

[First Reprint]

SENATE, No. 1318

STATE OF NEW JERSEY
218th LEGISLATURE

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Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

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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 reported by the Senate Judiciary Committee on June 17, 2019, with amendments.



(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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted June 17, 2019.

1 third-party service providers. The county or community-based
2 agency may also provide for any additional administrative and other
3 personnel which it deems necessary for the proper operation of the
4 center.

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

10 (1) law enforcement officers;

11 (2) county or municipal prosecutors;

12 (3) representatives from the Judiciary's Domestic Violence
13 Hearing Officer Program;

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

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

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

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

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

41 (9) staff from local governmental or non-governmental,
42 community-based social and human services agencies, including
43 child care services;

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

48 (11) staff from the county welfare board, or local assistance
49 boards, municipal advisory committees, or resident helpers involved

1 with services and relief for the poor, as established or appointed
2 pursuant to Title 44 of the Revised Statutes; and

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

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

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

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

32 (2) Services at a family justice center shall not be denied solely
33 on the basis of any victim's or family member's criminal history ¹,
34 or citizenship or immigration status¹.

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

1 center's operations. The director shall also provide a procedure for
2 the receipt, on an ongoing basis, of additional input and evaluations
3 of family justice center operations by those non-governmental
4 organizations and former victims with whom the director consults
5 pursuant to this subsection.

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

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

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

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

46 (2) (a) At the time of seeking the victim's written consent for
47 the collection and limited sharing of confidential and privileged
48 records, information, and communications, the victim shall also be
49 informed that the limitations of any written consent, if given, shall

1 not prevent the sharing of any records, information, and
2 communications offered by the victim or victim's family members
3 when, as described in subsection b. of this section, there is a
4 mandatory, lawful duty to report to law enforcement officers,
5 prosecutors, or other governmental officers or officials based upon
6 any specific information that is provided by the victim or a family
7 member, the type of incident involved, or if the victim or a family
8 member is a danger to himself, herself, or others, or disclosure is
9 required by a court order. The family justice center shall obtain and
10 maintain on file a written acknowledgment from the victim that the
11 victim is aware that any mandatory, lawful duty to report or to
12 disclose pursuant to court order shall apply regardless of the
13 provisions set forth in any written consent for limited sharing, if
14 provided by the victim.

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

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

33

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

44 (1) the number of victims who received assistance, the number
45 of children and other family members of victims who received
46 assistance, and the number of victims, children, and other family
47 members who received assistance multiple times;

48 (2) the reasons that victims and their family members requested
49 assistance;

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

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

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

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

24
25 6. This act shall take effect immediately.