

[Second Reprint]

SENATE, No. 1318

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

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District 29 (Essex)

Senator NICHOLAS P. SCUTARI

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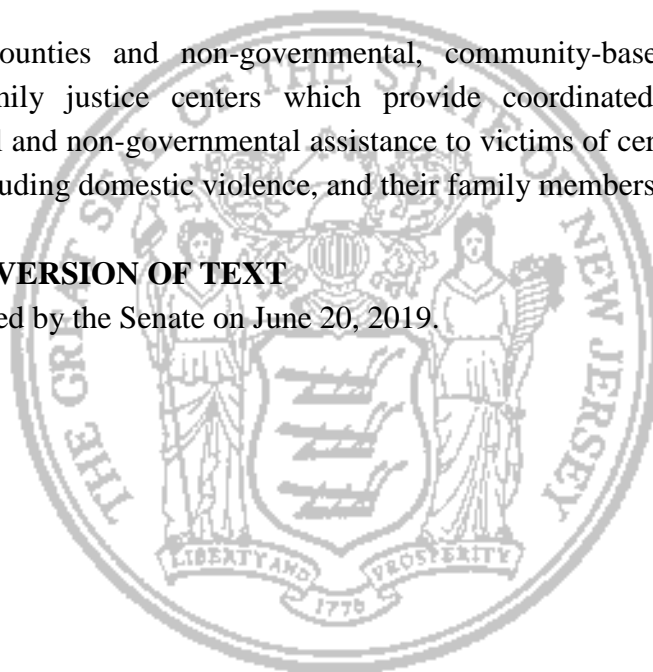
**Senator Greenstein, Assemblywomen McKnight, Reynolds-Jackson,
Assemblyman Calabrese and Assemblywoman DiMaso**

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 amended by the Senate on June 20, 2019.



(Sponsorship Updated As Of: 1/14/2020)

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

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.

²Senate floor amendments adopted June 20, 2019.

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

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

11 (1) law enforcement officers;

12 (2) county or municipal prosecutors;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (2) (a) At the time of seeking the victim's written consent for
49 the collection and limited sharing of confidential and privileged

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

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

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

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

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

- 1 (2) the reasons that victims and their family members requested
2 assistance;
- 3 (3) the filing, conviction, and dismissal rates for criminal, and
4 disorderly persons and petty disorderly persons cases handled at the
5 center;
- 6 (4) subjective and objective measurements of the impacts of
7 centrally located multi-agency services related to the safety,
8 empowerment, and mental and emotional well-being of victims and
9 their family members, and comparison data from victims and family
10 members, if available, on their access to services outside the family
11 justice center model; and
- 12 (5) barriers, if any, to receiving available services at a family
13 justice center, including actual or perceived barriers based on
14 immigration status, criminal history, substance abuse or mental
15 health issues, or privacy concerns, and potential means to mitigate
16 any identified barriers to accessing services and for improving the
17 utilization rate of services.
- 18 b. Alliance for HOPE International may file a report, utilizing
19 any information collected pursuant to subsection a. of this section,
20 with the Governor ², the Division on Women in the Department of
21 Children and Families, ² and pursuant to section 2 of P.L.1991, c.164
22 (C.52:14-19.1), the Legislature annually or upon request by the
23 Attorney General. The report may include recommendations for
24 expanding or improving the Statewide operation of family justice
25 centers, as well as suggested executive or legislative action, if
26 necessary, to accomplish any recommendations.
- 27
- 28 6. This act shall take effect immediately.