

SENATE, No. 1318

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Permits counties and non-governmental, community-based agencies to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, including domestic violence, and their family members.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/2019)

1 AN ACT permitting counties and non-governmental, community-
2 based agencies, in partnership with certain governmental entities,
3 to provide coordinated, multi-agency governmental and non-
4 governmental assistance through centralized locations to victims
5 of certain crimes and offenses, and their family members,
6 referred to as family justice centers, and supplementing
7 P.L.1985, c.404 (C.52:4B-39 et seq.).

8
9 **BE IT ENACTED** *by the Senate and General Assembly of the State*
10 *of New Jersey:*

11
12 1. a. (1) A county or a non-governmental, community-based
13 agency, in partnership with the county and municipal governments
14 therein, may provide multi-agency governmental and non-
15 governmental assistance, including but not limited to legal, law
16 enforcement, social services, and health care assistance, to any
17 victim of domestic violence as defined in subsection d. of section 3
18 of P.L.1991, c.261 (C.2C:25-19), sexual assault as defined in
19 N.J.S.2C:14-2, human trafficking as defined in section 1 of
20 P.L.2005, c.77 (C.2C:13-8), or criminal abandonment or neglect of
21 an elderly person or disabled adult as defined in section 1 of
22 P.L.1989, c.23 (C.2C:24-8), as well as assistance to the victim's
23 family members, by establishing a centralized location, to be
24 referred to as a family justice center, through which the victim and
25 family members can request and access all available multi-agency
26 assistance, and this assistance can be efficiently coordinated.

27 (2) A county or non-governmental, community-based agency
28 may establish more than one family justice center, so long as the
29 same forms of multi-agency governmental and non-governmental
30 assistance are available at each center. If multiple centers are
31 established in a county, they shall coordinate and collaborate with
32 one another with respect to the provision of services.

33 b. The family justice center shall operate under a director, who
34 shall have, by education, training, or experience, an expertise in
35 victim advocacy, and who may be an existing county official or
36 employee, or a designated professional from a community-based
37 agency. The family justice center shall be additionally staffed by a
38 privacy officer designated by the director, who may be an existing
39 county official or employee, or a professional from a community-
40 based agency, and who is responsible for overseeing the center's
41 privacy policies and procedures, as described in section 4 of this
42 act, concerning the maintenance of confidential records on victims
43 and their family members, and the limited sharing of information
44 from those records and other sources, when consented to by the
45 victim, amongst the providers of assistance at the center, as well as
46 third-party service providers. The county or community-based
47 agency may also provide for any additional administrative and other
48 personnel which it deems necessary for the proper operation of the
49 center.

1 c. In cooperation with the Judiciary, municipalities, and non-
2 governmental entities, the multi-agency assistance available at a
3 county's or community-based agency's family justice center may be
4 provided by, but is not limited to, the following professionals or
5 volunteers:

6 (1) law enforcement officers;

7 (2) county or municipal prosecutors;

8 (3) representatives from the Judiciary's Domestic Violence
9 Hearing Officer Program;

10 (4) the county's victim-witness coordinator, defined in section 7
11 of P.L.1985, c.404 (C.52:4B-45), or a designated representative
12 thereof, or the director or designated representative of a designated
13 county-wide domestic violence agency as defined in subsection c.
14 of section 3 of P.L.2013, c.82 (C.34:11C-3) or rape crisis center as
15 defined in section 1 of P.L.1981, c.256 (C.52:4B-22);

16 (5) health care professionals, which could include a certified
17 forensic sexual assault nurse examiner who is certified pursuant to
18 the provisions of section 5 of P.L.2001, c.81 (C.52:4B-53);

19 (6) victim counselors as defined in subsection e. of section 3 of
20 P.L.1987, c.169 (C.2A:84A-22.14), certified domestic violence
21 specialists as defined in subsection c. of section 3 of P.L.2013, c.82
22 (C.34:11C-3), rape care advocates as defined in section 4 of
23 P.L.2001, c.81 (C.52:4B-52), or representatives of providers of
24 services to victims of human trafficking that have been designated
25 as victim service providers by the Director of the State's Office of
26 Victim-Witness Advocacy pursuant to section 6 of P.L.1985, c.404
27 (C.52:4B-44);

28 (7) staff from the county's child advocacy center as defined in
29 section 6 of P.L.1998, c.19 (C.9:6-8.104), or members of the
30 county's multidisciplinary team, established pursuant to that same
31 section, which investigates child abuse and neglect and provides
32 victim services to abused children and their families;

33 (8) domestic violence shelter staff from shelters which meet all
34 of the standards for operating and service delivery required by the
35 "Shelters for Victims of Domestic Violence Act," P.L.1979, c.337
36 (C.30:14-1 et seq.);

37 (9) staff from local governmental or non-governmental,
38 community-based social and human services agencies, including
39 child care services;

40 (10) staff from the county health department established
41 pursuant to section 6 of P.L.1975, c.329 (C.26:3A2-6), or municipal
42 local health agencies or municipalities' contracting health agencies
43 as described in section 10 of P.L.1975, c.329 (C.26:3A2-10);

44 (11) staff from the county welfare board, or local assistance
45 boards, municipal advisory committees, or resident helpers involved
46 with services and relief for the poor, as established or appointed
47 pursuant to Title 44 of the Revised Statutes; and

1 (12) attorneys from Legal Services of New Jersey or its
2 affiliates, or other legal service providers which provide legal
3 assistance in civil matters to the poor.

4 d. The director of the family justice center shall develop,
5 approve, and provide for a training program, or in the alternative
6 approve the use of a training program offered by a federal, State, or
7 local governmental entity or recognized non-profit organization, for
8 all professionals and volunteers providing assistance at the family
9 justice center, which consists of eight or more hours of instruction
10 annually, covering topics that include, but are not limited to,
11 victims' rights, victim advocacy, risk assessments for victims and
12 their family members and the appropriate case response thereto, and
13 confidentiality issues associated with the treatment and protection
14 of victims and their family members.

15
16 2. a. The availability of services at a family justice center shall
17 not be made conditional on the basis of a victim's or family
18 member's willingness to cooperate with law enforcement
19 authorities or participate in the criminal justice system, and services
20 shall not be denied if a victim or family member does not cooperate
21 with law enforcement authorities or participate in the criminal
22 justice system.

23 b. (1) The availability of services at a family justice center
24 shall not be made conditional on the basis of a victim or family
25 member consenting to a criminal history record background check,
26 and a criminal history background check shall not be conducted on
27 a victim or family member without that person's written consent,
28 unless the background check is being done in the course of a
29 criminal investigation.

30 (2) Services at a family justice center shall not be denied solely
31 on the basis of any victim's or family member's criminal history.

32
33 3. a. The director of a family justice center shall consult, and
34 develop policies and procedures in collaboration with non-
35 governmental organizations involved in victim advocacy and
36 services, as well as former victims of domestic violence as defined
37 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19),
38 sexual assault as defined in N.J.S.2C:14-2, human trafficking as
39 defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and criminal
40 abandonment or neglect of an elderly person or disabled adult as
41 defined in section 1 of P.L.1989, c.23 (C.2C:24-8), concerning the
42 family justice center's intake process for victims and family
43 members, the forms of multi-agency assistance available at the
44 center and the coordination thereof, and victim safety, and may
45 consult and develop policies and procedures in collaboration with
46 the organizations and former victims on any other aspect of the
47 center's operations. The director shall also provide a procedure for
48 the receipt, on an ongoing basis, of additional input and evaluations
49 of family justice center operations by those non-governmental

1 organizations and former victims with whom the director consults
2 pursuant to this subsection.

3 b. The director of a family justice center shall provide a
4 procedure for the receipt, on an ongoing basis, of input and
5 evaluations by all victims and their family members who request
6 and access assistance through the center regarding the center's
7 operations, particularly concerning issues with the provision or
8 coordination of services, and the conduct of the providers of
9 assistance at the center and the center's own personnel.

10

11 4. a. A family justice center shall develop and maintain, under
12 the immediate supervision of the center's privacy officer designated
13 by the director pursuant to subsection b. of section 1 of this act,
14 policies and procedures which comply with all applicable federal
15 and State privacy laws pertaining to the confidentiality of records to
16 be maintained on victims and their family members who request
17 and access assistance through the center.

18 b. All of the providers of assistance at a family justice center
19 shall comply with the applicable laws on confidentiality and
20 privileged communications concerning their respective professions.
21 Nothing in this section shall be deemed to abrogate or modify any
22 existing handling of confidential records or information, or
23 privileged communications, as set forth and recognized under State
24 or federal constitutional, statutory, or common law, or court rule,
25 including any legal obligation by a provider of assistance to report
26 or disclose to other parties specific information or incidents when
27 the disclosure is mandated under State or federal law or required by
28 court order.

29 c. (1) A family justice center shall develop and maintain,
30 under the immediate supervision of the center's privacy officer, a
31 procedure to seek and obtain an informed, voluntary, written
32 consent from each victim at the time the victim initially requests to
33 access assistance through the center, which consent shall be
34 reasonably time limited and intended to only permit the collection
35 and subsequent sharing of the victim's and family members'
36 confidential records and information, and the content of otherwise
37 privileged communications, amongst some or all of the center's
38 personnel, some or all of the providers of assistance at the center,
39 and third-party service providers not providing assistance at the
40 center, as agreed to by the victim. A victim shall not be required to
41 provide written consent to the family justice center for the victim or
42 any family member to access services at the center.

43 (2) (a) At the time of seeking the victim's written consent for
44 the collection and limited sharing of confidential and privileged
45 records, information, and communications, the victim shall also be
46 informed that the limitations of any written consent, if given, shall
47 not prevent the sharing of any records, information, and
48 communications offered by the victim or victim's family members
49 when, as described in subsection b. of this section, there is a

1 mandatory, lawful duty to report to law enforcement officers,
2 prosecutors, or other governmental officers or officials based upon
3 any specific information that is provided by the victim or a family
4 member, the type of incident involved, or if the victim or a family
5 member is a danger to himself, herself, or others, or disclosure is
6 required by a court order. The family justice center shall obtain and
7 maintain on file a written acknowledgment from the victim that the
8 victim is aware that any mandatory, lawful duty to report or to
9 disclose pursuant to court order shall apply regardless of the
10 provisions set forth in any written consent for limited sharing, if
11 provided by the victim.

12 (b) Except for a mandatory, lawful duty to report or to disclose
13 pursuant to court order as set forth in subsection b. of this section,
14 and the authorized sharing of information concerning a family
15 justice center's operations and utilization by victims and their
16 family members pursuant to section 5 of this act, the family justice
17 center's personnel and the providers of assistance at the center shall
18 not share any confidential or privileged records, information, and
19 communications in any manner, and with any other parties, other
20 than as consented to in the victim's written consent and consistent
21 with the applicable laws on confidentiality and privileged
22 communications concerning their respective professions.

23 (3) The victim's written consent shall not be deemed to be a
24 more general waiver of confidentiality or privileged
25 communications beyond that which is consented to in the victim's
26 written consent, and beyond that which is consistent with the
27 applicable laws on confidentiality and privileged communications
28 concerning the respective professionals amongst whom any records,
29 information, and communications are shared.

30

31 5. a. A family justice center is authorized to share information,
32 as well as recommendations, concerning the center's operations and
33 utilization by victims and their family members, which does not
34 include any personal identifiers of those victims and family
35 members, with Alliance for Hope International, the national,
36 nonprofit organization that assists with the development and
37 operation of new and existing family justice centers and serves as a
38 national membership organization for all centers, when requested
39 by that organization. The information which may be shared
40 includes, but is not limited to:

41 (1) the number of victims who received assistance, the number
42 of children and other family members of victims who received
43 assistance, and the number of victims, children, and other family
44 members who received assistance multiple times;

45 (2) the reasons that victims and their family members requested
46 assistance;

47 (3) the filing, conviction, and dismissal rates for criminal, and
48 disorderly persons and petty disorderly persons cases handled at the
49 center;

1 (4) subjective and objective measurements of the impacts of
2 centrally located multi-agency services related to the safety,
3 empowerment, and mental and emotional well-being of victims and
4 their family members, and comparison data from victims and family
5 members, if available, on their access to services outside the family
6 justice center model; and

7 (5) barriers, if any, to receiving available services at a family
8 justice center, including actual or perceived barriers based on
9 immigration status, criminal history, substance abuse or mental
10 health issues, or privacy concerns, and potential means to mitigate
11 any identified barriers to accessing services and for improving the
12 utilization rate of services.

13 b. Alliance for HOPE International may file a report, utilizing
14 any information collected pursuant to subsection a. of this section,
15 with the Governor and, pursuant to section 2 of P.L.1991, c.164
16 (C.52:14-19.1), the Legislature annually or upon request by the
17 Attorney General. The report may include recommendations for
18 expanding or improving the Statewide operation of family justice
19 centers, as well as suggested executive or legislative action, if
20 necessary, to accomplish any recommendations.

21
22 6. This act shall take effect immediately.
23
24

25 STATEMENT

26
27 This bill would permit counties and non-governmental,
28 community-based agencies, in partnership with the county and
29 municipal governments therein, to establish family justice centers
30 which provide coordinated, multi-agency governmental and non-
31 governmental assistance to victims of certain crimes and offenses,
32 as well as their family members. The crimes and offenses for which
33 victims and their family members could request and access
34 assistance, including legal, law enforcement, social services, and
35 health care assistance, would include: domestic violence; sexual
36 assault; human trafficking; and elder abuse or abuse of a disabled
37 adult.

38 A family justice center would operate under a director, who
39 would have expertise in victim advocacy based upon education,
40 training, or experience. The center would be additionally staffed by
41 a privacy officer, who would be responsible for overseeing the
42 center's privacy policies and procedures concerning the
43 maintenance of confidential records on victims and their family
44 members, and the limited sharing of information from those records
45 and other sources amongst the providers of assistance at the center,
46 as well as third-party service providers, when consented to by the
47 victim. The county or non-governmental, community-based agency
48 operating the center could also provide for any additional

1 administrative and other personnel which it deemed necessary for
2 the center's proper operation.

3 The center, with the cooperation of the State's Judiciary,
4 municipalities, and non-governmental entities, would make
5 available multi-agency assistance that is provided by, but not
6 limited to, the following professionals and volunteers: law
7 enforcement officers; county or municipal prosecutors;
8 representatives from the Judiciary's Domestic Violence Hearing
9 Officer Program; the county's victim-witness coordinator (or a
10 designee); health care professionals; victim counselors, such as
11 certified domestic violence specialists and rape care advocates;
12 domestic violence shelter staff; staff from governmental and non-
13 governmental, community-based social and human services
14 agencies; and attorneys from Legal Services of New Jersey, its
15 affiliates, or other legal service providers which assist low-income
16 persons in civil matters. All of the providers of assistance at the
17 center would complete a training program, consisting of eight or
18 more hours of instruction annually, covering topics which include
19 victim's rights, risk assessments and case responses, and
20 confidentiality issues associated with the treatment and protection
21 of victims and their family members.

22 The director of the family justice center would consult, and
23 develop policies and procedures in collaboration with non-
24 governmental organizations involved in victim advocacy and
25 services, as well as former victims of domestic violence, sexual
26 assault, human trafficking, and elder abuse or abuse of a disabled
27 adult, concerning the center's intake process for victims and family
28 members, the forms of multi-agency assistance available at the
29 center and the coordination thereof, and victim safety. The director
30 could also collaborate with those organizations and former victims
31 on any other aspect of the center's operations.

32 The center would develop and maintain, under the immediate
33 supervision of the center's privacy officer, policies and procedures
34 which comply with all applicable federal and State privacy laws
35 pertaining to the confidentiality of records to be maintained on
36 victims and their family members who request and access assistance
37 through the center. All of the providers of assistance at the center
38 would comply with the applicable laws on confidentiality and
39 privileged communications concerning their respective professions.
40 Nothing contained in the bill would be deemed to abrogate or
41 modify any existing handling of confidential records or information,
42 or privileged communications, as set forth and recognized under
43 State or federal constitutional, statutory, or common law, or court
44 rule, including any legal obligation by a provider of assistance to
45 report or disclose to other parties specific information or incidents
46 when the disclosure is mandated under State or federal law or
47 required by court order.

48 The center would also develop and maintain (again under the
49 supervision of the privacy officer) a procedure to seek and obtain

1 the informed, voluntary, written consent from each victim at the
2 time the victim initially requests to access assistance through the
3 center. This consent would permit the collection and subsequent,
4 limited sharing of the victim's and family members' confidential
5 records and information, and the content of otherwise privileged
6 communications, amongst some or all of the center's personnel,
7 some or all of the providers of assistance at the center, and third-
8 party service providers not providing assistance at the center, as
9 agreed to by the victim. A victim would not be required to provide
10 written consent to the family justice center in order for the victim or
11 any family member to access services at the center.

12 At the time of seeking the victim's written consent for the
13 collection and limited sharing of confidential and privileged
14 records, information, and communications, the victim would also be
15 informed that the limitations of any written consent, if given, would
16 not prevent the sharing of any records, information, and
17 communications offered by the victim or victim's family members
18 when there is a mandatory, lawful duty to report to other
19 governmental officers or officials based upon information provided
20 by the victim or a family member, the type of incident involved, or
21 if the victim or family member is a danger to himself, herself, or
22 others, or disclosure is required by a court order. The center would
23 obtain a written acknowledgment from the victim regarding this
24 duty to report or disclose.

25 In addition to this duty to report or disclose, the bill would
26 authorize any family justice center to share information, as well as
27 recommendations, concerning the center's operations and its
28 utilization by victims and their family members, which does not
29 include any personal identifiers of those victims and family
30 members, with Alliance for HOPE International, which is the
31 national, nonprofit organization that assists with the development
32 and operation of new and existing family justice centers and serves
33 as a national membership organization for all centers. Among the
34 information which could be shared would include, but would not be
35 limited to, the number of victims and their family members who
36 received assistance, the reasons assistance was sought, information
37 on the disposition of criminal, disorderly persons, and petty
38 disorderly persons cases handled at the center, and actual or
39 perceived barriers to receiving available services. Alliance for
40 HOPE International could file a report based upon the information
41 it gathers with the Governor and the Legislature on an annual basis
42 or as requested by the Attorney General, and this report could
43 include recommendations for expanding or improving the Statewide
44 operation of family justice centers.