

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY BILL NO. 2503
(First Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning the Assembly Committee Substitute for Assembly Bill No. 2503 (First Reprint) with my recommendations for reconsideration.

This bill would substantially alter the reporting and investigation process associated with claims of abuse, neglect, or exploitation of adults with developmental disabilities. These changes include amending the law concerning the Central Registry of Offenders Against Individuals with Developmental Disabilities ("Central Registry"), directing unannounced visits of all programs for individuals with developmental disabilities, creating new grades of criminal offenses, mandating participation of local law enforcement, and mandating increased participation by guardians in investigations of abuse, neglect, or exploitation.

Since the beginning of my Administration, I have been committed not only to increasing services to individuals with developmental disabilities but also to extending protections to those same individuals, including protections against abuse, neglect, and exploitation. To be sure, one of my first acts as Governor was to sign P.L.2010, c.5, which established the Central Registry to ensure that individuals who have committed acts of abuse, neglect, or exploitation against individuals with developmental disabilities are prohibited from working with any other individuals with developmental disabilities. In addition, I signed P.L.2015, c.186, which established a new criminal offense of endangering an individual with a developmental disability, providing increased penalties for egregious actions

taken against some of the most vulnerable citizens of this State.

I applaud the efforts of the Legislature in exploring additional methods by which to rid the State of abuse, neglect, and exploitation of some of the State's most vulnerable citizens. However, I am concerned that many of the provisions of this bill are not only impractical but also fail to consider important competing interests, including the need for confidentiality, flexibility, an unbiased investigatory process, and the avoidance of irresponsible spending through unfunded mandates.

Just last year, I signed into law P.L.2016, c.3, which established a task force to study abuse, neglect, and exploitation specifically against older adults and individuals with disabilities. Upon receipt of the task force's recommendations, I will explore any and all of them to remedy this extremely difficult and troubling problem. However, in the interim, and in light of my commitment to ensuring the safety of individuals with developmental disabilities, I am recommending that this bill be amended to focus on the most effective means to protect vulnerable individuals, while still taking into account other important individual, local, and State interests.

Accordingly, I herewith return the Assembly Committee Substitute for Assembly Bill No. 2503 (First Reprint) and recommend that it be amended as follows:

<u>Page 2, Title, Line 3:</u>	Delete "Titles 2C and" and insert "Title"
<u>Page 2, Section 1, Lines 10-25:</u>	Delete in their entirety
<u>Page 2, Section 2, Line 27:</u>	Delete "2." and insert "1."
<u>Page 2, Section 2, Line 27:</u>	Delete "2 through 7" and insert "1 through 6"
<u>Page 3, Section 2, Line 3:</u>	Delete "6" and insert "5"

Page 3, Section 2, Line 15: After "individuals" insert "as they move toward independence"

Page 3, Section 3, Line 46: Delete "3." and insert "2."

Page 3, Section 3, Line 48: Delete "who"

Page 4, Section 3, Line 1: Delete "are not employees of a State developmental center, but"

Page 4, Section 3, Line 5: Delete "and"

Page 4, Section 3, Line 6: Delete "every day program"

Page 4, Section 3, Lines 9-11: Delete in their entirety

Page 4, Section 3, Line 12: Delete "section 7 of P.L.2012, c.69 (C.30:6D-5.13),"

Page 4, Section 3, Lines 27-33: Delete in their entirety

Page 4, Section 3, Line 35: Delete ", or"

Page 4, Section 3, Line 36: Delete "a staff member or agent of a day program,"

Page 4, Section 4, Line 39: Delete "4." and insert "3."

Page 5, Section 4, Line 3: After "of a" insert "community-based residential program or day"

Page 5, Section 4, Lines 4-5: Delete in their entirety

Page 5, Section 4, Line 6: Delete "by the department,"

Page 5, Section 4, Line 17: Delete "60 minutes" and insert "two hours"

Page 5, Section 4, Line 18: After "injury" insert ", except that if there is an extraordinary circumstance that prevents such notification, the provider or licensee shall provide notification as soon as possible, but no later than eight hours after the occurrence of the injury and shall provide a written, detailed explanation of the extraordinary circumstance causing the delay to the commissioner and to the guardian of the injured individual with a developmental disability or, if there is no guardian of the individual, to a family member who requests such notification, within 14 days of the incident"

Page 5, Section 4, Line 22: After "notification" insert "unless the individual has expressly prohibited the family member from receiving such notification"

Page 5, Section 4, Line 23: After "means" delete ","
Page 5, Section 4, Line 23: Delete ", and also"
Page 5, Section 4, Line 24: Delete in its entirety
Page 5, Section 5, Line 33: Delete "5." and insert "4."
Page 5, Section 5, Line 42: After "center" delete "," and insert "or"
Page 5, Section 5, Line 42: Delete "or day"
Page 5, Section 5, Line 43: Delete "program,"
Page 6, Section 6, Line 6: Delete "6." and insert "5."
Page 7, Section 7, Line 41: Delete "7." and insert "6."
Page 8, Section 8, Line 20: Delete "8." and insert "7."
Page 8, Section 9, Line 39: Delete "9." and insert "8."
Page 8, Section 9, Lines 46-47: Delete in their entirety
Page 9, Section 9, Lines 1-3: Delete in their entirety
Page 9, Section 9, Line 46: Delete "2" and insert "1"
Page 10, Section 10, Line 34: Delete "10." and insert "9."
Page 10, Section 10, Line 40: Delete "3" and insert "2"
Page 11, Section 10, Lines 1-5: Delete in their entirety
Page 11, Section 10, Line 6: Delete "(3)" and insert "(2)"
Page 11, Section 10, Line 27: Delete "5" and insert "4"
Page 12, Section 11, Line 28: Delete "11." and insert "10."
Page 12, Section 11, Lines 41-44: Delete in their entirety
Page 13, Section 11, Line 9: Delete "or"
Page 13, Section 11, Line 10: Delete "authorized family member"
Page 13, Section 11, Line 12: Delete "or authorized family"
Page 13, Section 11, Line 13: Delete "member"
Page 13, Section 11, Line 14: Delete "to represent the individual, to be informed" and insert "except that if there is no guardian, a family member of the individual may submit information, unless the individual has expressly prohibited the family member from doing so"
Page 13, Section 11, Lines 15-17: Delete in their entirety
Page 13, Section 11, Line 18: Delete "any time, unless it would impede the investigation"

- Page 13, Section 11, Line 19: Delete "the guardian or authorized family member of the" and insert "that a guardian of an individual with a developmental disability, upon request, may be permitted to attend the investigative interview of the individual the guardian represents and to terminate the interview of the individual the guardian represents, unless the attendance or termination would impede the investigation."
- Page 13, Section 11, Lines 20-39: Delete in their entirety
- Page 13, Section 11, Line 40: Delete "(3)" and insert "(2)"
- Page 14, Section 11, Line 14: Delete "seven" and insert "14"
- Page 14, Section 11, Line 30: Delete "14" and insert "30"
- Page 14, Section 11, Line 47: Delete "or authorized family member"
- Page 15, Section 11, Line 3: Delete "authorized" and insert "other person who is responsible for the welfare of the individual with a developmental disability"
- Page 15, Section 11, Line 4: Delete "family member"
- Page 15, Section 11, Line 8: Delete ", or by the"
- Page 15, Section 11, Line 9: Delete "individual's guardian or authorized family member"
- Page 15, Section 11, Line 31: Before "f." insert "(4) If there is no guardian of the individual with a developmental disability who is the subject of the alleged abuse, neglect, or exploitation, the written summary described in paragraph (3) of this subsection shall be provided to a family member of the individual who requests such summary, unless the individual has expressly prohibited the family member from receiving such summary."
- Page 15, Section 12, Line 35: Delete "12." and insert "11."
- Page 15, Section 12, Line 43: Delete "or authorized family"
- Page 15, Section 12, Line 44: Delete "member"
- Page 15, Section 12, Line 48: Delete "or authorized family member"
- Page 16, Section 12, Line 3: After "individual." insert "If the individual with a developmental disability has

no guardian, notification pursuant to this subsection shall be given to a family member who requests such notification, unless the individual has expressly prohibited the family member from receiving such notification."

Page 17, Section 13, Line 1:

Delete "13." and insert "12."

Page 17, Section 13, Line 10:

Delete ", or observation of,"

Page 17, Line 33:

Insert "13. The Department of Human Services shall post a copy of P.L. , c. (C.) (pending before the Legislature as this bill) on its website."

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ James J. DiGiulio

Chief Counsel to the Governor