

ASSEMBLY, No. 1615

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblywomen McKnight and Reynolds-Jackson

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (2) (a) At the time of seeking the victim's written consent for
48 the collection and limited sharing of confidential and privileged

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

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

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

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

46 (1) the number of victims who received assistance, the number
47 of children and other family members of victims who received

1 assistance, and the number of victims, children, and other family
2 members who received assistance multiple times;

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

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

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

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

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

29
30 6. This act shall take effect immediately.

31 32 33 STATEMENT

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

45 A family justice center would operate under a director, who would
46 have expertise in victim advocacy based upon education, training, or
47 experience. The center would be additionally staffed by a privacy
48 officer, who would be responsible for overseeing the center's privacy

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

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

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

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

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

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

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

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