payments through the federal TANF program, Medicaid eligibility~~  
26 ~~for the child, funding for short-term or one-time expenses, support~~  
27 ~~groups, child support collection, housing assistance, legal services,~~  
28 ~~child care, respite services, and education]~~ (Deleted by amendment,  
29 P.L. , c. ) (pending before the Legislature as this bill)<sup>1</sup> ;

30 d. The ~~department~~ Department of Children and Families has  
31 established the Kinship Navigator program, which is a referral  
32 service designed to help kinship caregivers coordinate the various  
33 government and community resources that may be available to  
34 them; and

35 e. It is appropriate for the State to ensure that individuals who  
36 may be eligible to become kinship legal guardians are aware of the  
37 eligibility requirements for, and the responsibilities of, kinship legal  
38 guardianship, and that both individuals who may be eligible to  
39 become kinship legal guardians and current kinship legal guardians  
40 are aware of the services available to kinship legal guardians in the  
41 State.

42 (cf: P.L.2005, c.95, s.2)

43

44 <sup>1</sup>112. Section 3 of P.L.2005, c.95 (C.30:4C-91) is amended to  
45 read as follows:

46 3. The Department of ~~Human Services~~ Children and  
47 Families shall, in easily understandable language:

- 1 a. inform individuals, of whom the department is aware, who  
2 may be eligible to become kinship legal guardians of:  
3 (1) the eligibility requirements for, and the responsibilities of,  
4 kinship legal guardianship; and  
5 (2) the full-range of services for which kinship legal guardians  
6 may be eligible and the eligibility requirements for those services;  
7 and  
8 b. inform current kinship legal guardians of the full-range of  
9 services for which kinship legal guardians may be eligible and the  
10 eligibility requirements for those services.<sup>1</sup>  
11 (cf: P.L.2005, c.95, s.3)

12  
13 <sup>1</sup>113. Section 4 of P.L.2005, c.95 (C.30:4C-92) is amended to  
14 read as follows:

15 4. The Commissioner of **【Human Services】** Children and  
16 Families shall adopt rules and regulations, pursuant to the  
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
18 seq.), to effectuate the purposes of **【this act】** P.L.2005, c.95  
19 (C.30:4C-89 et seq.).<sup>1</sup>  
20 (cf: P.L.2005, c.95, s.4)

21  
22 <sup>1</sup>**【112.】** 114.<sup>1</sup> Section 3 of P.L.1968, c.413 (C.30:4D-3) is  
23 amended to read as follows:

24 3. Definitions. As used in **【this act】** P.L.1968, c.413 (C.30:4D-  
25 1 et seq.), and unless the context otherwise requires:

26 a. "Applicant" means any person who has made application for  
27 purposes of becoming a "qualified applicant."

28 b. "Commissioner" means the Commissioner of Human  
29 Services.

30 c. "Department" means the Department of Human Services,  
31 which is herein designated as the single State agency to administer  
32 the provisions of this act.

33 d. "Director" means the Director of the Division of Medical  
34 Assistance and Health Services.

35 e. "Division" means the Division of Medical Assistance and  
36 Health Services.

37 f. "Medicaid" means the New Jersey Medical Assistance and  
38 Health Services Program.

39 g. "Medical assistance" means payments on behalf of recipients  
40 to providers for medical care and services authorized under **【this**  
41 **act】** P.L.1968, c.413.

42 h. "Provider" means any person, public or private institution,  
43 agency, or business concern approved by the division lawfully  
44 providing medical care, services, goods, and supplies authorized  
45 under **【this act】** P.L.1968, c.413, holding, where applicable, a  
46 current valid license to provide such services or to dispense such  
47 goods or supplies.

- 1       i. "Qualified applicant" means a person who is a resident of  
2 this State, and either a citizen of the United States or an eligible  
3 alien, and is determined to need medical care and services as  
4 provided under **[this act]** P.L.1968, c.413, with respect to whom  
5 the period for which eligibility to be a recipient is determined shall  
6 be the maximum period permitted under federal law, and who:
- 7       (1) Is a dependent child or parent or caretaker relative of a  
8 dependent child who would be, except for resources, eligible for the  
9 aid to families with dependent children program under the State  
10 Plan for Title IV-A of the federal Social Security Act as of July 16,  
11 1996;
- 12       (2) Is a recipient of Supplemental Security Income for the Aged,  
13 Blind and Disabled under Title XVI of the Social Security Act;
- 14       (3) Is an "ineligible spouse" of a recipient of Supplemental  
15 Security Income for the Aged, Blind and Disabled under Title XVI  
16 of the Social Security Act, as defined by the federal Social Security  
17 Administration;
- 18       (4) Would be eligible to receive Supplemental Security Income  
19 under Title XVI of the federal Social Security Act or, without  
20 regard to resources, would be eligible for the aid to families with  
21 dependent children program under the State Plan for Title IV-A of  
22 the federal Social Security Act as of July 16, 1996, except for  
23 failure to meet an eligibility condition or requirement imposed  
24 under such State program which is prohibited under Title XIX of  
25 the federal Social Security Act such as a durational residency  
26 requirement, relative responsibility, consent to imposition of a lien;
- 27       (5) (Deleted by amendment, P.L.2000, c.71).
- 28       (6) Is an individual under 21 years of age who, without regard to  
29 resources, would be, except for dependent child requirements,  
30 eligible for the aid to families with dependent children program  
31 under the State Plan for Title IV-A of the federal Social Security  
32 Act as of July 16, 1996, or groups of such individuals, including but  
33 not limited to, children in resource family placement under  
34 supervision of the Division of **[Youth and Family Services]** Child  
35 Protection and Permanency in the Department of Children and  
36 Families whose maintenance is being paid in whole or in part from  
37 public funds, children placed in a resource family home or  
38 institution by a private adoption agency in New Jersey or children  
39 in intermediate care facilities, including developmental centers for  
40 the developmentally disabled, or in psychiatric hospitals;
- 41       (7) Would be eligible for the Supplemental Security Income  
42 program, but is not receiving such assistance and applies for  
43 medical assistance only;
- 44       (8) Is determined to be medically needy and meets all the  
45 eligibility requirements described below:
- 46       (a) The following individuals are eligible for services, if they  
47 are determined to be medically needy:
- 48       (i) Pregnant women;

- 1 (ii) Dependent children under the age of 21;
- 2 (iii) Individuals who are 65 years of age and older; and
- 3 (iv) Individuals who are blind or disabled pursuant to either 42
- 4 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

5 (b) The following income standard shall be used to determine  
6 medically needy eligibility:

7 (i) For one person and two person households, the income  
8 standard shall be the maximum allowable under federal law, but  
9 shall not exceed 133 1/3% of the State's payment level to two  
10 person households under the aid to families with dependent children  
11 program under the State Plan for Title IV-A of the federal Social  
12 Security Act in effect as of July 16, 1996; and

13 (ii) For households of three or more persons, the income standard  
14 shall be set at 133 1/3% of the State's payment level to similar size  
15 households under the aid to families with dependent children  
16 program under the State Plan for Title IV-A of the federal Social  
17 Security Act in effect as of July 16, 1996.

18 (c) The following resource standard shall be used to determine  
19 medically needy eligibility:

20 (i) For one person households, the resource standard shall be  
21 200% of the resource standard for recipients of Supplemental  
22 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

23 (ii) For two 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(2)(B);

26 (iii) For households of three or more persons, the resource  
27 standard in subparagraph (c)(ii) above shall be increased by  
28 \$100.00 for each additional person; and

29 (iv) The resource standards established in (i), (ii), and (iii) are  
30 subject to federal approval and the resource standard may be lower  
31 if required by the federal Department of Health and Human  
32 Services.

33 (d) Individuals whose income exceeds those established in  
34 subparagraph (b) of paragraph (8) of this subsection may become  
35 medically needy by incurring medical expenses as defined in 42  
36 C.F.R.435.831(c) which will reduce their income to the applicable  
37 medically needy income established in subparagraph (b) of  
38 paragraph (8) of this subsection.

39 (e) A six-month period shall be used to determine whether an  
40 individual is medically needy.

41 (f) Eligibility determinations for the medically needy program  
42 shall be administered as follows:

43 (i) County welfare agencies and other entities designated by the  
44 commissioner are responsible for determining and certifying the  
45 eligibility of pregnant women and dependent children. The division  
46 shall reimburse county welfare agencies for 100% of the reasonable  
47 costs of administration which are not reimbursed by the federal  
48 government for the first 12 months of this program's operation.

1 Thereafter, 75% of the administrative costs incurred by county  
2 welfare agencies which are not reimbursed by the federal  
3 government shall be reimbursed by the division;

4 (ii) The division is responsible for certifying the eligibility of  
5 individuals who are 65 years of age and older and individuals who  
6 are blind or disabled. The division may enter into contracts with  
7 county welfare agencies to determine certain aspects of eligibility.  
8 In such instances the division shall provide county welfare agencies  
9 with all information the division may have available on the  
10 individual.

11 The division shall notify all eligible recipients of the  
12 Pharmaceutical Assistance to the Aged and Disabled program,  
13 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the  
14 medically needy program and the program's general requirements.  
15 The division shall take all reasonable administrative actions to  
16 ensure that Pharmaceutical Assistance to the Aged and Disabled  
17 recipients, who notify the division that they may be eligible for the  
18 program, have their applications processed expeditiously, at times  
19 and locations convenient to the recipients; and

20 (iii) The division is responsible for certifying incurred medical  
21 expenses for all eligible persons who attempt to qualify for the  
22 program pursuant to subparagraph (d) of paragraph (8) of this  
23 subsection;

24 (9) (a) Is a child who is at least one year of age and under 19  
25 years of age and, if older than six years of age but under 19 years of  
26 age, is uninsured; and

27 (b) Is a member of a family whose income does not exceed  
28 133% of the poverty level and who meets the federal Medicaid  
29 eligibility requirements set forth in section 9401 of Pub.L.99-509  
30 (42 U.S.C. s.1396a);

31 (10) Is a pregnant woman who is determined by a provider to be  
32 presumptively eligible for medical assistance based on criteria  
33 established by the commissioner, pursuant to section 9407 of  
34 Pub.L.99-509 (42 U.S.C. s.1396a(a));

35 (11) Is an individual 65 years of age and older, or an individual  
36 who is blind or disabled pursuant to section 301 of Pub.L.92-603  
37 (42 U.S.C. s.1382c), whose income does not exceed 100% of the  
38 poverty level, adjusted for family size, and whose resources do not  
39 exceed 100% of the resource standard used to determine medically  
40 needy eligibility pursuant to paragraph (8) of this subsection;

41 (12) Is a qualified disabled and working individual pursuant to  
42 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income  
43 does not exceed 200% of the poverty level and whose resources do  
44 not exceed 200% of the resource standard used to determine  
45 eligibility under the Supplemental Security Income Program,  
46 P.L.1973, c.256 (C.44:7-85 et seq.);

47 (13) Is a pregnant woman or is a child who is under one year of  
48 age and is a member of a family whose income does not exceed

1 185% of the poverty level and who meets the federal Medicaid  
2 eligibility requirements set forth in section 9401 of Pub.L.99-509  
3 (42 U.S.C. s.1396a), except that a pregnant woman who is  
4 determined to be a qualified applicant shall, notwithstanding any  
5 change in the income of the family of which she is a member,  
6 continue to be deemed a qualified applicant until the end of the 60-  
7 day period beginning on the last day of her pregnancy;

8 (14) (Deleted by amendment, P.L.1997, c.272).

9 (15) (a) Is a specified low-income Medicare beneficiary pursuant  
10 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January  
11 1, 1993 do not exceed 200% of the resource standard used to  
12 determine eligibility under the Supplemental Security Income  
13 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income  
14 beginning January 1, 1993 does not exceed 110% of the poverty  
15 level, and beginning January 1, 1995 does not exceed 120% of the  
16 poverty level.

17 (b) An individual who has, within 36 months, or within 60  
18 months in the case of funds transferred into a trust, of applying to  
19 be a qualified applicant for Medicaid services in a nursing facility  
20 or a medical institution, or for home or community-based services  
21 under section 1915(c) of the federal Social Security Act (42 U.S.C.  
22 s.1396n(c)), disposed of resources or income for less than fair  
23 market value shall be ineligible for assistance for nursing facility  
24 services, an equivalent level of services in a medical institution, or  
25 home or community-based services under section 1915(c) of the  
26 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of  
27 the ineligibility shall be the number of months resulting from  
28 dividing the uncompensated value of the transferred resources or  
29 income by the average monthly private payment rate for nursing  
30 facility services in the State as determined annually by the  
31 commissioner. In the case of multiple resource or income transfers,  
32 the resulting penalty periods shall be imposed sequentially.  
33 Application of this requirement shall be governed by 42 U.S.C.  
34 s.1396p(c). In accordance with federal law, this provision is  
35 effective for all transfers of resources or income made on or after  
36 August 11, 1993. Notwithstanding the provisions of this subsection  
37 to the contrary, the State eligibility requirements concerning  
38 resource or income transfers shall not be more restrictive than those  
39 enacted pursuant to 42 U.S.C. s.1396p(c).

40 (c) An individual seeking nursing facility services or home or  
41 community-based services and who has a community spouse shall  
42 be required to expend those resources which are not protected for  
43 the needs of the community spouse in accordance with section  
44 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))  
45 on the costs of long-term care, burial arrangements, and any other  
46 expense deemed appropriate and authorized by the commissioner.  
47 An individual shall be ineligible for Medicaid services in a nursing  
48 facility or for home or community-based services under section

1 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if  
2 the individual expends funds in violation of this subparagraph. The  
3 period of ineligibility shall be the number of months resulting from  
4 dividing the uncompensated value of transferred resources and  
5 income by the average monthly private payment rate for nursing  
6 facility services in the State as determined by the commissioner.  
7 The period of ineligibility shall begin with the month that the  
8 individual would otherwise be eligible for Medicaid coverage for  
9 nursing facility services or home or community-based services.

10 This subparagraph shall be operative only if all necessary  
11 approvals are received from the federal government including, but  
12 not limited to, approval of necessary State plan amendments and  
13 approval of any waivers;

14 (16) Subject to federal approval under Title XIX of the federal  
15 Social Security Act, is a dependent child, parent or specified  
16 caretaker relative of a child who is a qualified applicant, who would  
17 be eligible, without regard to resources, for the aid to families with  
18 dependent children program under the State Plan for Title IV-A of  
19 the federal Social Security Act as of July 16, 1996, except for the  
20 income eligibility requirements of that program, and whose family  
21 earned income,

22 (a) if a dependent child, does not exceed 133% of the poverty  
23 level; and

24 (b) if a parent or specified caretaker relative, beginning  
25 September 1, 2005 does not exceed 100% of the poverty level,  
26 beginning September 1, 2006 does not exceed 115% of the poverty  
27 level and beginning September 1, 2007 does not exceed 133% of  
28 the poverty level,

29 plus such earned income disregards as shall be determined  
30 according to a methodology to be established by regulation of the  
31 commissioner;

32 The commissioner may increase the income eligibility limits for  
33 children and parents and specified caretaker relatives, as funding  
34 permits;

35 (17) Is an individual from 18 through 20 years of age who is not  
36 a dependent child and would be eligible for medical assistance  
37 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to  
38 income or resources, who, on the individual's 18th birthday was in  
39 resource family care under the care and custody of the Division of  
40 **[Youth and Family Services]** Child Protection and Permanency in  
41 the Department of Children and Families and whose maintenance  
42 was being paid in whole or in part from public funds;

43 (18) Is a person between the ages of 16 and 65 who is  
44 permanently disabled and working, and:

45 (a) whose income is at or below 250% of the poverty level, plus  
46 other established disregards;

- 1 (b) who pays the premium contribution and other cost sharing as  
2 established by the commissioner, subject to the limits and  
3 conditions of federal law; and
- 4 (c) whose assets, resources and unearned income do not exceed  
5 limitations as established by the commissioner;
- 6 (19) Is an uninsured individual under 65 years of age who:
- 7 (a) has been screened for breast or cervical cancer under the  
8 federal Centers for Disease Control and Prevention breast and  
9 cervical cancer early detection program;
- 10 (b) requires treatment for breast or cervical cancer based upon  
11 criteria established by the commissioner;
- 12 (c) has an income that does not exceed the income standard  
13 established by the commissioner pursuant to federal guidelines;
- 14 (d) meets all other Medicaid eligibility requirements; and
- 15 (e) in accordance with Pub.L.106-354, is determined by a  
16 qualified entity to be presumptively eligible for medical assistance  
17 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established  
18 by the commissioner pursuant to section 1920B of the federal Social  
19 Security Act (42 U.S.C. s.1396r-1b); or
- 20 (20) Subject to federal approval under Title XIX of the federal  
21 Social Security Act, is a single adult or couple, without dependent  
22 children, whose income in 2006 does not exceed 50% of the poverty  
23 level, in 2007 does not exceed 75% of the poverty level and in 2008  
24 and each year thereafter does not exceed 100% of the poverty level;  
25 except that a person who is a recipient of Work First New Jersey  
26 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107  
27 et seq.), shall not be a qualified applicant.
- 28 j. "Recipient" means any qualified applicant receiving benefits  
29 under this act.
- 30 k. "Resident" means a person who is living in the State  
31 voluntarily with the intention of making his home here and not for a  
32 temporary purpose. Temporary absences from the State, with  
33 subsequent returns to the State or intent to return when the purposes  
34 of the absences have been accomplished, do not interrupt continuity  
35 of residence.
- 36 l. "State Medicaid Commission" means the Governor, the  
37 Commissioner of Human Services, the President of the Senate and  
38 the Speaker of the General Assembly, hereby constituted a  
39 commission to approve and direct the means and method for the  
40 payment of claims pursuant to **[this act]** P.L.1968, c.413.
- 41 m. "Third party" means any person, institution, corporation,  
42 insurance company, group health plan as defined in section 607(1)  
43 of the federal "Employee Retirement and Income Security Act of  
44 1974," 29 U.S.C. s.1167(1), service benefit plan, health  
45 maintenance organization, or other prepaid health plan, or public,  
46 private or governmental entity who is or may be liable in contract,  
47 tort, or otherwise by law or equity to pay all or part of the medical



1 cost of injury, disease or disability of an applicant for or recipient  
2 of medical assistance payable under **[this act]** P.L.1968, c.413.

3 n. "Governmental peer grouping system" means a separate  
4 class of skilled nursing and intermediate care facilities administered  
5 by the State or county governments, established for the purpose of  
6 screening their reported costs and setting reimbursement rates under  
7 the Medicaid program that are reasonable and adequate to meet the  
8 costs that must be incurred by efficiently and economically operated  
9 State or county skilled nursing and intermediate care facilities.

10 o. "Comprehensive maternity or pediatric care provider" means  
11 any person or public or private health care facility that is a provider  
12 and that is approved by the commissioner to provide comprehensive  
13 maternity care or comprehensive pediatric care as defined in  
14 subsection b. (18) and (19) of section 6 of P.L.1968, c.413  
15 (C.30:4D-6).

16 p. "Poverty level" means the official poverty level based on  
17 family size established and adjusted under Section 673(2) of  
18 Subtitle B, the "Community Services Block Grant Act," of  
19 Pub.L.97-35 (42 U.S.C. s.9902(2)).

20 q. "Eligible alien" means one of the following:

21 (1) an alien present in the United States prior to August 22,  
22 1996, who is:

23 (a) a lawful permanent resident;

24 (b) a refugee pursuant to section 207 of the federal "Immigration  
25 and Nationality Act" (8 U.S.C. s.1157);

26 (c) an asylee pursuant to section 208 of the federal  
27 "Immigration and Nationality Act" (8 U.S.C. s.1158);

28 (d) an alien who has had deportation withheld pursuant to  
29 section 243(h) of the federal "Immigration and Nationality Act" (8  
30 U.S.C. s.1253 (h));

31 (e) an alien who has been granted parole for less than one year  
32 by the U.S. Citizenship and Immigration Services pursuant to  
33 section 212(d)(5) of the federal "Immigration and Nationality Act"  
34 (8 U.S.C. s.1182(d)(5));

35 (f) an alien granted conditional entry pursuant to section  
36 203(a)(7) of the federal "Immigration and Nationality Act" (8  
37 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

38 (g) an alien who is honorably discharged from or on active duty  
39 in the United States armed forces and the alien's spouse and  
40 unmarried dependent child.

41 (2) An alien who entered the United States on or after August  
42 22, 1996, who is:

43 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of  
44 this subsection; or

45 (b) an alien as described in paragraph (1)(a), (e) or (f) of this  
46 subsection who entered the United States at least five years ago.

47 (3) A legal alien who is a victim of domestic violence in  
48 accordance with criteria specified for eligibility for public benefits

1 as provided in Title V of the federal "Illegal Immigration Reform  
2 and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).  
3 (cf: P.L.2006, c.47, s.159)  
4

5 **'[113.] 115.'** Section 7 of P.L.2007, c.58 (C.30:4D-59) is  
6 amended to read as follows:

7 7. a. The Medicaid audit, program integrity, fraud and abuse  
8 prevention and recovery functions, all officers and employees that  
9 the Medicaid Inspector General deems qualified and substantially  
10 engaged therein, and any documents and records that the Medicaid  
11 Inspector General deems necessary and related to the transfer of  
12 such functions and personnel, shall be transferred to the Office of  
13 the Medicaid Inspector General from the Medicaid Office of  
14 Program Integrity Unit and the Third Party Liability Unit in the  
15 Division of Medical Assistance and Health Services, the Division of  
16 Disability Services, the Division of Developmental Disabilities, the  
17 Division of Mental Health and Addiction Services, the Division of  
18 **【Youth and Family Services】** Child Protection and Permanency, the  
19 Division of **【Child Behavioral Health Services】** Children's System  
20 of Care, the Department of Health and Senior Services, and the  
21 Department of the Treasury. The Medicaid Inspector General shall  
22 consult with the head of each department or agency from which  
23 such function is to be transferred to determine the officers and  
24 employees to be transferred.

25 b. The Medicaid Inspector General shall have general  
26 managerial control over the office and shall establish the  
27 organizational structure of the office as the Medicaid Inspector  
28 General deems appropriate to carry out the responsibilities and  
29 functions of the office. Within the limits of funds appropriated  
30 therefor, the Medicaid Inspector General may hire such employees  
31 in the unclassified service as are necessary to administer the office.  
32 These employees shall serve at the pleasure of the Medicaid  
33 Inspector General. Subject to the availability of appropriations, the  
34 Medicaid Inspector General may obtain the services of certified  
35 public accountants, qualified management consultants, professional  
36 auditors, or other professionals necessary to independently perform  
37 the functions of the office.

38 (cf: P.L.2007, c.58, s.7)  
39

40 **'[114.] 116.'** Section 10 of P.L.1985, c.307 (C.30:4G-10) is  
41 amended to read as follows:

42 10. a. There is established in the department an Advisory  
43 Council on Personal Attendant Services which consists of 19  
44 members as follows: the Commissioner of Health and Senior  
45 Services, the Director of the Division of **【Youth and Family**  
46 **Services】** Child Protection and Permanency in the Department of  
47 Children and Families, the Director of the Division of

1 Developmental Disabilities, and the Director of the Division of  
2 Medical Assistance and Health Services in the Department of  
3 Human Services, the Director of the Division of Veterans' Services  
4 in the Department of Military and Veterans' Affairs, and the  
5 Director of the Division of Vocational Rehabilitation Services in  
6 the Department of Labor and Workforce Development, or their  
7 designees, who shall serve ex officio, and 13 members appointed by  
8 the commissioner who are residents of this State, one of whom is a  
9 member of the New Jersey Association of County Representatives  
10 of Disabled Persons, four of whom represent providers of personal  
11 attendant services, five of whom represent consumers of personal  
12 attendant services and three of whom represent advocacy groups or  
13 agencies for the physically disabled.

14 A vacancy in the membership of the council shall be filled in the  
15 same manner as the original appointment.

16 The members of the council shall serve without compensation,  
17 but the department shall reimburse the members for the reasonable  
18 expenses incurred in the performance of their duties.

19 b. The council shall hold an organizational meeting within 30  
20 days after the appointment of its members. The members of the  
21 council shall elect from among them a chairman, who shall be the  
22 chief executive officer of the council and the members shall elect a  
23 secretary, who need not be a member of the council.

24 c. The council shall:

25 (1) Advise the commissioner on matters pertaining to personal  
26 attendant services and the development of the personal attendant  
27 program, upon the request of the commissioner;

28 (2) Review the rules and regulations promulgated for the  
29 implementation of the personal attendant program and make  
30 recommendations to the commissioner, as appropriate;

31 (3) Evaluate the effectiveness of the personal attendant program  
32 in achieving the purposes of this act; and

33 (4) Assess the Statewide need for personal attendant services  
34 and the projected cost for providing these services Statewide.

35 (cf: P.L.2006, c.47, s.160)

36

37 <sup>1</sup>~~115.~~ 117. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is  
38 amended to read as follows:

39 1. As used in ~~this act~~ P.L.1997, c.254 (C.30:5B-6.1 et seq.):

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

41 "Division" means the Division of ~~Youth and Family Services~~  
42 Child Protection and Permanency in the Department of Children  
43 and Families.

44 "Staff member" means any owner, sponsor, director, or person  
45 employed by or working at a child care center on a regularly  
46 scheduled basis during the center's operating hours, including full-  
47 time, part-time, voluntary, contract, consulting, and substitute staff,  
48 whether compensated or not.

1 "Child care center" or **["Center"]** "center" means any facility  
2 which is maintained for the care, development or supervision of six  
3 or more children under 13 years of age who attend the facility for  
4 less than 24 hours a day, and which is subject to State licensure or  
5 life-safety approval, pursuant to the provisions of the "Child Care  
6 Licensing Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .  
7 (cf: P.L.2006, c.47, s.163)

8  
9 **'[116.] 118.'** Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is  
10 amended to read as follows:

11 1. As used in sections 1 through 7 and 9 through 12 of  
12 P.L.2000, c.77 (C.30:5B-6.10 et seq.):

13 "Child care center" or "center" means any facility which is  
14 maintained for the care, development, or supervision of six or more  
15 children under 13 years of age who attend the facility for less than  
16 24 hours a day, and which is subject to State licensure or life-safety  
17 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

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

19 "Division" means the Division of **["Youth and Family Services"]**  
20 Child Protection and Permanency in the Department of Children  
21 and Families.

22 "Staff member" means a person 18 years of age or older who  
23 owns, sponsors, or directs a child care center, or who is employed  
24 by or works in a child care center on a regularly scheduled basis  
25 during the center's operating hours, including full-time, part-time,  
26 voluntary, contract, consulting, and substitute staff, whether  
27 compensated or not.

28 (cf: P.L.2006, c.47, s.164)

29  
30 **'[117.] 119.'** Section 14 of P.L.1983, c.492 (C.30:5B-14) is  
31 amended to read as follows:

32 14. a. The Director of the Division of Family Development in  
33 the Department of Human Services, a designee of the  
34 Commissioner of Children and Families, and the Director of the  
35 **["Division"]** **'[Office]** Division<sup>1</sup> on Women in the Department of  
36 **["Community Affairs"]** Children and Families shall establish a Child  
37 Care Advisory Council which shall consist of at least 15 individuals  
38 who have experience, training, or other interests in child care  
39 issues. To the extent possible, the directors shall designate  
40 members of existing councils or task forces heretofore established  
41 on child care in New Jersey as the advisory council.

42 b. The advisory council shall:

43 (1) Review rules and regulations or proposed revisions to  
44 existing rules and regulations governing the licensing of child care  
45 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 <sup>1</sup>[118.] 120.<sup>1</sup> Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is  
21 amended to 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 <sup>1</sup>[119.] 121.<sup>1</sup> Section 3 of P.L.1993, c.350, (C.30:5B-25.3) is  
42 amended to 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

1 person registering as a prospective provider or a household member  
2 of the prospective provider or as a current provider or household  
3 member of the current provider.

4 b. The division shall conduct the search only upon receipt of  
5 the prospective or current provider or household member's written  
6 consent to the search. If the person refuses to provide his consent,  
7 the family day care sponsoring organization shall deny the  
8 prospective or current provider's application for a certificate or  
9 renewal of registration.

10 c. The division shall advise the sponsoring organization of the  
11 results of the child abuse registry search within a time period to be  
12 determined by the Department of Children and Families.

13 d. The department shall not issue a certificate or renewal of  
14 registration to a prospective or current provider unless the  
15 department has first determined that no substantiated charge of  
16 child abuse or neglect against the prospective or current provider or  
17 household member is found during the child abuse registry search.  
18 (cf: P.L.2006, c.47, s.169)

19

20 '120.1' 122.1 Section 3 of P.L.1987, c.215 (C.30:5B-28) is  
21 amended to read as follows:

22 3. The Commissioner of Human Services, in consultation with  
23 the Commissioner of Education and the Advisory Council on Child  
24 Care established pursuant to section 14 of P.L.1983, c.492  
25 (C.30:5B-14) and the **Division** 'Office Division' on Women in  
26 the Department of **Community Affairs** established pursuant to  
27 P.L.1974, c.87 (C.52:27D-43.8 et seq.) Children and Families,  
28 shall establish criteria for assessing the suitability of grant  
29 applicants. Each applicant for a grant under this act shall:

30 a. Describe the need for and type of child care services to be  
31 furnished;

32 b. Provide assurances that the applicant has knowledge of and  
33 experience in the special nature of child care services for school-age  
34 children;

35 c. Provide assurances that each person to be employed by the  
36 applicant for child care has appropriate experience and character  
37 including a criminal history records check of the files of the State  
38 Bureau of Identification and the Federal Bureau of Investigation,  
39 Identification Division;

40 d. Provide evidence that the applicant will be afforded use of  
41 an appropriate school facility or another appropriate location as  
42 approved by the commissioner, which may be a child care center  
43 licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.);

44 e. Provide assurances that the program will be in conformity  
45 with all appropriate statutes, regulations, ordinances, and such  
46 programs as shall be developed for the program created by **this**  
47 **act** P.L.1987, c.215 (C.30:5B-26 et seq.);

1 f. Provide a tentative budget for the program, including a  
2 proposed sliding-fee schedule which should reflect a family's  
3 capacity to pay;

4 g. Provide assurances that the parents of school-age children  
5 will be involved in the development and implementation of the  
6 child care program; and

7 h. Provide such other assurances and information as the  
8 commissioner shall reasonably require to carry out the provisions of  
9 **【this act】** P.L.1987, c.215.

10 (cf: P.L.1987, c.215, s.3)

11  
12 **'【121.】 123.'** Section 2 of P.L.2003, c.185 (C.30:5B-32) is  
13 amended to read as follows:

14 2. a. A unified child care agency contracted with the  
15 Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall  
16 request that the Division of **【Youth and Family Services】** Child  
17 Protection and Permanency in the Department of Children and  
18 Families conduct a child abuse record information check of the  
19 division's child abuse records, as promptly as possible, to determine  
20 if an incident of child abuse or neglect has been substantiated,  
21 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), against:

22 (1) a prospective approved home provider as defined in  
23 N.J.A.C.10:15-1.2 providing child care services under the "New  
24 Jersey Cares for Kids Program" established pursuant to  
25 N.J.A.C.10:15-5.1, or to a child whose parent is receiving  
26 assistance under the Work First New Jersey program established  
27 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but  
28 continues to receive supportive services pursuant to the provisions  
29 of section 5 of P.L.1997, c.13 (C.44:10-38); or

30 (2) any adult member of the prospective provider's household.

31 b. The division shall conduct the child abuse record  
32 information check only upon receipt of the prospective approved  
33 home provider's or any adult household member's written consent to  
34 the check. If the person refuses to provide his consent, the unified  
35 child care agency shall deny the prospective approved home  
36 provider's application to provide child care services.

37 c. If the division determines that an incident of child abuse or  
38 neglect by the prospective approved home provider or any adult  
39 member of the household has been substantiated, the division shall  
40 release the results of the child abuse record information check to the  
41 unified child care agency pursuant to subsection g. of section 1 of  
42 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the  
43 prospective approved home provider's application to provide child  
44 care services.

45 d. Before denying the prospective approved home provider's  
46 application to provide child care services, the unified child care  
47 agency shall give notice personally or by certified or registered mail  
48 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 <sup>1</sup>~~122.~~ 124. Section 2 of P.L.1995, c.321 (C.30:9A-19) is  
17 amended to 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 <sup>1</sup>~~123.~~ 125. Section 2 of P.L.1977, c.448 (C.30:11B-2) is  
41 amended to 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 <sup>1</sup> ~~124.~~ 126. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is  
14 amended to read as follows:

15 10. a. Within six months of the effective date of ~~124.~~ 126.  
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 <sup>1</sup> ~~125.~~ 127. Section 4 of P.L.1979, c.337 (C.30:14-4) is  
35 amended to 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~~ <sup>1</sup> ~~Office~~ Division on Women in the Department ~~of~~  
39 ~~Community Affairs~~ Children and Families, the Director of the  
40 Division of ~~Youth and Family Services~~ Child Protection and  
41 Permanency in the Department of Children and Families and the  
42 Director of the Division of Family Development in the Department  
43 of Human Services, the Director of the Administrative Office of the  
44 Courts, 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

1 resident, one representative of the Police Chiefs Association, one  
2 representative of the County Prosecutors Association, one  
3 representative of the New Jersey State Nurses Association, one  
4 representative of the Mental Health Association in New Jersey, one  
5 representative of the New Jersey Crime Prevention Officers  
6 Association, one representative of the New Jersey Hospital  
7 Association, one representative of the Violent Crimes  
8 Compensation Board, and four representatives of the New Jersey  
9 Coalition for Battered Women to be appointed by the Governor.

10 b. The advisory council shall:

11 (1) Monitor the effectiveness of the laws concerning domestic  
12 violence and make recommendations for their improvement;

13 (2) Review proposed legislation governing domestic violence  
14 and make recommendations to the Governor and the Legislature;

15 (3) Study the needs, priorities, programs, and policies relating to  
16 domestic violence throughout the State; and

17 (4) Ensure that all service providers and citizens are aware of  
18 the needs of and services available to victims of domestic violence  
19 and make recommendations for community education and training  
20 programs.

21 c. The advisory council shall periodically advise the Director  
22 of the Division of **【Youth and Family Services】** Child Protection  
23 and Permanency in the Department of Children and Families and  
24 the Director of the **【Division】** <sup>1</sup>**【Office】** Division<sup>1</sup> on Women in  
25 the Department of **【Community Affairs】** Children and Families on  
26 its activities, findings, and recommendations.

27 (cf: P.L.2006, c.47, s.181)

28

29 <sup>1</sup>**【126.】** 128.<sup>1</sup> Section 3 of P.L.2001, c.195 (C.30:14-15) is  
30 amended to read as follows:

31 3. a. There is hereby established the "Domestic Violence  
32 Victims' Fund," a dedicated fund within the General Fund and  
33 administered by the Division of **【Youth and Family Services】** Child  
34 Protection and Permanency in the Department of Children and  
35 Families. The fund shall be the depository of moneys realized from  
36 the civil penalty imposed pursuant to section 1 of P.L.2001, c.195  
37 (C.2C:25-29.1) and any other moneys made available for the  
38 purposes of the fund.

39 b. All moneys deposited in the "Domestic Violence Victims'  
40 Fund" shall be used for direct services to victims of domestic  
41 violence, including, but not limited to, shelter services, legal  
42 advocacy services, and legal assistance services, and for related  
43 administrative costs of the Division of **【Youth and Family**  
44 **Services】** Child Protection and Permanency.

45 (cf: P.L.2006, c.47, s.182)

1       ~~'[127.] 129.'~~<sup>1</sup> Section 1 of P.L.1999, c.223 (C.34:15C-21) is  
2 amended to read as follows:

3       1. a. There is created, in the New Jersey State Employment and  
4 Training Commission, a council which shall be known as the  
5 Council on Gender Parity in Labor and Education.

6       b. The council shall consist of ~~[17]~~ 16 members who are  
7 individuals with experience in the fields of labor, education,  
8 training, or gender equity. The ~~[17]~~ 16 members shall include: six  
9 members appointed by the Director of the ~~[Division]~~ <sup>'[Office]</sup>  
10 Division<sup>1</sup> on Women; six members appointed by the Executive  
11 Director of the State Employment and Training Commission; and  
12 ~~[five]~~ four members who shall serve ex officio, one of whom shall  
13 be appointed by the Commissioner of ~~[Community Affairs]~~  
14 Children and Families, one by the Commissioner of Education, one  
15 by the Commissioner of Human Services, ~~[one by the~~  
16 Commissioner of Labor and Workforce Development] and one by  
17 the Executive Director of the Commission on Higher Education.  
18 Not more than half of the members appointed by the Director of the  
19 ~~[Division]~~ <sup>'[Office]</sup> Division<sup>1</sup> on Women and not more than half  
20 of the members appointed by the Executive Director of the State  
21 Employment and Training Commission shall be of the same  
22 political party. The members appointed by the director and  
23 executive director shall serve for terms of three years, except that of  
24 the eight members first appointed by the director and the executive  
25 director, four shall be appointed for three years, two shall be  
26 appointed for two years, and two shall be appointed for one year.  
27 Each member shall hold office for the term of appointment and until  
28 his successor is appointed and qualified. A member appointed to  
29 fill a vacancy occurring in the membership of the council for any  
30 reason other than the expiration of the term shall have a term of  
31 appointment for the unexpired term only. Vacancies shall be filled  
32 in the same manner as the original appointment. A member may be  
33 appointed for any number of successive terms. Any member  
34 appointed by the director or the executive director may be removed  
35 from the council by the director or the executive director, as the  
36 case may be, for cause, after a hearing and may be suspended by the  
37 director or the executive director pending the completion of the  
38 hearing.

39       c. Members of the council shall serve without compensation,  
40 but may be reimbursed for necessary expenses incurred in the  
41 performance of their duties as members. Action may be taken and  
42 motions and resolutions may be adopted by the council at a council  
43 meeting by an affirmative vote of a majority of the members. The  
44 council shall elect from its members a chairperson who shall be a  
45 nongovernmental member of the council. Advanced notification  
46 for, and copies of the minutes of, each meeting of the council shall

1 be filed with the Governor, the President of the Senate, and the  
2 Speaker of the General Assembly.

3 (cf: P.L.2005, c.354, s.19)

4

5 '128.] 130.' Section 2 of P.L.1999, c.223 (C.34:15C-22) is  
6 amended to read as follows:

7 2. The Council shall:

8 a. Assess the effectiveness of State programs designed to  
9 provide gender equity in labor, education, and training;

10 b. Make recommendations to the Commissioners of 'the'  
11 [Departments of Community Affairs] Children and Families,  
12 Education, Human Services, and Labor and Workforce  
13 Development, and the Secretary of Higher Education regarding the  
14 needs, priorities, programs, and policies related to access and equity  
15 for labor, education, and workforce training throughout the State;

16 c. Review current and proposed legislation and regulations  
17 pertaining to gender equity in labor, education, and workforce  
18 training and make recommendations regarding possible legislation  
19 and regulations to the State Employment and Training Commission  
20 and the [Division] 'Office' Division on Women;

21 d. Develop policies to insure that State agencies set  
22 benchmarks and integrate their data collection systems to assess  
23 progress toward achieving gender equity and take action to insure  
24 that appropriate data collection systems exist where needed;

25 e. Develop policies to promote linkages among individuals,  
26 schools, organizations, and public agencies providing gender equity  
27 services and programs;

28 f. Educate and provide information to the public on the issues  
29 and current developments in gender equity by issuing reports and  
30 holding events such as conferences and symposia;

31 g. Submit an annual report to the Governor, the Legislature, the  
32 State Employment and Training Commission, and the [Division]  
33 'Office' Division on Women of its assessments and  
34 recommendations made pursuant to this section;

35 h. Conduct studies and promote research, as practicable, to  
36 develop the means to correct gender inequitable practices, including  
37 practices leading to pay disparities between men and women and  
38 publish and otherwise make available to employers, labor  
39 organizations, professional associations, educational institutions,  
40 the media, and the general public the findings resulting from these  
41 studies and other materials;

42 i. Develop and make available information, as practicable,  
43 regarding best practices for workplace gender equity to enable  
44 employers to evaluate job categories based on objective criteria,  
45 such as educational requirements, skill requirements, independence,  
46 working conditions, and responsibility; and

1 j. Establish a Statewide recognition of exceptional practices, as  
2 practicable, to promote gender equity in the workplace to be  
3 presented to a workplace, as shall be defined by the Council, that, at  
4 a minimum, has demonstrated it has made a substantial effort to  
5 eliminate pay disparities between men and women, and thus  
6 deserves special recognition, in addition to any other requirements  
7 and specifications the Council deems appropriate in the  
8 determination of the workplace to be recognized.

9 (cf: P.L.2011, c.186, s.1)

10  
11 <sup>1</sup>[129.] 131. Section 2 of P.L.2007, c.319, s.2 (C.38A:3-39) is  
12 amended to read as follows:

13 2. The commission shall consist of 15 members who are New  
14 Jersey residents. The Governor shall appoint 12 members and of  
15 the 12 appointed, nine shall be women. There shall be appointed  
16 one representative from each of the following branches of military  
17 service who may also be affiliated with an organization named  
18 below: the Army; the Air Force; the Coast Guard~~[, ]~~; the Marines;  
19 and the Navy. There shall also be appointed by the Governor, one  
20 representative from the Veterans of Foreign Wars, one  
21 representative from the American Legion, one representative from the  
22 Disabled American Veterans, one representative from the  
23 American Veterans, one representative from the New Jersey Army  
24 National Guard, one representative from the New Jersey Air  
25 National Guard~~[; ]~~, and one representative from the Military Order  
26 of the Purple Heart. The Commissioner of ~~[the Department of]~~  
27 Military and Veterans' Affairs, the Commissioner of ~~[the~~  
28 Department of] Labor and Workforce Development, and the  
29 Director of the ~~[Division]~~ <sup>1</sup>~~[Office]~~ Division<sup>1</sup> on Women in the  
30 Department of ~~[Community Affairs]~~ Children and Families, or  
31 their respective designees, shall serve as ex-officio members.

32 The public members shall serve for terms of three years and until  
33 the appointment and qualification of their successors, except that of  
34 the initial appointment of public members, four shall be appointed  
35 for a term of three years, four shall be appointed for a term of two  
36 years, and four shall be appointed for a term of one year.

37 If any public member discontinues affiliation with the respective  
38 veterans' organization, the member shall immediately resign  
39 membership with the commission.

40 Any vacancy in the membership of the commission shall be  
41 filled in the same manner as the original appointments are made.

42 (cf: P.L.2007, c.319, s.2)

43  
44 <sup>1</sup>[130.] 132. Section 35 of P.L.1979, c.496 (C.44:7-93) is  
45 amended to read as follows:

46 35. a. As used in this section, "eligible resident" means a  
47 resident of a residential health care facility, rooming house, or

1 boarding house who is: eligible to receive services under the latest  
2 New Jersey Comprehensive Annual Services Program Plan for the  
3 use of funds appropriated under Title XX of the Federal Social  
4 Security Act; an "eligible person" under the act to which this act is  
5 a supplement; an otherwise aged, blind, or disabled person; or a  
6 resident designated to be eligible by the Commissioner of Human  
7 Services.

8 b. County welfare boards shall provide services to eligible  
9 residents of residential health care facilities, rooming houses, and  
10 boarding houses which shall include, but not be limited to, the  
11 following:

12 (1) Investigation and evaluation of reports of abuse or  
13 exploitation, as defined in section 36 hereunder, or of threats of  
14 such abuse or exploitation of eligible residents, at the direction of  
15 the Commissioner of Human Services;

16 (2) Visits to all such facilities having eligible residents, at  
17 regularly scheduled intervals to assess the needs of such residents,  
18 determine whether they are receiving needed services and  
19 appropriate levels of care, and to provide such services where  
20 appropriate;

21 (3) Provision of information to eligible residents concerning  
22 social service, welfare, mental health, home health, and medical  
23 assistance programs available to them; referral of eligible residents  
24 to State, county, and local agencies and organizations for any  
25 [such] services which county welfare boards cannot provide; and  
26 follow up to such referrals to determine whether such services are  
27 being provided;

28 (4) Reporting of any suspected violations of the provisions of  
29 this act and of any complaints received concerning services and  
30 conditions in such facilities to the commissioner and to appropriate  
31 State and local agencies for remedial action; and

32 (5) Provision of information to eligible residents whose  
33 continued residence in such facilities may be injurious or dangerous  
34 to their health concerning alternative housing and living  
35 arrangements available to them.

36 County welfare boards shall coordinate all services provided  
37 under this subsection with services provided to eligible residents by  
38 the State Divisions of Mental Health and Addiction Services and  
39 Developmental Disabilities in the Department of Human Services  
40 and Division of [Youth and Family Services] Child Protection and  
41 Permanency in the Department of Children and Families, charitable  
42 institutions, and other State and local agencies and service  
43 providers.

44 c. In order to fulfill their responsibilities under subsection b.  
45 above, county welfare boards shall be entitled to receive full and  
46 free access to residential health care facilities, rooming houses, and  
47 boarding houses by the owners and operators of [such] the

1 facilities, and to receive cooperation and assistance from State and  
2 local law enforcement officials as needed.

3 d. The Commissioner of Human Services shall:

4 (1) Promulgate all necessary regulations to implement the  
5 provisions of this section;

6 (2) Maintain a central file of all complaints received concerning  
7 suspected violations of the provisions of this act and concerning  
8 services and conditions at residential health care facilities, rooming  
9 houses, and boarding houses and shall maintain a record of the State  
10 and local agencies to which complaints have been referred by  
11 county welfare boards; refer any [such] complaints received by the  
12 commissioner to State and local agencies for remedial action as  
13 necessary; and follow up all complaints to determine whether  
14 [such] remedial action has been taken;

15 (3) Provide such training and educational programs to the  
16 operators of such facilities as will enable them to appropriately  
17 respond to the needs of their residents;

18 (4) Designate agencies to:

19 (a) Identify those residential health care facilities, rooming  
20 houses, and boarding houses in which substantial numbers of  
21 persons reside who are in need of mental health or developmental  
22 disabilities services;

23 (b) Receive referrals and be responsible for the provision of  
24 mental health or developmental disability services, or both;

25 (c) Report any apparent violation of this act to the appropriate  
26 State and local officials and authorities;

27 (d) Coordinate their efforts with county welfare boards,  
28 charitable institutions, the State Divisions of Mental Health and  
29 Addiction Services and Developmental Disabilities in the  
30 Department of Human Services, and Division of [Youth and Family  
31 Services] Child Protection and Permanency in the Department of  
32 Children and Families, and other State and local entities and service  
33 providers;

34 (5) Periodically monitor and evaluate services provided to  
35 eligible residents by county welfare boards and community agencies  
36 serving persons with mental illness or developmental disabilities;

37 (6) Issue a report to the Legislature's Standing Reference  
38 Committees on Health, Human Services and Senior Citizens  
39 concerning the implementation of this section, [1] one year  
40 following the effective date of this act.

41 e. Any person who submits or reports a complaint concerning a  
42 suspected violation of the provisions of this act or concerning  
43 services and conditions in residential health care facilities, rooming  
44 houses, and boarding houses, or who testifies in any administrative  
45 or judicial proceeding arising from [such] a complaint, shall have  
46 immunity from any civil or criminal liability on account of such



1 complaint, unless such person has acted in bad faith or with  
2 malicious purpose.

3 (cf: P.L.2010, c.50, s.75)

4

5 <sup>1</sup>~~131.~~ 133. Section 10 of P.L.1991, c.134 (C.45:15BB-10) is  
6 amended to read as follows:

7 10. There is created within the Division of Consumer Affairs in  
8 the Department of Law and Public Safety, the State Board of Social  
9 Work Examiners. The board shall consist of ~~nine~~ 10 members  
10 who are residents of the State, two of whom shall be public  
11 members appointed pursuant to the provisions of subsection b. of  
12 section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of whom shall be  
13 the Commissioner of Human Services, or ~~his~~ the commissioner's  
14 designee, and one of whom shall be the Commissioner of Children  
15 and Families, or the commissioner's designee, the latter two  
16 appointed in fulfillment of the requirement of subsection c. of that  
17 section. Of the six remaining members, three shall have been  
18 actively engaged in the practice of social work for at least five years  
19 immediately preceding their appointment, and, except for the  
20 members first appointed, one shall be a licensed clinical social  
21 worker, one shall be a licensed social worker, and one shall be a  
22 certified social worker pursuant to this act. Of the three remaining  
23 members, two shall be social work educators, one of whom shall  
24 represent a baccalaureate level program and one of whom shall  
25 represent a master's level program; and one shall be a social worker  
26 with a doctorate level degree, and, all of whom, except for the  
27 members first appointed, shall be licensed or certified pursuant to  
28 this act.

29 The Governor shall appoint each member, other than the State  
30 executive department member, for terms of three years, except that  
31 of the social worker members first appointed, two shall serve for a  
32 term of three years, two shall serve for terms of two years and two  
33 shall serve for terms of one year. Any vacancy in the membership  
34 shall be filled for the unexpired term in the manner provided by the  
35 original appointment. No member of the board may serve more  
36 than two successive terms in addition to any unexpired term to  
37 which he has been appointed. The Governor may remove any  
38 member of the board, other than the State executive department  
39 member, for cause.

40 (cf: P.L.1991, c.134, s.10)

41

42 <sup>1</sup>~~132.~~ 134. Section 3 of P.L.2001, c.81 (C.52:4B-51) is  
43 amended to read as follows:

44 3. The Attorney General shall establish a Statewide Sexual  
45 Assault Nurse Examiner program in the Department of Law and  
46 Public Safety.

1 Upon implementation of the certification process for a forensic  
2 sexual assault nurse examiner pursuant to section 5 of [this act]  
3 P.L.2001, c.81 (C.52:4B-53), the county prosecutor in each county  
4 shall appoint or designate a certified forensic sexual assault nurse  
5 examiner to serve as program coordinator for the program in the  
6 county in accordance with the provisions of this section.

7 a. The county prosecutor may appoint an employee of the  
8 prosecutor's office who is a certified forensic sexual assault nurse  
9 examiner to serve as program coordinator to administer the program  
10 in that county.

11 b. In a county where the county prosecutor does not appoint an  
12 employee of his office to serve as program coordinator, the county  
13 prosecutor shall designate a certified forensic sexual assault nurse  
14 examiner who is an employee of a licensed health care facility or a  
15 county rape care program that is designated by the [Division]  
16 '[Office] Division<sup>1</sup> on Women in the Department of [Community  
17 Affairs] Children and Families to serve as the program coordinator.  
18 A person designated as a program coordinator pursuant to this  
19 subsection shall not be deemed an employee of the county  
20 prosecutor's office.

21 (cf: P.L.2001, c.81, s.3)

22  
23 <sup>1</sup>[133.] 135.<sup>1</sup> Section 6 of P.L.2001, c.81 (C.52:4B-54) is  
24 amended to read as follows:

25 6. a. The county prosecutor's office in each county shall  
26 establish a Sexual Assault Response Team or shall enter into a  
27 collaborative agreement with another county to share the services of  
28 that county's response team. The response team shall be comprised  
29 of: a certified forensic sexual assault nurse examiner, a rape care  
30 advocate from the county program established, or designated by the  
31 [Division] '[Office] Division<sup>1</sup> on Women in the Department of  
32 [Community Affairs] Children and Families, as provided under  
33 section 3 of P.L.2001, c.81 (C.52:4B-51), and a law enforcement  
34 official. The response team shall:

35 (1) respond to a report of sexual assault at the request of a  
36 victim of sexual assault pursuant to guidelines established by the  
37 Attorney General pursuant to section 17 of [this act] P.L.2001,  
38 c.81 (C.52:4B-60); and

39 (2) provide treatment, counseling, legal, and forensic medical  
40 services to a victim of sexual assault in accordance with the  
41 standard protocols developed by the Attorney General pursuant to  
42 subsection d. of section 6 of P.L.1985, c.404 (C.52:4B-44).

43 b. Each member of the response team shall complete the  
44 standardized education and training program developed by the  
45 program coordinator pursuant to subsection e. of section 4 of [this  
46 act] P.L.2001, c.81 (C.52:4B-52).

47 (cf: P.L.2001, c.81, s.6)

1       <sup>1</sup>~~134.~~ 136.<sup>1</sup> Section 7 of P.L.2001, c.81 (C.52:4B-55) is  
2 amended to read as follows:

3       7. a. The Attorney General shall establish a Sexual Assault  
4 Nurse Examiner Program Coordinating Council comprised of: the  
5 Attorney General, the Director of the ~~Division~~ <sup>1</sup>~~Office~~  
6 Division<sup>1</sup> on Women, the Chief of the Office of Victim-Witness  
7 Advocacy, the Executive Director of the New Jersey Coalition  
8 Against Sexual Assault, and the Executive Director of the New  
9 Jersey Board of Nursing, or their respective designees; a  
10 representative from the New Jersey County Prosecutor's  
11 Association; and the program coordinators appointed or designated  
12 pursuant to section 3 of ~~this act~~ P.L.2001, c.81 (C.52:4B-51).

13       The Attorney General, through the sexual assault unit established  
14 pursuant to section 8 of P.L.2001, c.81 (C.52:4B-56), and in  
15 consultation with the coordinating council, shall oversee the  
16 Statewide Sexual Assault Nurse Examiner program and identify and  
17 obtain any State and federal funding available to supplement the  
18 funds appropriated to operate the program.

19       b. The coordinating council shall review the effectiveness of  
20 the services provided by the State to victims of sexual assault and  
21 make recommendations to the Attorney General for any needed  
22 changes in the standards, regulations or State policy concerning the  
23 provision of victim services.  
24 (cf: P.L.2001, c.81, s.7)

25

26       <sup>1</sup>~~135.~~ 137.<sup>1</sup> Section 2 of P.L.1961, c.49 (C.52:14-17.26) is  
27 amended to read as follows:

28       2. As used in ~~this act~~ P.L.1961, c.49 (C.52:14-17.26 et seq.):

29       (a) The term "State" means the State of New Jersey.

30       (b) The term "commission" means the State Health Benefits  
31 Commission, created by section 3 of ~~this act~~ P.L.1961, c.49  
32 (C.52:14-17.27).

33       (c) (1) The term "employee" means an appointive or elective  
34 officer, a full-time employee of the State of New Jersey, or a full-  
35 time employee of an employer other than the State who appears on  
36 a regular payroll and receives a salary or wages for an average of  
37 the number of hours per week as prescribed by the governing body  
38 of the participating employer which number of hours worked shall  
39 be considered full-time, determined by resolution, and not less than  
40 20.

41       (2) After the effective date of P.L.2010, c.2, the term  
42 "employee" means (i) a full-time appointive or elective officer  
43 whose hours of work are fixed at 35 or more per week, a full-time  
44 employee of the State, or a full-time employee of an employer other  
45 than the State who appears on a regular payroll and receives a  
46 salary or wages for an average of the number of hours per week as  
47 prescribed by the governing body of the participating employer

1 which number of hours worked shall be considered full-time,  
2 determined by resolution, and not less than 25, or (ii) an appointive  
3 or elective officer, an employee of the State, or an employee of an  
4 employer other than the State who has or is eligible for health  
5 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et  
6 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1  
7 et seq.) on that effective date and continuously thereafter provided  
8 the officer or employee is covered by the definition in paragraph (1)  
9 of this subsection. For the purposes of this act an employee of  
10 Rutgers, The State University of New Jersey, shall be deemed to be  
11 an employee of the State, and an employee of the New Jersey  
12 Institute of Technology shall be considered to be an employee of  
13 the State during such time as the Trustees of the Institute are party  
14 to a contractual agreement with the State Treasurer for the provision  
15 of educational services. The term "employee" shall further mean,  
16 for purposes of this act, a former employee of the South Jersey Port  
17 Corporation, who is employed by a subsidiary corporation or other  
18 corporation, which has been established by the Delaware River Port  
19 Authority pursuant to subdivision (m) of Article I of the compact  
20 creating the Delaware River Port Authority (R.S.32:3-2), as defined  
21 in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligible  
22 for continued membership in the Public Employees' Retirement  
23 System pursuant to subsection j. of section 7 of P.L.1954, c.84  
24 (C.43:15A-7).

25 For the purposes of this act the term "employee" shall not  
26 include persons employed on a short-term, seasonal, intermittent or  
27 emergency basis, persons compensated on a fee basis, persons  
28 having less than two months of continuous service or persons whose  
29 compensation from the State is limited to reimbursement of  
30 necessary expenses actually incurred in the discharge of their  
31 official duties, provided, however, that the term "employee" shall  
32 include persons employed on an intermittent basis to whom the  
33 State has agreed to provide coverage under P.L.1961, c.49  
34 (C.52:14-17.25 et seq.) in accordance with a binding collective  
35 negotiations agreement. An employee paid on a 10-month basis,  
36 pursuant to an annual contract, will be deemed to have satisfied the  
37 two-month waiting period if the employee begins employment at  
38 the beginning of the contract year. The term "employee" shall also  
39 not include retired persons who are otherwise eligible for benefits  
40 under this act but who, although they meet the age or disability  
41 eligibility requirement of Medicare, are not covered by Medicare  
42 Hospital Insurance, also known as Medicare Part A, and Medicare  
43 Medical Insurance, also known as Medicare Part B. A determination  
44 by the commission that a person is an eligible employee within the  
45 meaning of this act shall be final and shall be binding on all parties.

46 (d) (1) The term "dependents" means an employee's spouse,  
47 partner in a civil union couple or an employee's domestic partner as  
48 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the

1 employee's unmarried children under the age of 23 years who live  
2 with the employee in a regular parent-child relationship. "Children"  
3 shall include stepchildren, legally adopted children and children  
4 placed by the Division of **【Youth and Family Services】** Child  
5 Protection and Permanency in the Department of Children and  
6 Families, provided they are reported for coverage and are wholly  
7 dependent upon the employee for support and maintenance. A  
8 spouse, partner in a civil union couple, domestic partner or child  
9 enlisting or inducted into military service shall not be considered a  
10 dependent during the military service. The term "dependents" shall  
11 not include spouses, partners in a civil union couple or domestic  
12 partners of retired persons who are otherwise eligible for the  
13 benefits under this act but who, although they meet the age or  
14 disability eligibility requirement of Medicare, are not covered by  
15 Medicare Hospital Insurance, also known as Medicare Part A, and  
16 Medicare Medical Insurance, also known as Medicare Part B.

17 (2) Notwithstanding the provisions of paragraph (1) of this  
18 subsection to the contrary and subject to the provisions of paragraph  
19 (3) of this subsection, for the purposes of an employer other than  
20 the State that is participating in the State Health Benefits Program  
21 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term  
22 "dependents" means an employee's spouse or partner in a civil  
23 union couple and the employee's unmarried children under the age  
24 of 23 years who live with the employee in a regular parent-child  
25 relationship. "Children" shall include stepchildren, legally adopted  
26 children and children placed by the Division of **【Youth and Family**  
27 **Services】** Child Protection and Permanency in the Department of  
28 Children and Families provided they are reported for coverage and  
29 are wholly dependent upon the employee for support and  
30 maintenance. A spouse, partner in a civil union couple or child  
31 enlisting or inducted into military service shall not be considered a  
32 dependent during the military service. The term "dependents" shall  
33 not include spouses or partners in a civil union couple of retired  
34 persons who are otherwise eligible for benefits under P.L.1961, c.49  
35 (C.52:14-17.25 et seq.) but who, although they meet the age or  
36 disability eligibility requirement of Medicare, are not covered by  
37 Medicare Hospital Insurance, also known as Medicare Part A, and  
38 Medicare Medical Insurance, also known as Medicare Part B.

39 (3) An employer other than the State that is participating in the  
40 State Health Benefits Program pursuant to section 3 of P.L.1964,  
41 c.125 (C.52:14-17.34) may adopt a resolution providing that the  
42 term "dependents" as defined in paragraph (2) of this subsection  
43 shall include domestic partners as provided in paragraph (1) of this  
44 subsection.

45 (e) The term "carrier" means a voluntary association,  
46 corporation or other organization, including a health maintenance  
47 organization as defined in section 2 of the "Health Maintenance  
48 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully

1 engaged in providing or paying for or reimbursing the cost of,  
2 personal health services, including hospitalization, medical and  
3 surgical services, under insurance policies or contracts, membership  
4 or subscription contracts, or the like, in consideration of premiums  
5 or other periodic charges payable to the carrier.

6 (f) The term "hospital" means (1) an institution operated  
7 pursuant to law which is primarily engaged in providing on its own  
8 premises, for compensation from its patients, medical diagnostic  
9 and major surgical facilities for the care and treatment of sick and  
10 injured persons on an inpatient basis, and which provides such  
11 facilities under the supervision of a staff of physicians and with 24  
12 hour a day nursing service by registered graduate nurses, or (2) an  
13 institution not meeting all of the requirements of (1) but which is  
14 accredited as a hospital by the Joint Commission on Accreditation  
15 of Hospitals. In no event shall the term "hospital" include a  
16 convalescent nursing home or any institution or part thereof which  
17 is used principally as a convalescent facility, residential center for  
18 the treatment and education of children with mental disorders, rest  
19 facility, nursing facility or facility for the aged or for the care of  
20 drug addicts or alcoholics.

21 (g) The term "State managed care plan" means a health care  
22 plan under which comprehensive health care services and supplies  
23 are provided to eligible employees, retirees, and dependents: (1)  
24 through a group of doctors and other providers employed by the  
25 plan; or (2) through an individual practice association, preferred  
26 provider organization, or point of service plan under which services  
27 and supplies are furnished to plan participants through a network of  
28 doctors and other providers under contracts or agreements with the  
29 plan on a prepayment or reimbursement basis and which may  
30 provide for payment or reimbursement for services and supplies  
31 obtained outside the network. The plan may be provided on an  
32 insured basis through contracts with carriers or on a self-insured  
33 basis, and may be operated and administered by the State or by  
34 carriers under contracts with the State.

35 (h) The term "Medicare" means the program established by the  
36 "Health Insurance for the Aged Act," Title XVIII of the "Social  
37 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,  
38 or its successor plan or plans.

39 (i) The term "traditional plan" means a health care plan which  
40 provides basic benefits, extended basic benefits and major medical  
41 expense benefits as set forth in section 5 of P.L.1961, c.49  
42 (C.52:14-17.29) by indemnifying eligible employees, retirees, and  
43 dependents for expenses for covered health care services and  
44 supplies through payments to providers or reimbursements to  
45 participants.

46 (j) The term "successor plan" means a State managed care plan  
47 that shall replace the traditional plan and that shall provide benefits  
48 as set forth in subsection (B) of section 5 of P.L.1961, c.49

1 (C.52:14-17.29) with provisions regarding reimbursements and  
2 payments as set forth in paragraph (1) of subsection (C) of section 5  
3 of P.L.1961, c.49 (C.52:14-17.29).  
4 (cf: P.L.2010, c.2, s.9)

5  
6 <sup>1</sup>[136.] 138. Section 1 of P.L.2005, c.347 (C.52:17B-210) is  
7 amended to read as follows:

8 1. The Attorney General, in consultation with the New Jersey  
9 School Boards Association, the New Jersey Coalition Against  
10 Sexual Assault, the New Jersey Education Association, and the  
11 **[Division]** <sup>1</sup>**[Office]** Division on Women, shall prepare a  
12 pamphlet to educate children about pedophile crimes and how to  
13 reduce their chances of becoming victims of **[such]** pedophile  
14 crimes. The pamphlet shall be distributed to all public and private  
15 elementary and secondary schools throughout the State. The  
16 schools shall reproduce the pamphlet for distribution to students.  
17 The pamphlets shall be designed by the Attorney General.

18 (cf: P.L.2005, c.347, s.1)

19

20 <sup>1</sup>[137.] 139. Section 2 of P.L.1985, c.66 (C.52:27D-29.15) is  
21 amended to read as follows:

22 2. The Commissioner of **[the Department of Community**  
23 **Affairs]** Children and Families, in consultation with the **[Division]**  
24 <sup>1</sup>**[Office]** Division on Women **[established pursuant to P.L.1974,**  
25 **c.87 (C.52:27D-43.8 et seq.)]** and the Advisory Council on Child  
26 Care established pursuant to section 14 of P.L.1983, c.492  
27 (C.30:5B-14), shall establish an Intergenerational Child Care  
28 Demonstration Matching Program in the Division on Aging  
29 established pursuant to section 28 of P.L.1966, c.293 (C.52:27D-28)  
30 to enable senior residents of the State, 60 years of age or older, to  
31 be recruited and matched by a county office on aging so they may  
32 render nurturing child care services to pre-school and latchkey  
33 children of working parents after school hours.

34 (cf: P.L.1985, c.66, s.2)

35

36 <sup>1</sup>[138.] 140. Section 3 of P.L.1985, c.66 (C.52:27D-29.16) is  
37 amended to read as follows:

38 3. a. The Division on Aging, the **[Division]** <sup>1</sup>**[Office]**  
39 Division on Women, and the Advisory Council on Child Care shall  
40 recommend standards to ensure that the Intergenerational Child  
41 Care Demonstration Matching Program is of high quality and  
42 benefits both children and older people. Subject to the  
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
44 seq.), the Commissioner of **[the Department of Community**  
45 **Affairs]** Children and Families shall adopt all regulations necessary  
46 to effectuate the purposes of **[this act]** P.L.1985, c.66 (C.52:27D-  
47 29.14 et seq.).

1 b. Any county office on aging that is interested in participating  
2 in the program may submit a proposal to the commissioner. The  
3 commissioner shall review the proposals and approve the proposals  
4 that best meet the purposes of the demonstration program.

5 (cf: P.L.1985, c.66, s.3)

6  
7 <sup>1</sup>[139.] 141.<sup>1</sup> Section 1 of P.L.1974, c.87 (C.52:27D-43.8) is  
8 amended to read as follows:

9 1. This act shall be known as, and may be cited as, the  
10 ~~["Division]~~ <sup>1</sup>~~["Office]~~ "Division<sup>1</sup> on Women Act ~~["of 1974]."~~

11 (cf: P.L.1974, c.87, s.1)

12  
13 <sup>1</sup>[140.] 142.<sup>1</sup> Section 2 of P.L.1974, c.87 (C.52:27D-43.9) is  
14 amended to read as follows:

15 2. There is hereby established in the Department of  
16 ~~["Community Affairs a Division]~~ Children and Families <sup>1</sup>~~["~~  
17 Division of Family and Community Partnerships, an Office] ~~a~~  
18 Division<sup>1</sup> on Women. The ~~["division]~~ <sup>1</sup>~~["office]~~ division<sup>1</sup> shall  
19 consist of a director and the New Jersey Advisory Commission on  
20 the Status of Women.

21 (cf: P.L.1974, c.87, s.2)

22  
23 <sup>1</sup>[141.] 143.<sup>1</sup> (New section) a. The Division on Women in the  
24 Department of Community Affairs, together with its functions,  
25 powers, and duties, is transferred to the Department of Children and  
26 Families <sup>1</sup>~~["and shall be reconstituted as the Office on Women in the~~  
27 ~~department]"]<sup>1</sup>. All programs, services, and funding maintained and  
28 associated with the division in effect during Fiscal Year 2012, and  
29 prior to the start of Fiscal Year 2013, shall continue in the division  
30 and shall not be altered or diminished by the transfer of the  
31 division.<sup>1</sup> The transfer pursuant to this section shall be made in  
32 accordance with the provisions of the "State Agency Transfer Act,"  
33 P.L.1971, c.375 (C.52:14D-1 et seq.).~~

34 b. All appropriations and other monies available, and to  
35 become available, to the Division on Women in the Department of  
36 Community Affairs, transferred to the Department of Children and  
37 Families <sup>1</sup>~~["and reconstituted as the Office on Women in the~~  
38 ~~department pursuant to P.L. , c. (C. ) (pending before the~~  
39 ~~Legislature as this bill)]"]<sup>1</sup>, are continued in the <sup>1</sup>~~["Office]~~ Division<sup>1</sup>  
40 on Women in the Department of Children and Families established  
41 hereunder and shall be available for the objects and purposes for  
42 which these monies are appropriated, subject to the provisions of  
43 P.L. , c. (C. ) (pending before the Legislature as this bill)  
44 and any other terms, restrictions, limitations, or other requirements  
45 imposed by law.~~

46 c. Whenever, in any law, rule, regulation, order, contract,  
47 document, judicial, or administrative proceeding or otherwise,



1 reference is made to the Division on Women in the Department of  
2 Community Affairs, the same shall mean and refer to the '[Office]  
3 Division' on Women in the Department of Children and Families.

4  
5 '[142.] 144.' Section 3 of P.L.1974, c.87 (C.52:27D-43.10) is  
6 amended to read as follows:

7 3. The Director of the [Division] '[Office] Division' on  
8 Women shall be a person qualified by training and experience to  
9 perform the duties of [his or her] the '[office] division'. The  
10 director shall be appointed by the Governor, by and with the advice  
11 and consent of the Senate, and shall serve at the pleasure of the  
12 Governor during the Governor's term of office and until the  
13 appointment and qualification of a successor. The director shall  
14 administer the work of [such division] the '[office] division'  
15 under the direction and supervision of the commissioner, and shall  
16 perform such other functions of the department as the commissioner  
17 may prescribe. The director shall receive such salary as shall be  
18 provided by law.

19 (cf: P.L.1974, c.87, s.3)

20

21 '[143.] 145.' Section 5 of P.L.1974, c.87 (C.52:27D-43.12) is  
22 amended to read as follows:

23 5. The [Division] '[Office] Division' on Women shall be  
24 under the supervision of the director. The director shall:

25 a. Appoint and remove such professionals, technical, and  
26 clerical assistants, and employees, subject to the provisions of Title  
27 11, Civil Service of the Revised Statutes, and other applicable  
28 statutes, as may be necessary to enable the [division] '[office]  
29 division' to perform the duties imposed upon it by [this act]  
30 P.L.1974, c.87 (C.52:27D-43.8 et seq.) and shall fix their  
31 compensation within the limits of available appropriations and as  
32 shall be provided by law;

33 b. Select and retain the services of consultants whose advice is  
34 considered necessary to assist the [division] '[office] division' in  
35 obtaining information or developing plans and programs required  
36 for the performance of the duties and responsibilities of the  
37 [division] '[office] division' as provided by [this act] P.L.1974,  
38 c.87;

39 c. Attend all meetings of the New Jersey Advisory  
40 Commission on the Status of Women and its committees but shall  
41 have no vote. The director may delegate to subordinate officers or  
42 employees the responsibility to attend the meetings of the  
43 commission.

44 (cf: P.L.1974, c.87, s.5)

45

46 '[144.] 146.' Section 6 of P.L.1974, c.87 (C.52:27D-43.13) is  
47 amended to read as follows:

- 1       6. The **[division]** <sup>1</sup>**[office]** division<sup>1</sup>, under the supervision  
2 and leadership of the director, shall:
- 3       a. Serve as the central permanent agency for the coordination  
4 of programs and services for the women of New Jersey and for the  
5 evaluation of the effectiveness of their implementation and as a  
6 planning agency for the development of new programs and services;
- 7       b. Establish a liaison with all other governmental departments  
8 and agencies involved with the enforcement of laws, ordinances,  
9 and regulations and with the development of programs affecting the  
10 status of women;
- 11       c. Request State departments and other public and private  
12 agencies on a State, county, and local level to initiate joint efforts to  
13 promote the expansion of rights and opportunities available to the  
14 women of this State;
- 15       d. Cooperate with all Federal and interstate programs and  
16 services provided for women;
- 17       e. Engage in a continuous study of the changing needs and  
18 concerns of women in New Jersey and develop and recommend new  
19 programs to the Governor and the Legislature;
- 20       f. Consult with, advise, and otherwise provide professional  
21 assistance to organized efforts by communities, organizations,  
22 associations, and groups which are working toward the goal of  
23 improving the status of women;
- 24       g. Serve as a clearing house to publish and disseminate  
25 information and to provide assistance and direction to women with  
26 specific problems and needs;
- 27       h. Act as a search committee for the Governor and other  
28 executive officers in the State Government for the purpose of  
29 discovering and recommending women who are talented and  
30 qualified to serve in the Executive Branch of the State  
31 Government;
- 32       i. Report annually to the Commissioner of **[the Department of**  
33 **Community Affairs]** Children and Families and the Governor on its  
34 activities and recommendations;
- 35       j. Do all other things necessary to carry out the powers and  
36 duties granted under **[this act]** P.L.1974, c.87 (C.52:27D-43.8 et  
37 seq.).
- 38 (cf: P.L1974, c.87, s.6)
- 39

40       <sup>1</sup>**[145.] 147.** <sup>1</sup>Section 8 of P.L.1974, c.87 (C.52:27D-43.15) is  
41 amended read as follows:

- 42       8. The commission, acting jointly and as a body, shall advise  
43 the Director of the **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women on  
44 matters referred to it by the director and may originate and make  
45 recommendations to the director concerning policies and their  
46 implementation. The commission, or any member thereof, may not  
47 act in the name of or as an agent of the **[Division]** <sup>1</sup>**[Office]**

1 Division<sup>1</sup> on Women or give instructions to the director or a  
2 member of the staff of the **[division]** <sup>1</sup>**[office]** division<sup>1</sup>.  
3 (cf: P.L.1974, c.87, s.8)

4  
5 <sup>1</sup>**[146.] 148.**<sup>1</sup> Section 1 of P.L.2003, c.225 (C.52:27D-43.17a) is  
6 amended to read as follows:

7 1. As used in this act:

8 "Board" means the Domestic Violence Fatality and Near Fatality  
9 Review Board established pursuant to **[this act]** P.L.2003, c.225  
10 (C.52:27D-43.17a et seq.).

11 "Domestic violence-related fatality" or "fatality" means a death  
12 which arises as a result of one or more acts of domestic violence as  
13 defined in section 3 of P.L.1991, c.261 (C.2C:25-19).

14 "Near fatality" means a case in which a victim of domestic  
15 violence is in serious or critical condition, as certified by a  
16 physician.

17 "Panel" means the Panel to Study Domestic Violence in the Law  
18 Enforcement Community established pursuant to section 9 of **[this**  
19 **act]** P.L.2003, c.225 (C.52:27D-43.17i).

20 (cf: P.L.2003, c.225, s.1)

21

22 <sup>1</sup>**[147.] 149.**<sup>1</sup> Section 2 of P.L.2003, c.225 (C.52:27D-43.17b) is  
23 amended to read as follows:

24 2. There is established the Domestic Violence Fatality and  
25 Near Fatality Review Board. For the purposes of complying with  
26 the provisions of Article V, Section IV, paragraph 1 of the New  
27 Jersey Constitution, the board is established within the Department  
28 of **[Community Affairs]** Children and Families, but  
29 notwithstanding the establishment, the board shall be independent  
30 of any supervision or control by the department or any board or  
31 officer thereof.

32 The purpose of the board is to review the facts and circumstances  
33 surrounding domestic violence-related fatalities and near fatalities  
34 in New Jersey in order to identify their causes and their relationship  
35 to government and nongovernment service delivery systems, and to  
36 develop methods of prevention. The board shall: review trends and  
37 patterns of fatalities and near fatalities; evaluate the responses of  
38 government and nongovernment service delivery systems to  
39 fatalities and near fatalities and offer recommendations for  
40 improvement of these responses; identify and characterize high-risk  
41 groups in order to develop public policy; collect statistical data, in a  
42 consistent and uniform manner, on the occurrence of fatalities and  
43 near fatalities; and improve collaboration between State and local  
44 agencies and organizations for the purpose of developing initiatives  
45 to prevent domestic violence.

46 (cf: P.L.2003, c.225, s.2)

1       <sup>1</sup>['148.] 150.<sup>1</sup> Section 3 of P.L.2003, c.225 (C.52:27D-43.17c) is  
2 amended to read as follows:

3       3. a. The board shall consist of [23] 20 members as follows:

4       (1) the Commissioners of Community Affairs, Human Services,  
5 Children and Families, and Health and Senior Services, [the  
6 Director of the Division on Women in the Department of  
7 Community Affairs], the Attorney General, the Public Defender,  
8 the Superintendent of the State Police, the Director of the Division  
9 of [Youth and Family Services] Child Protection and Permanency  
10 in the Department of Children and Families, [the Supervisor of the  
11 Office on the Prevention of Violence Against Women in the  
12 Department of Community Affairs established pursuant to  
13 Executive Order No. 61 (1992)], the State Medical Examiner, [the  
14 Program Director of the Domestic Violence Fatality Review Board  
15 established pursuant to Executive Order No. 110 (2000)] and the  
16 chairperson of the Child Fatality and Near Fatality Review Board,  
17 or their designees, who shall serve ex officio;

18       (2) eight public members appointed by the Governor who shall  
19 include a representative of the County Prosecutors Association of  
20 New Jersey with expertise in prosecuting domestic violence cases, a  
21 representative of the New Jersey Coalition for Battered Women, a  
22 representative of a program for battered women that provides  
23 intervention services to perpetrators of acts of domestic violence, a  
24 representative of the law enforcement community with expertise in  
25 the area of domestic violence, a psychologist with expertise in the  
26 area of domestic violence or other related fields, a licensed social  
27 worker with expertise in the area of domestic violence, a licensed  
28 health care professional knowledgeable in the screening and  
29 identification of domestic violence cases and a county probation  
30 officer; and

31       (3) two retired judges appointed by the Administrative Director  
32 of the Administrative Office of the Courts, one with expertise in  
33 family law and one with expertise in municipal law as it relates to  
34 domestic violence.

35       b. The public members of the board shall serve for three-year  
36 terms, except that of the public members first appointed, four shall  
37 serve for a period of one year, three shall serve for a period of two  
38 years and two shall serve for a period of three years. The members  
39 shall serve without compensation, but shall be eligible for  
40 reimbursement for necessary and reasonable expenses incurred in  
41 the performance of their official duties and within the limits of  
42 funds appropriated for this purpose. Vacancies in the membership  
43 of the board shall be filled in the same manner as the original  
44 appointments were made.

45       c. The board shall select a chairperson from among its  
46 members who shall be responsible for the coordination of all  
47 activities of the board.

1 d. The board is entitled to call to its assistance and avail itself  
2 of the services of employees of any State, county, or municipal  
3 department, board, bureau, commission, or agency as it may require  
4 and as may be available for the purposes of reviewing a case  
5 pursuant to the provisions of **[this act]** P.L.2003, c.225 (C.52:27D-  
6 43.17a. et seq.).

7 e. The board may seek the advice of experts, such as persons  
8 specializing in the fields of psychiatric and forensic medicine,  
9 nursing, psychology, social work, education, law enforcement,  
10 family law, academia, military affairs, or other related fields, if the  
11 facts of a case warrant additional expertise.

12 (cf: P.L.2011, c.129, s.1)

13  
14 <sup>1</sup>**[149.] 151.** Section 2 of P.L.1979, c.125 (C.52:27D-43.19) is  
15 amended to read as follows:

16 2. As used in **[this act]** P.L.1979, c.125 (C.52:27D-43.18 et  
17 seq), a "displaced homemaker" is an individual who has not worked  
18 in the labor force for a substantial number of years but has, during  
19 those years, worked in the home providing unpaid services for  
20 family members and has been dependent upon the income of  
21 another family member but is no longer supported by that income  
22 and:

23 a. Is receiving public assistance because of dependent children  
24 in the home but is within **[1]** one year of no longer being eligible  
25 for **[such]** assistance; or

26 b. Is unemployed or underemployed and is experiencing  
27 difficulty in obtaining or upgrading employment; or

28 c. Is at least 40 years of age, an age at which discrimination  
29 based on age is likely, and at which entry or reentry to or  
30 advancement in the labor market is difficult.

31 "Commissioner" means the Commissioner of **[the Department of**  
32 **Community Affairs]** Children and Families.

33 **["Division"]** <sup>1</sup>**[Office]** "Division"<sup>1</sup> shall mean the **[Division]**  
34 <sup>1</sup>**[Office]** Division<sup>1</sup> on Women within the Department of  
35 **[Community Affairs]** Children and Families.

36 (cf: P.L.1979, c.125, s.2)

37  
38 <sup>1</sup>**[150.] 152.** Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is  
39 amended to read as follows:

40 3. The **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women in the  
41 Department of **[Community Affairs]** Children and Families shall  
42 identify existing displaced homemaker programs and provide  
43 technical assistance and encouragement for the expansion of other  
44 multi-purpose programs which provide:

45 a. Job counseling services which are specifically designed for  
46 displaced homemakers, and which aid them in acquiring knowledge  
47 of their talents and skills in relation to existing jobs, and which

1 counsel displaced homemakers with respect to appropriate job  
2 opportunities.

3 b. Job training and job placement services which develop, by  
4 working with State and local government agencies and private  
5 employers, training and placement programs for jobs in the public  
6 and private sectors, which assist participants in gaining admission  
7 to existing public and private job training programs and  
8 opportunities, and which identify community needs and encourage  
9 the creation of new jobs in the public and private sectors.

10 c. Health education and counseling services which cooperate  
11 with existing health programs to provide counseling on preventive  
12 health care, health care consumer education, family health care and  
13 nutrition, alcohol and drug addiction, and overcoming health  
14 barriers to employment.

15 d. Financial management services which provide information  
16 and assistance with respect to credit, insurance, taxes, estate and  
17 probate problems, mortgages, loans, and other related financial  
18 matters.

19 e. Educational services, including outreach and information  
20 about courses offering credit through secondary or post-secondary  
21 education programs, and including bilingual programs where  
22 appropriate, as well as information about other programs which are  
23 determined to be of interest and benefit to displaced homemakers in  
24 developing employable skills.

25 f. Legal counseling and referral services.

26 g. Outreach and information services with respect to Federal  
27 and State employment, education, health, public assistance, and  
28 unemployment assistance programs.

29 (cf: P.L.1979, c.125, s.3)

30

31 <sup>1</sup>[151.] 153. <sup>1</sup>Section 5 of P.L.1979, c.125 (C.52:27D-43.22) is  
32 amended to read as follows:

33 5. The **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women within the  
34 Department of **[Community Affairs]** Children and Families shall  
35 make a continuous study of the needs of displaced homemakers, and  
36 effective programs and services and funding available to meet those  
37 needs. The **[division]** <sup>1</sup>**[office]** division<sup>1</sup> shall also coordinate  
38 community organizations, women's groups, and public agencies to  
39 maximize the utilization of existing programs and resources.  
40 **[Such]** The coordination shall include, but not be limited to, the  
41 Division on Aging in the Department of Community Affairs, the  
42 Office on Women of the Division of Vocational Education in the  
43 Department of Education, the Division of Vocational Rehabilitation  
44 Services in the Department of Labor and Industry, and the Division  
45 of Welfare in the Department of Human Services. The goal of this  
46 coordination shall be to put eligible people in touch with existing  
47 programs and to foster cooperation and the exchange of information

1 among all departments and agencies of State Government which  
2 sponsor programs for which displaced homemakers would be  
3 eligible.

4 (cf: P.L.1979, c.125, s.5)

5

6 <sup>1</sup>[152.] 154. Section 6 of P.L.1979, c.125 (C.52:27D-43.23) is  
7 amended to read as follows:

8 6. The **[division]** <sup>1</sup>**[office]** division<sup>1</sup> shall compile and  
9 maintain a description and assessment of each program operating  
10 pursuant to **[this act]** P.L.1979, c.125 (C.52:27D-43.18 et seq.),  
11 including the number of displaced homemakers served, the number  
12 who obtained employment, the number who enrolled in educational  
13 courses, the number of those enrolled who completed such  
14 educational courses, the cost per displaced homemaker for each  
15 program, and the total number of staff and staff ratio to persons  
16 served under the program. **[Such]** The report shall be available  
17 within **[1]** one year of the effective date of **[the act]** P.L.1979,  
18 c.125.

19 (cf: P.L.1979, c.125, s.6)

20

21 <sup>1</sup>[153.] 155. Section 3 of P.L.1993, c.188 (C.52:27D-43.24b) is  
22 amended to read as follows:

23 3. The Department of **[Community Affairs]** Children and  
24 Families shall establish a trust fund for the deposit of the fees  
25 collected pursuant to section 2 of **[this amendatory and**  
26 **supplementary act]** P.L.1993, c.188 (C.52:27D-43.24a). The  
27 moneys from the trust fund shall be used for the specific purpose of  
28 providing grants-in-aid to programs for displaced homemakers as  
29 identified by the **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women in the  
30 Department of **[Community Affairs]** Children and Families  
31 pursuant to section 3 of P.L.1979, c.125 (C.52:27D-43.20).

32 (cf: P.L.1993, c.188, s.3)

33

34 <sup>1</sup>[154.] 156. Section 2 of P.L.2005, c.204 (C.52:27D-43.36) is  
35 amended to read as follows:

36 2. a. The Director of the **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on  
37 Women in the Department of **[Community Affairs]** Children and  
38 Families, in consultation with the Advisory Council on Domestic  
39 Violence and the Commissioners of Human Services and Health  
40 and Senior Services, shall establish a domestic violence public  
41 awareness campaign in order to promote public awareness of  
42 domestic violence among the general public and health care and  
43 social services professionals and provide information to assist  
44 victims of domestic violence and their children.

45 b. The public awareness campaign shall include the  
46 development and implementation of public awareness and outreach

1 efforts to promote domestic violence prevention and education,  
2 including, but not limited to, the following subjects:

- 3 (1) the causes and nature of domestic violence;
- 4 (2) risk factors;
- 5 (3) preventive measures; and
- 6 (4) the availability of, and how to access, services in the  
7 community for victims of domestic violence, including, but not  
8 limited to, shelter services, legal advocacy services, and legal  
9 assistance services.

10 c. The director shall coordinate the efforts of the [division]  
11 '[office] division'<sup>1</sup> with any activities being undertaken by other  
12 State agencies to promote public awareness of, and provide  
13 information to the public about, domestic violence.

14 d. The director, within the limits of funds available for this  
15 purpose, shall seek to utilize electronic and print media, and may  
16 prepare and disseminate such written information as the director  
17 deems necessary, to accomplish the purposes of [this act]  
18 P.L.2005, c.204 (C.52:27D-43.35 et seq.).

19 e. The [division] '[office] division'<sup>1</sup> shall make available  
20 electronically on its Internet website in English and Spanish  
21 information about domestic violence as described in subsection b.  
22 of this section.

23 f. The director may accept, for the purposes of the public  
24 awareness campaign, any special grant of funds, services, or  
25 property from the federal government or any of its agencies, or  
26 from any foundation, organization, or other entity.

27 g. The director shall report to the Governor and the Legislature,  
28 no later than 18 months after the effective date of [this act]  
29 P.L.2005, c.204 (C.52:27D-43.35 et seq.), on the activities and  
30 accomplishments of the public awareness campaign.

31 (cf: P.L.2005, c.204, s.2)

32

33 '[155.] 157.'<sup>1</sup> Section 2 of P.L.1999, c.239 (C.52:27D-444) is  
34 amended to read as follows:

35 2. The Legislature finds and declares that:

36 a. Micro-business loans are usually granted to those businesses  
37 that are mostly sole proprietorships with five or fewer employees,  
38 that require an initial capital outlay of less than \$35,000 to start a  
39 new business or expand an existing business, utilize loans in  
40 amounts of less than \$15,000 with most loans being paid back on  
41 time, and experience a default rate that is often no higher than on  
42 commercial loans;

43 b. Experience in numerous other states and in certain urban  
44 areas in New Jersey has shown that "micro lending," or carefully  
45 underwriting small loans to individual entrepreneurs with well-  
46 developed, realistic business plans, has been successful in helping



1 individuals, without regard to geographical location, to start micro-  
2 businesses;

3 c. Nonprofit community-based development corporations have  
4 the experience of providing the training and technical assistance  
5 that is necessary for prospective entrepreneurs to establish a viable  
6 business;

7 d. While the New Jersey Economic Development Authority  
8 currently manages several programs to promote the development of  
9 micro and small businesses in the State and the New Jersey  
10 Development Authority for Small Businesses, Minorities' and  
11 Women's Enterprises has a peer group micro-lending program in  
12 place which targets urban areas of the State, there is a need to  
13 establish a separate micro-business credit program to provide new  
14 and innovative ways to assist more unemployed women and  
15 underemployed women in all areas of the State to enter or reenter  
16 the marketplace and to recognize that nonprofit community-based  
17 development corporations and certain Statewide women's business  
18 organizations have the experience of providing the training and  
19 technical assistance that is necessary for prospective entrepreneurs  
20 to establish a viable business; and

21 e. It is appropriate to establish a micro-business credit program  
22 that would target only those potential female entrepreneurs who  
23 have little or no prior business experience, are self-motivated and  
24 are willing to undertake an extensive training program and receive  
25 other kinds of technical assistance in order to gain the necessary  
26 experience to start a successful business through grants given to  
27 certified nonprofit community development corporations and  
28 certain Statewide women's business organizations, and the  
29 Department of Community Affairs which has experience in  
30 evaluating and monitoring community development corporations  
31 [and which already manages a number of programs through its  
32 Division on Women to assist women to improve their lives] is the  
33 appropriate State agency to accomplish these goals.

34 (cf: P.L.2004, c.176, s.2)

35

36 <sup>1</sup>[156.] 158.<sup>1</sup> (New section) a. Notwithstanding any law,  
37 rule, or regulation to the contrary, commencing on or after the  
38 effective date of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill) and subject to the provisions of subsection  
40 b. of this section, the Division of Children's System of Care in the  
41 Department of Children and Families shall determine eligibility and  
42 provide support and services, <sup>1</sup>[to the extent possible] deemed  
43 clinically and functionally appropriate by the Department of  
44 Children and Families, as limited by service availability and  
45 appropriations and other monies available, and to become  
46 available<sup>1</sup>, for persons with developmental disabilities, as defined in  
47 section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years of age. The

1 Division of Children's System of Care shall be responsible for  
2 licensing, inspection, and standard-setting with regard to facilities  
3 providing services for persons with developmental disabilities under  
4 21 years of age.

5 '[The] With the exception of the services provided to adults  
6 over the age of 18 by the Moderate Security Unit, established  
7 pursuant to P.L.2006, c.5 (C.30:4-25.13 et seq.), the<sup>1</sup> Division of  
8 Developmental Disabilities in the Department of Human Services  
9 shall cease providing services for those persons with developmental  
10 disabilities under 21 years of age as of the date that the Division of  
11 Children's System of Care in Department of Children and Families  
12 commences determining eligibility and providing services for these  
13 persons '[, except that], except that, as agreed to by the  
14 Department of Children and Families and the Department of Human  
15 Services pursuant to subsection b. of this section,<sup>1</sup> the Division of  
16 Developmental Disabilities may 'continue to provide services to  
17 individuals under 21 years of age determined eligible for such  
18 services prior to the effective date of P.L. , c. (C. ) ( pending  
19 before the Legislature as this bill). The Division of Developmental  
20 Disabilities may<sup>1</sup> establish 'rules and<sup>1</sup> procedures 'for the transition  
21 of persons receiving services from the Department of Children and  
22 Families to adult services provided by the Division of  
23 Developmental Disabilities,<sup>1</sup> including, but not limited to, a  
24 redetermination of eligibility for services '[, if appropriate, by the  
25 Commissioner of Human Services, for the transition of persons with  
26 developmental disabilities to adult services provided by the]<sup>1</sup> .  
27 'There shall not be a presumption of eligibility for persons seeking  
28 adult services through the<sup>1</sup> Division of Developmental Disabilities  
29 in the Department of Human Services.

30 'The Division of Developmental Disabilities shall retain all  
31 responsibility for and authority over the operation of State  
32 developmental centers pursuant to R.S.30:1-7.<sup>1</sup>

33 b. The '[Director of the Division of Developmental  
34 Disabilities in the Department] Commissioner<sup>1</sup> of Human Services  
35 and the '[Director of the Division of Children's System of Care in  
36 the Department] Commissioner<sup>1</sup> of Children and Families ', or the  
37 commissioners' designees,<sup>1</sup> shall establish and enter into an inter-  
38 agency agreement as necessary for the purposes of subsection a. of  
39 this section.

40 c. The Commissioners of Human Services and Children and  
41 Families, '[in consultation with each other and]<sup>1</sup> pursuant to the  
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
43 seq.), shall adopt, notwithstanding any provision of P.L.1968, c.410  
44 (C.52:14B-1 et seq.) to the contrary, immediately upon filing with  
45 the Office of Administrative Law, such rules and regulations as the  
46 Commissioners deem necessary to effectuate the purposes of

1 section ~~'[156] 158'~~ of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill), which shall be effective for a period not to  
3 exceed 12 months following the effective date of P.L. , c. (C. )  
4 (pending before the Legislature as this bill). The regulations shall  
5 thereafter be amended, adopted, or readopted by the commissioners  
6 in accordance with the provision of P.L.1968, c.410 (C.52:14B-1 et  
7 seq.).

8 d. Whenever 'in' any 'current' law, rule, regulation, 'or' order,  
9 '[contract, or document]' pertaining to persons with developmental  
10 disabilities, as defined in section 3 of P.L.1977, c.82 (C.30:6D-3),  
11 under 21 years of age refers to the Division of Developmental  
12 Disabilities in the Department of Human Services, the same shall  
13 mean and refer to the Division of Children's System of Care in the  
14 Department of Children and Families.

15  
16 ~~'[157.] 159.'~~ (New section) a. Notwithstanding any law, rule,  
17 or regulation to the contrary, commencing on or after the effective  
18 date of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill) and subject to the provisions of subsection b. of this  
20 section, the Division of Children's System of Care in the  
21 Department of Children and Families, in lieu of the Division of  
22 Mental Health and Addiction Services in the Department of Human  
23 Services, shall provide, manage, and coordinate services for the  
24 treatment of 'alcoholism and' substance abuse '[and related  
25 afflictions]' for persons under 21 years of age 'deemed clinically  
26 and functionally appropriate by the Department of Children and  
27 Families, as limited by service availability and appropriations and  
28 other monies available, and to become available, except that, as  
29 agreed to by the Department of Children and Families and the  
30 Department of Human Services pursuant to subsection b. of this  
31 section, the Division of Mental Health and Addiction Services may  
32 continue to exclusively provide, manage, and coordinate programs  
33 and services designed primarily for adults 18 years of age or older,  
34 including, but not limited to, services provided pursuant to  
35 R.S.39:4-50 and the Drug Courts of this State'.

36 b. The ~~'[Director of the Division of Mental Health and~~  
37 ~~Addiction Services in the Department]~~ Commissioner' of Human  
38 Services and the ~~'[Director of the Division of Children's System of~~  
39 ~~Care in the Department]~~ Commissioner' of Children and Families<sup>1</sup>,  
40 or the commissioners' designees,<sup>1</sup> shall establish and enter into an  
41 inter-agency agreement as necessary for the purposes of subsection  
42 a. of this section.

43 c. The Commissioners of Human Services and Children and  
44 Families, '[in consultation with each other and]'<sup>1</sup> pursuant to the  
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
46 seq.), shall adopt, notwithstanding any provision of P.L.1968, c.410  
47 (C.52:14B-1 et seq.) to the contrary, immediately upon filing with

1 the Office of Administrative Law, such rules and regulations as the  
2 Commissioners deem necessary to effectuate the purposes of  
3 section <sup>1</sup>~~157~~ 159<sup>1</sup> of P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), which shall be effective for a period not to  
5 exceed 12 months following the effective date of P.L. , c. (C. )  
6 (pending before the Legislature as this bill). The regulations shall  
7 thereafter be amended, adopted, or readopted by the commissioners  
8 in accordance with the provision of P.L.1968, c.410 (C.52:14B-1 et  
9 seq.).

10 <sup>1</sup>d. Whenever in any current law, rule, regulation, or order  
11 pertaining to the treatment of alcoholism and substance abuse for  
12 persons under 21 years of age refers to the Division of Mental  
13 Health and Addiction Services in the Department of Human  
14 Services, the same shall mean and refer to the Division of  
15 Children's System of Care in the Department of Children and  
16 Families, except where the Division of Mental Health and  
17 Addiction Services continues to exclusively provide, manage, and  
18 coordinate programs and services consistent with this section.<sup>1</sup>

19

20 <sup>1</sup>~~158.~~ 160.<sup>1</sup> This act shall take effect immediately.