

SENATE, No. 3338

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Requires DMVA create Bereavement Counseling Program for family members and volunteer caregivers of certain veterans.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/28/2021)

1 **AN ACT** requiring the Department of Military and Veterans Affairs
2 to create a Bereavement Counseling Program for family
3 members and volunteer caregivers of certain veterans and
4 supplementing chapter 3 of Title 38A of the New Jersey Statutes.

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

8
9 1. a. The Department of Military and Veterans Affairs, in
10 consultation with the Department of Health, shall establish a
11 Bereavement Counseling Program for family members and
12 volunteer caregivers of veterans who die by suicide.

13 b. For the purposes of this act, P.L. , c. (C.)(pending
14 before the Legislature as this bill):

15 “Clinician” means a person who provides mental health services,
16 is experienced with post-traumatic stress disorder and suicide, and
17 is licensed or otherwise authorized, pursuant to Title 45 of the
18 Revised Statutes, to practice a health care profession that is
19 regulated by one of the following: the State Board of Medical
20 Examiners; the State Board of Psychological Examiners; the State
21 Board of Social Work Examiners; the State Board of Marriage and
22 Family Therapy Examiners.

23 “Family member” means a spouse, parent, sibling, child, or
24 grandparent, whether of the whole or half blood or by adoption,
25 legal guardian, romantic partner, or any person residing in the
26 veteran’s household.

27 “Qualified veterans’ organization” means a veterans’
28 organization that qualifies as a section 501(c)(3) or 501(c)(19) tax
29 exempt organization under the Internal Revenue Code, or a
30 federally chartered veterans’ service organization.

31 “Veteran” means a person who served on active duty in the
32 Armed Forces of the United States, or a Reserve Component
33 thereof, including the National Guard, who was honorably
34 discharged or released under honorable circumstances from active
35 service and died by suicide.

36 “Volunteer caregiver” means a person who is 18 years of age or
37 older, is a member of a qualified veterans’ organization, and has
38 provided care in the form of counseling or social work to the
39 veteran for a minimum of three months prior to the death by suicide
40 of the veteran. This term shall not include a person such as a
41 licensed or professional caregiver, counselor, or social worker, and
42 a person who received compensation for services.

43 c. (1) The Adjutant General of the Department of Military and
44 Veterans Affairs shall determine the application process, and shall
45 establish the criteria for a person to be considered a qualified
46 applicant. A qualified applicant seeking to participate in the
47 program shall submit an application in such form as shall be
48 required by the department.

1 (2) The application shall be submitted to the department, and
2 upon approval, the department shall match a family member or
3 caregiver, as appropriate, with a clinician, if a clinician is available.
4 The department may deny an applicant because there are no, or
5 limited, clinicians available for the program.

6 (3) The Adjutant General shall be responsible for determining
7 whether any person seeking to be considered a qualified applicant
8 under this act, for the purpose of receiving counseling, meets the
9 criteria and adjudicating an appeal from any person disputing this
10 determination. The determination of the Adjutant General shall be
11 binding.

12 d. (1) The Department of Military and Veterans Affairs,
13 through its regional network of Veteran Service Officers, shall
14 provide the family members and volunteer caregivers of the veteran,
15 when it is known that the cause of death of a veteran is by suicide,
16 with information and an application for the program, and provide
17 assistance, if requested, with completing and filing the application
18 with the department.

19 The Veteran Service Officers shall also provide assistance to the
20 family members with applying for applicable federal and State
21 veteran benefits.

22 (2) A funeral director, licensed pursuant to P.L.1952, c.340
23 (C.45:7-32 et seq.), shall provide the family members and volunteer
24 caregivers of the veteran, when it is known that the cause of death
25 of a veteran in their custody is by suicide, with information and an
26 application for the program, and provide assistance, if requested,
27 with completing and filing the application with the department.

28 e. (1) Application for bereavement counseling shall be made
29 available to family members and volunteer caregivers for a period
30 of up to five years after the death of the veteran. Counseling
31 sessions shall be available to family members and volunteer
32 caregivers for a period of up to 24 months after an application for
33 bereavement counseling has been approved by the department and a
34 clinician assigned.

35 (2) The clinician and the family member or volunteer caregiver,
36 as appropriate, shall determine the frequency of the counseling
37 sessions, with a maximum of 30 counseling hours per year, per
38 family member or caregiver. The department shall create a system
39 for monitoring and verifying the hours donated by clinicians.

40 (3) The program shall be at no cost to the family members and
41 volunteer caregivers.

42 f. The Department of Military and Veterans Affairs shall
43 advertise the program on its department Internet site and any other
44 location and manner as the department deems appropriate.

45 g. The Department of Military and Veterans Affairs shall adopt
46 rules and regulations pursuant to the "Administrative Procedure
47 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
48 purposes of this act.

The department shall coordinate with the United States Department of Veterans Affairs to maintain a list of clinicians who are available to provide professional counseling hours to family members and volunteer caregivers.

4. This act shall take effect on the first day of the sixth month next following enactment, except the Adjutant General of the Department of Military and Veterans Affairs may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

The bill requires the department to match the family members and volunteer caregivers with clinicians. No fee will be charged to the family member or volunteer caregiver, and the clinicians will

1 donate their time. The application for bereavement counseling will
2 be available for up to five years after the death of the veteran, and
3 counseling sessions will be available for a period of up to 24
4 months after an application for bereavement counseling has been
5 approved and a clinician assigned. An individual will be eligible
6 for a maximum of 30 counseling hours per year. The department
7 will create a system for monitoring and verifying the donated hours.

8 The department will provide notice about the program on its
9 Internet site and any other locations and manner as the department
10 deems appropriate.

11 Under the bill, family member means a spouse, parent, sibling,
12 child, or grandparent, whether of the whole or half blood or by
13 adoption, legal guardian, romantic partner, or any person residing in
14 the veteran's household. Volunteer caregiver means a person who
15 is 18 years of age or older, is a member of a qualified veterans'
16 organization, and has provided care in the form of counseling or
17 social work to the veteran for a minimum of three months prior to
18 the death by suicide of the veteran. This term will not include a
19 person such as a licensed or professional caregiver, counselor, or
20 social worker, and a person who received compensation for
21 services. Veteran means a person who served on active duty in the
22 Armed Forces of the United States, or a Reserve Component
23 thereof, including the National Guard, who was honorably
24 discharged or released under honorable circumstances from active
25 service and died by suicide.