

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4482

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2019

The Assembly Human Services Committee reports favorably and with committee amendments Assembly Bill No. 4482.

As amended by the committee, this bill would establish, within the Division of Developmental Disabilities in the Department of Human Services, the “Task Force on the Prevention of Sexual Violence Against Persons with Developmental Disabilities.”

The purpose and duties of the task force will be to: study and monitor the prevalence of sexual violence occurring against persons with developmental disabilities in the State; create informational materials and identify available resources to help persons with developmental disabilities prevent and report sexual violence, and to help the parents, guardians, and caregivers of persons with developmental disabilities, as well as medical and legal personnel, better identify, prevent, and respond to instances of sexual violence being committed against persons with developmental disabilities; and recommend the undertaking of legislative, executive, and community action that may reduce the prevalence and impact of sexual violence committed against persons with developmental disabilities in the State.

In effectuating its purposes and duties under the bill, the task force will be required to: 1) gather and review information concerning sexual violence committed against persons with developmental disabilities throughout the State; 2) review the approaches that have been used, and the programs that have been implemented, in other states, to prevent the commission of sexual violence against persons with developmental disabilities; 3) develop and publish aggregate, de-identified, statistical data on sexual violence being committed against persons with developmental disabilities in the State; and 4) establish broad policy and practice goals that are designed to protect persons with developmental disabilities from sexual violence, and to otherwise redress the problematic circumstances that allow for such violence to occur.

Recommendations adopted by the task force are to include, but need not be limited to: 1) recommendations for legislative or executive action; 2) recommendations and guidelines for best practices to be utilized by facilities, community-based organizations, and medical and caregiving personnel engaged in the provision of services to persons

with developmental disabilities, in order to better enable such facilities, organizations, and personnel to identify, prevent, investigate, and appropriately respond to sexual violence committed against persons with developmental disabilities under their care; 3) recommendations and guidelines for best practices to be utilized by attorneys, courts, and police officers engaged in the investigation or adjudication of cases involving the commission of sexual violence against a person with a developmental disability; 4) recommendations and guidelines on the provision of evidence-based, age-appropriate sexual violence awareness and prevention training to persons with developmental disabilities, to the extent that such training is deemed by the task force to be appropriate; 5) recommendations and guidelines on the provision of evidence-based sexual violence awareness, prevention, and response training and information to the parents, guardians, and fiduciaries of persons with developmental disabilities, and to the medical and caregiving professionals who provide care to persons with developmental disabilities, including, but not limited to, training and information on the warning signs of sexual violence, and the available resources for victims thereof; and 6) recommendations to foster cooperation and collaboration among State agencies and community-based organizations, and between the State and local governments, as necessary to more efficiently or effectively address the sexual violence affecting persons with developmental disabilities.

The task force would be required to submit a report to the Governor and Legislature within 12 months after its organization, and at least biennially thereafter. Each report would identify the task force's findings for the reporting period, identify efforts that have been undertaken in the State to reduce sexual violence against persons with developmental disabilities, and provide recommendations for further action.

COMMITTEE AMENDMENTS:

The committee amended the bill as follows:

1) to expand the task force membership to include a representative of the New Jersey Association of Pupil Services Administrators, and a representative of a county office of Adult Protective Services, thereby increasing the total membership of the task force to 19 members and the total number of public members to 15;

2) to provide for the Governor, the President of the Senate, and the Speaker of the General Assembly to each appoint five public task force members, instead of providing for the Governor to appoint all 15 public members;

3) to remove the phrase "sexual abuse," and replace it with the phrase "sexual violence, " throughout the bill; and

4) to ensure that "person-first" language is used throughout the bill when referring to persons with developmental disabilities.