

ASSEMBLY, No. 3824

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 26, 2016

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Co-Sponsored by:

Assemblywoman Mosquera, Assemblymen Coughlin, Benson, Mazzeo,

Gusciora, Assemblywoman Jasey, Senators A.R.Bucco and Madden

SYNOPSIS

Establishes Office of Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/19/2017)

1 AN ACT establishing the Office of the Ombudsman for Individuals
2 with Intellectual or Developmental Disabilities and their
3 Families and supplementing Title 30 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. There is established in but not of the Department of the
9 Treasury the Office of the Ombudsman for Individuals with
10 Intellectual or Developmental Disabilities and their Families. For
11 the purpose of complying with the provisions of Article V, Section
12 IV, paragraph 1 of the New Jersey Constitution, the Office of the
13 Ombudsman for Individuals with Intellectual or Developmental
14 Disabilities and their Families is hereby allocated within the
15 Department of the Treasury, but notwithstanding this allocation, the
16 office shall be independent of any supervision or control by the
17 department or any board or officer thereof, or any other cabinet-
18 level department, board, or officer thereof. The purpose of the
19 ombudsman is to serve as a resource to provide information and
20 support to individuals with intellectual or developmental disabilities
21 and their families.

22 b. The Governor shall appoint an Ombudsman for Individuals
23 with Intellectual or Developmental Disabilities and their Families,
24 who shall be qualified by training and experience to perform the
25 duties of the office. The ombudsman shall be a person of
26 recognized judgment, integrity, and objectivity, and shall be skilled
27 in communication, conflict resolution, and professionalism.

28 c. The ombudsman shall organize and direct the work of the
29 office, including the work of such professional and clerical staff as
30 may be necessary to carry out the ombudsman's duties.

31

32 2. a. The duties of the Ombudsman for Individuals with
33 Intellectual or Developmental Disabilities and their Families shall
34 include, but not be limited to, the following:

35 (1) to serve as a source of information for individuals with
36 intellectual or developmental disabilities and their families and
37 interested members of the public, to help them better understand
38 State and federal laws and regulations governing individuals with
39 intellectual or developmental disabilities;

40 (2) to provide, in coordination with the State Council on
41 Developmental Disabilities:

42 (a) information and support to individuals with intellectual or
43 developmental disabilities and their families in navigating and
44 understanding the process for obtaining services and supports from
45 the Division of Developmental Disabilities in the Department of
46 Human Services and the Division of Children's System of Care in
47 the Department of Children and Families, including information and
48 support regarding individuals who transition from receiving

1 services and supports from the Division of Children's System of
2 Care to receiving services and supports from the Division of
3 Developmental Disabilities; and

4 (b) assistance to individuals with intellectual or developmental
5 disabilities in obtaining from the Division of Children's System of
6 Care or the Division of Developmental Disabilities, as appropriate,
7 services, supports, and opportunities that focus on personal goals
8 and help those goals become a reality;

9 (3) to provide information and communication strategies to
10 individuals with intellectual or developmental disabilities and their
11 families for resolving a disagreement with the Division of
12 Children's System of Care, the Division of Developmental
13 Disabilities, the Department of Children and Families, or the
14 Department of Human Services regarding the evaluation,
15 placement, or provision of services and supports to an individual
16 with an intellectual or developmental disability; and to educate
17 individuals with intellectual or developmental disabilities and their
18 families on the available options for resolving such disputes;

19 (4) to work neutrally and objectively with all parties to help
20 ensure that a fair process is followed in the resolution of disputes
21 concerning the provision of services and supports to individuals
22 with intellectual or developmental disabilities receiving services
23 from the Division of Children's System of Care or the Division of
24 Developmental Disabilities, as appropriate;

25 (5) to identify any patterns of complaints that emerge regarding
26 rights and services of individuals with intellectual or developmental
27 disabilities, and to recommend strategies for improvement to the
28 Division of Children's System of Care and the Division of
29 Developmental Disabilities or the Department of Children and
30 Families and the Department of Human Services; and

31 (6) to assist the Division of Children's System of Care and the
32 Division of Developmental Disabilities in creating public
33 information programs designed to acquaint and educate individuals
34 with intellectual or developmental disabilities, their families, and
35 the public about the duties of the ombudsman.

36 b. The ombudsman shall treat communications received in the
37 course of the ombudsman's duties, including personally identifiable
38 information regarding individuals with intellectual or
39 developmental disabilities and their families, and others from whom
40 information is acquired, as confidential, except when disclosure is
41 necessary to enable the ombudsman to perform the duties of the
42 office and consent for disclosure is obtained. Upon receipt of
43 information that by law is confidential or privileged, the
44 ombudsman shall maintain the confidentiality of the information
45 and shall not disclose or disseminate the information except as
46 provided by applicable State or federal law.

1 3. a. The Ombudsman for Individuals with Intellectual or
2 Developmental Disabilities and their Families shall issue a written
3 report annually to the Commissioner of Human Services and the
4 Commissioner of Children and Families. The report shall include a
5 summary of the services the ombudsman provided during the year,
6 and any specific recommendations the ombudsman deems
7 appropriate and necessary concerning the State's implementation of
8 procedures with respect to providing individuals with intellectual or
9 developmental disabilities with services and supports.

10 b. The ombudsman also shall issue the report prepared pursuant
11 to subsection a. of this section to the Governor, and pursuant to
12 section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature.

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14 4. This act shall take effect immediately.

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STATEMENT

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19 This bill establishes the Office of the Ombudsman for
20 Individuals with Intellectual or Developmental Disabilities and their
21 Families in but not of the Department of the Treasury and,
22 accordingly, the office is to be independent of any supervision or
23 control by this department or any board or officer thereof, or any
24 other cabinet-level department, board, or officer thereof.

25 Under the provisions of the bill, the Governor would appoint an
26 Ombudsman for Individuals with Intellectual or Developmental
27 Disabilities and their Families, who is to be qualified by training
28 and experience to perform the duties of the office, and be a person
29 of recognized judgment, integrity, and objectivity who is skilled in
30 communication, conflict resolution, and professionalism. The
31 ombudsman would organize and direct the work of the office.

32 The duties of the ombudsman would include, but not be limited
33 to, the following: 1) to serve as a source of information for
34 individuals with intellectual or developmental disabilities and their
35 families and interested members of the public, to help them better
36 understand State and federal laws and regulations governing
37 individuals with intellectual or developmental disabilities; 2) to
38 provide, in coordination with the State Council on Developmental
39 Disabilities: information and support to individuals with
40 intellectual or developmental disabilities and their families in
41 navigating and understanding the process for obtaining services and
42 supports from the Division of Developmental Disabilities (DDD) in
43 the Department of Human Services (DHS) and the Division of
44 Children's System of Care (CSOC) in the Department of Children
45 and Families (DCF), including information and support for those
46 who transition from receiving services and supports from CSOC to
47 DDD; and assistance in obtaining from CSOC or DDD, as
48 appropriate, services, supports, and opportunities that focus on

1 personal goals and help those goals become a reality; 3) to provide
2 information and communication strategies with regard to resolution
3 of a disagreement with CSOC, DDD, DCF, or DHS regarding the
4 evaluation, placement, or provision of services and supports to an
5 individual with an intellectual or developmental disability; and to
6 educate individuals with intellectual or developmental disabilities
7 and their families on the available options for resolving these
8 disputes; 4) to work neutrally and objectively to help ensure that a
9 fair process is followed in the resolution of disputes concerning the
10 provision of supports and services to individuals with intellectual or
11 developmental disabilities receiving services from CSOC or DDD;
12 5) to identify patterns of complaints regarding rights and services of
13 individuals with intellectual or developmental disabilities, and to
14 recommend strategies for improvements; and 6) to assist CSOC and
15 DDD in creating public information programs designed to acquaint
16 and educate individuals with intellectual or developmental
17 disabilities, their families, and the public about the duties of the
18 ombudsman.

19 Communications received in the course of the ombudsman's
20 duties are to be kept confidential, except when disclosure is
21 necessary to enable the ombudsman to perform the duties of the
22 office and consent for disclosure is obtained.

23 The bill requires the ombudsman to issue a written report
24 annually to the Commissioner of Human Services and the
25 Commissioner of Children and Families. The report would include
26 a summary of the services the ombudsman provided during the year,
27 and any specific recommendations the ombudsman deems
28 appropriate and necessary concerning the implementation of
29 procedures with respect to providing individuals with intellectual or
30 developmental disabilities with services and supports. This report
31 would also be issued to the Governor and the Legislature.