

## CHAPTER 269

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

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

C.30:1AA-9.1 Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

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

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

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

C.30:1AA-9.2 Duties of Ombudsman.

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

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

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

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

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

(3) to provide information and communication strategies to individuals with intellectual or developmental disabilities and their families for resolving a disagreement with the

Division of Children's System of Care, the Division of Developmental Disabilities, the Department of Children and Families, or the Department of Human Services regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving such disputes;

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

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

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

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

C.30:1AA-9.3 Annual reports.

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

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

4. This act shall take effect immediately.

Approved January 8, 2018.