

# ASSEMBLY, No. 5177

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 21, 2020

**Sponsored by:**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Requires DMVA create Bereavement Counseling Program for family members and volunteer caregivers of certain veterans.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/4/2021)

1 AN ACT requiring the Department of Military and Veterans Affairs  
2 to create a Bereavement Counseling Program for family  
3 members and volunteer caregivers of certain veterans and  
4 supplementing chapter 3 of Title 38A of the New Jersey Statutes.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. a. The Department of Military and Veterans Affairs, in  
10 consultation with the Department of Health, shall establish a  
11 Bereavement Counseling Program for family members and  
12 volunteer caregivers of veterans who die by suicide.

13 b. For the purposes of this act, P.L. , c. (C. )(pending  
14 before the Legislature as this bill):

15 "Clinician" means a person who provides mental health services,  
16 is experienced with post-traumatic stress disorder and suicide, and  
17 is licensed or otherwise authorized, pursuant to Title 45 of the  
18 Revised Statutes, to practice a health care profession that is  
19 regulated by one of the following: the State Board of Medical  
20 Examiners; the State Board of Psychological Examiners; the State  
21 Board of Social Work Examiners; the State Board of Marriage and  
22 Family Therapy Examiners.

23 "Family member" means a spouse, parent, sibling, child, or  
24 grandparent, whether of the whole or half blood or by adoption,  
25 legal guardian, romantic partner, or any person residing in the  
26 veteran's household.

27 "Qualified veterans' organization" means a veterans'  
28 organization that qualifies as a section 501(c)(3) or 501(c)(19) tax  
29 exempt organization under the Internal Revenue Code, or a  
30 federally chartered veterans' service organization.

31 "Veteran" means a person who served on active duty in the  
32 Armed Forces of the United States, or a Reserve Component  
33 thereof, including the National Guard, who was honorably  
34 discharged or released under honorable circumstances from active  
35 service and died by suicide.

36 "Volunteer caregiver" means a person who is 18 years of age or  
37 older, is a member of a qualified veterans' organization, and has  
38 provided care in the form of counseling or social work to the  
39 veteran for a minimum of three months prior to the death by suicide  
40 of the veteran. This term shall not include a person such as a  
41 licensed or professional caregiver, counselor, or social worker, and  
42 a person who received compensation for services.

43 c. (1) The Adjutant General of the Department of Military and  
44 Veterans Affairs shall determine the application process, and shall  
45 establish the criteria for a person to be considered a qualified  
46 applicant. A qualified applicant seeking to participate in the  
47 program shall submit an application in such form as shall be  
48 required by the department.

1 (2) The application shall be submitted to the department, and  
2 upon approval, the department shall match a family member or  
3 caregiver, as appropriate, with a clinician, if a clinician is available.  
4 The department may deny an applicant because there are no, or  
5 limited, clinicians available for the program.

6 (3) The Adjutant General shall be responsible for determining  
7 whether any person seeking to be considered a qualified applicant  
8 under this act, for the purpose of receiving counseling, meets the  
9 criteria and adjudicating an appeal from any person disputing this  
10 determination. The determination of the Adjutant General shall be  
11 binding.

12 d. (1) The Department of Military and Veterans Affairs,  
13 through its regional network of Veteran Service Officers, shall  
14 provide the family members and volunteer caregivers of the veteran,  
15 when it is known that the cause of death of a veteran is by suicide,  
16 with information and an application for the program, and provide  
17 assistance, if requested, with completing and filing the application  
18 with the department.

19 The Veteran Service Officers shall also provide assistance to the  
20 family members with applying for applicable federal and State  
21 veteran benefits.

22 (2) A funeral director, licensed pursuant to P.L.1952, c.340  
23 (C.45:7-32 et seq.), shall provide the family members and volunteer  
24 caregivers of the veteran, when it is known that the cause of death  
25 of a veteran in their custody is by suicide, with information and an  
26 application for the program, and provide assistance, if requested,  
27 with completing and filing the application with the department.

28 e. (1) Application for bereavement counseling shall be made  
29 available to family members and volunteer caregivers for a period  
30 of up to five years after the death of the veteran. Counseling  
31 sessions shall be available to family members and volunteer  
32 caregivers for a period of up to 24 months after an application for  
33 bereavement counseling has been approved by the department and a  
34 clinician assigned.

35 (2) The clinician and the family member or volunteer caregiver,  
36 as appropriate, shall determine the frequency of the counseling  
37 sessions, with a maximum of 30 counseling hours per year, per  
38 family member or caregiver. The department shall create a system  
39 for monitoring and verifying the hours donated by clinicians.

40 (3) The program shall be at no cost to the family members and  
41 volunteer caregivers.

42 f. The Department of Military and Veterans Affairs shall  
43 advertise the program on its department Internet site and any other  
44 location and manner as the department deems appropriate.

45 g. The Department of Military and Veterans Affairs shall adopt  
46 rules and regulations pursuant to the "Administrative Procedure  
47 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the  
48 purposes of this act.

1       2. The Bereavement Counseling Program established pursuant  
2 to section 1 of P.L. , c. (C. )(pending before the Legislature as  
3 this bill), shall match clinicians with the family members and  
4 volunteer caregivers of a veteran who died by suicide.

5       The Department of Military and Veterans Affairs shall recruit  
6 clinicians to donate professional counseling hours to the family  
7 members and volunteer caregivers. The department may coordinate  
8 the recruitment efforts with the United States Department of  
9 Veterans Affairs.

10       The department shall coordinate with the United States  
11 Department of Veterans Affairs to maintain a list of clinicians who  
12 are available to provide professional counseling hours to family  
13 members and volunteer caregivers.

14  
15       3. The Adjutant General may apply for and accept on behalf of  
16 the State any grants from the federal government or any agency  
17 thereof, or from any foundation, corporation, association, or  
18 individual to develop and implement the Bereavement Counseling  
19 Program established pursuant to section 1 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill). Any money so  
21 received may be expended by the department, subject to any  
22 limitations imposed in such grants, upon appropriation and warrant  
23 of the Director of the Division of Budget and Accounting of the  
24 Department of the Treasury.

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26       4. This act shall take effect on the first day of the sixth month  
27 next following enactment, except the Adjutant General of the  
28 Department of Military and Veterans Affairs may take any  
29 anticipatory administrative action in advance as shall be necessary  
30 for the implementation of this act.

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33                                       STATEMENT

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35       This bill requires the Department of Military and Veterans  
36 Affairs to establish a Bereavement Counseling Program for family  
37 members and volunteer caregivers of veterans who die by suicide.

38       The department, through its regional network of Veteran Service  
39 Officers will provide the family members and volunteer caregivers  
40 with information and an application for the program, when it is  
41 aware that the cause of death of a veteran is by suicide, and provide  
42 assistance with completing and filing the forms. A funeral director  
43 will also provide the information, application, and assistance when  
44 it is known that the cause of death of a veteran in their custody is by  
45 suicide.

46       The bill requires the department to match the family members  
47 and volunteer caregivers with clinicians. No fee will be charged to  
48 the family member or volunteer caregiver, and the clinicians will

1 donate their time. The application for bereavement counseling will  
2 be available for up to five years after the death of the veteran, and  
3 counseling sessions will be available for a period of up to 24  
4 months after an application for bereavement counseling has been  
5 approved and a clinician assigned. An individual will be eligible  
6 for a maximum of 30 counseling hours per year. The department  
7 will create a system for monitoring and verifying the donated hours.

8 The department will provide notice about the program on its  
9 Internet site and any other locations and manner as the department  
10 deems appropriate.

11 Under the bill, family member means a spouse, parent, sibling,  
12 child, or grandparent, whether of the whole or half blood or by  
13 adoption, legal guardian, romantic partner, or any person residing in  
14 the veteran's household. Volunteer caregiver means a person who  
15 is 18 years of age or older, is a member of a qualified veterans'  
16 organization, and has provided care in the form of counseling or  
17 social work to the veteran for a minimum of three months prior to  
18 the death by suicide of the veteran. This term will not include a  
19 person such as a licensed or professional caregiver, counselor, or  
20 social worker, and a person who received compensation for  
21 services. Veteran means a person who served on active duty in the  
22 Armed Forces of the United States, or a Reserve Component  
23 thereof, including the National Guard, who was honorably  
24 discharged or released under honorable circumstances from active  
25 service and died by suicide.