

ASSEMBLY, No. 393

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywomen HECK and WEINBERG

1 AN ACT establishing a "Domestic Violence Resource Center
2 Demonstration Program" and making an appropriation.

3

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

6

7 1. The Legislature hereby finds and declares that the solution to the
8 complex problem of domestic violence requires a variety of legal and
9 social interventions and that insufficient State resources have been
10 allocated for the evaluation and rehabilitation of batterers. The
11 Legislature finds that a program specifically designed to assist
12 perpetrators of domestic violence can be effective if the program has
13 a clear goal of ending violent behavior, and if the rehabilitation
14 includes alcoholism, drug abuse and mental health treatment.

15 The Legislature further finds that persons who batter rarely cease
16 their abusive behavior or voluntarily seek professional help without the
17 imposition of court sanctions and professional intervention, and that
18 relatively few courts impose sanctions on such offenders.

19

20 2. As used in this act:

21 "Department" means the Department of Human Services.

22 "Designated domestic violence agency" means a county-wide
23 organization with a primary purpose to provide services to victims of
24 domestic violence, and which provides services that conform to the
25 core domestic violence services profile as defined by the division and
26 which is under contract with the division on the effective date of this
27 act for the express purpose of providing such services.

28 "Division" means the Division of Youth and Family Services in the
29 Department of Human Services.

30 "Domestic Violence Resource Center" or "center" means a
31 county-based program responsible for: the assessment, screening,
32 evaluation, education and referral of persons who have committed acts
33 of domestic violence and who have been ordered by the Family Part of
34 the Chancery Division of the Superior Court to receive professional
35 domestic violence counseling; the monitoring of attendance of those

1 persons ordered to participate in a recommended intervention plan;
2 and participation in the coordination of victim outreach services.

3 "Domestic violence specialist" means a person who has fulfilled the
4 requirements of certification established by the New Jersey
5 Association of Domestic Violence Professionals.

6 "Intervention plan" means an individualized program of educational,
7 counseling and treatment services recommended by a Domestic
8 Violence Resource Center for the purpose of ending violent behavior
9 and addressing other problems which exacerbate such behavior.

10 "Referral agency" means a person or agency which has entered into
11 an agreement with a Domestic Violence Resource Center to provide
12 domestic violence services, alcohol or drug abuse services or other
13 appropriate services to persons who, pursuant to an evaluation by a
14 Domestic Violence Resource Center, have been found to require such
15 services and have been referred to the agency to obtain them, pursuant
16 to section 6 of this act.

17 "Violence intervention program" means services specially designed
18 to assist persons in ending violent and other abusive behaviors.

19

20 3. In addition to any other temporary or final order which the court
21 may enter pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.), the court
22 may order a defendant restrained pursuant to that act to receive an
23 evaluation and services from a Domestic Violence Resource Center.

24

25 4. a. The division shall, within six months of the effective date of
26 this act, select and provide grants to three county Domestic Violence
27 Resource Centers to participate in the 21-month demonstration
28 program.

29 b. A nonprofit agency or county based agency may apply to the
30 division for participation as a Domestic Violence Resource Center in
31 the demonstration program. The applicant shall submit documentation
32 that: (1) the agency will maintain a cooperative working relationship
33 with existing domestic violence service providers in the community;
34 (2) the county's designated domestic violence agencies have endorsed
35 the agency's proposal in writing; (3) the establishment and activities of
36 the center has the support and cooperation of the judiciary and
37 governing body of that county; and (4) other assurances which may be
38 deemed necessary or appropriate by the division.

39 Nothing herein shall bar a designated domestic violence agency
40 from applying for designation as a Domestic Violence Resource
41 Center.

42 c. The staff of each center shall include, but not be limited to, a
43 staff person who is a domestic violence specialist and a staff person
44 who is a certified alcohol and drug counselor. The staff positions may
45 be full or part time depending on available resources and the projected
46 program demands in the county. The centers may contract with

1 outside professionals if mental health or other assessment is required.

2 d. The division shall approve an application for establishment of a
3 center only in a county that can demonstrate the following: (1) that a
4 residential shelter for victims of domestic violence and their children
5 has been established or that plans to establish a shelter are in progress;
6 (2) that a Domestic Violence Standard Operating Procedure for law
7 enforcement has been promulgated; and (3) that there exists an active
8 county domestic violence coordinating committee with representatives
9 who are responsible for the law enforcement, court and social service
10 response to domestic violence including the prosecutor's office and the
11 designated domestic violence agencies.

12 e. The division shall be responsible for the following: (1) the
13 promulgation of rules and regulations to govern the activities of each
14 Domestic Violence Resource Center; (2) developing and disseminating
15 a request for proposals and exercising final approval of grant
16 recipients; (3) the provision of technical assistance to Domestic
17 Violence Resource Centers; (4) monitoring the activities of Domestic
18 Violence Resource Centers to ensure the quality of services and to
19 ensure conformity to the purposes of this act; (5) developing standards
20 for violence intervention programs which include: (a) a clear
21 intervention goal to eliminate violent behavior, (b) a close cooperative
22 relationship with victim services and victims, (c) a required program
23 duration of not less than six months or 26 sessions, (d) an emphasis on
24 transforming basic control and domination behavior, (e) the provision
25 of a sliding-scale fee, and (f) service staff who have undergone specific
26 training in the field of domestic violence; (6) the design, collection and
27 the compilation of monthly statistical reports submitted by each center;
28 (7) the issuance of a fiscal and statistical Domestic Violence Resource
29 Center report at the end of the first year; and (8) contracting for the
30 provision of an independent evaluation of the centers pursuant to
31 section 8 of this act. The division shall hire at least one full time staff
32 person to fulfill the responsibilities of the division. The division shall
33 make every effort to hire a domestic violence specialist.

34
35 5. The division shall establish a Domestic Violence Resource
36 Center Advisory Committee. The committee shall consist of 11
37 members including one representative each from the Division of
38 Alcoholism, Drug Abuse and Addiction Services in the Department of
39 Health, the Division on Women in the Department of Community
40 Affairs, the New Jersey Advisory Council on Domestic Violence, the
41 New Jersey Coalition for Battered Women, the New Jersey Network
42 for the Treatment of Spouse Abusers, the Commission on Sex
43 Discrimination in the Statutes and five service providers who are
44 domestic violence specialists. The advisory committee shall: advise
45 the division of any regulations or standards necessary to carry out the
46 purposes of this act; review any regulations or standards before their

1 effective date; review grant applications and advise the division on the
2 selection of grant recipients; and monitor, evaluate and set standards
3 for the quality of services funded by this act.

4 The advisory committee shall organize within two months of the
5 effective date of this act, and shall elect from its members a chair and
6 a deputy chair, who shall serve for the duration of the demonstration
7 program. The committee shall at its organizational meeting, with the
8 approval of the director of the division, establish rules for any matter
9 which may be necessary for efficient operation. The committee shall,
10 thereafter, meet at least once per month for the duration of the
11 demonstration program, and shall invite at least one representative of
12 the division to attend the meeting.

13

14 6. a. A center shall provide a program of services which shall
15 include: (1) an assessment of the offender's past domestic violence
16 behavior; (2) screening for alcohol and substance abuse, mental illness
17 and other related problems; (3) a written evaluation which shall
18 include recommendations for an intervention plan with a primary focus
19 of ending violent behavior and referral to appropriate agencies; and (4)
20 an educational component stressing the criminal nature of domestic
21 violence and the legal, social and personal consequences of violent
22 behavior. When an offender is referred by the court, a center shall
23 submit to the court a written evaluation within 10 working days of the
24 date of the initial appointment with the offender. In addition, each
25 center may provide violence intervention programs and treatment
26 pursuant to standards promulgated by the division for persons found
27 by the court to have committed an act of domestic violence and
28 ordered to undergo intervention and treatment.

29 Nothing in this subsection shall bar a center from providing services
30 to a person who voluntarily requests evaluation and referral.

31 b. An evaluation fee of \$200 shall be payable to the Domestic
32 Violence Resource Center by each person ordered by the court to
33 receive treatment and services from the center or by any person who
34 receives such treatment or services. These funds shall be used to
35 support the functions of the center, provided however, that no person
36 shall be excluded from the program due to inability to pay. The center
37 may waive all or part of the fee based on the person's ability to pay.
38 The center shall waive the entire fee for any person found by the court
39 to be indigent.

40 c. A center shall establish agreements with community educational,
41 counseling, treatment and rehabilitation resources qualified to serve as
42 referral agencies, and shall, where indicated, refer clients to the
43 referral agencies for additional services. The center shall monitor the
44 services that each referral agency provides and make whatever
45 additional proposals are necessary to provide appropriate services.

46 d. In conjunction with the designated domestic violence agency of

1 the county in which a center is located, a center shall ensure that
2 outreach is attempted with any victim who signs a civil domestic
3 violence complaint. Outreach includes the provision of the following
4 to the victim: (1) information regarding the legal rights of victims of
5 domestic violence; (2) information regarding available community
6 social and legal services for the victim and victim's children, if any; (3)
7 information regarding the center's program and how the program
8 interfaces with court action; (4) an assessment of victim safety; and (5)
9 encouragement for the victim to utilize available services. Whenever
10 possible, outreach services should be offered at the time a domestic
11 violence complaint is signed. Outreach services shall be provided by
12 the designated domestic violence agency of the county or the agency's
13 designee.

14 e. A center shall be responsible for providing informational training
15 sessions on the center's program to county and municipal personnel,
16 including judges, law enforcement personnel, community social
17 services providers, and other involved agencies. In conjunction with
18 the New Jersey Advisory Council on Domestic Violence and the
19 county's designated domestic violence agency, the center may also
20 assess the county's comprehensive domestic violence training needs
21 and may participate in the provision and coordination of such training.

22 f. A center shall compile statistics regarding persons admitted to
23 the center's program, including persons ordered by the court to
24 participate in the center's recommended intervention plan, the rate of
25 successful completion of the plan, the recidivism of domestic violence
26 incidents and any other pertinent statistics required by the division. A
27 center shall submit a monthly statistical report to the division.

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29 7. a. If a person fails to report to a domestic violence resource
30 center for evaluation pursuant to a court order, the center shall notify
31 the defendant by certified mail of a new appointment date and time and
32 provide a warning that failure to appear will constitute noncompliance
33 with a court order which can result in incarceration and monetary
34 penalty. Upon further noncompliance, the center shall notify the court
35 and request that the court initiate contempt proceedings pursuant to
36 section 14 of P.L.1991, c.261 (C.2C:25-30).

37 b. In cooperation with the referral agencies, a center shall be
38 responsible for monitoring attendance of all persons ordered to
39 participate in the center's recommended intervention plan. The center
40 shall document attendance of all such persons and provide attendance
41 records upon request of the court with jurisdiction over the matter
42 being monitored by the center. Upon two consecutive unexcused
43 absences or upon the development of a pattern of absences, the center
44 shall notify the offender and the court of noncompliance and request
45 that the court initiate contempt proceedings pursuant to section 14 of
46 P.L.1991, c.261 (C.2C:25-30). The center shall also provide to the

1 court a written progress report at six month intervals on each person
2 who is under an order to attend an intervention program. The
3 progress report shall include, but not be limited to, notification of
4 successful completion of the intervention plan, recommendations for
5 continued intervention or other relevant recommendations.

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7 8. a. The division shall contract with an independent, professional
8 agent to evaluate the demonstration program. The selected agent will
9 design, conduct and document the results of the study. The study will
10 include, but not be limited to, an evaluation of the following: (1) the
11 extent of judicial cooperation with the demonstration program
12 including willingness to issue and enforce orders for mandatory
13 participation in an intervention program; (2) the rate of successful
14 completion of a prescribed intervention plan; (3) the impact of the
15 project on victims; and (4) the rate of recidivism of persons charged
16 with committing acts of domestic violence. The study shall also
17 include an analysis of actual costs of operating the centers.

18 b. No later than two months prior to the expiration of this act, the
19 division shall report to the Governor, the Legislature, and the Chief
20 Justice of the Supreme Court the results of the study.

21
22 9. There is appropriated \$750,000 to the department from the
23 General Fund to effectuate the purposes of this act. Of this sum,
24 \$515,000 is designated for the establishment of the three Domestic
25 Violence Resource Centers; \$75,000 for victim outreach services
26 through the designated domestic violence agencies or their designees;
27 \$60,000 for the costs of an independent evaluation, and \$100,000 for
28 the division to perform the administrative duties prescribed by this act.

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30 10. This act shall take effect immediately and shall expire 21 months
31 thereafter.

32 33 34 STATEMENT

35
36 This bill establishes a 21-month "Domestic Violence Resource
37 Center Demonstration Program." The Division of Youth and Family
38 Services in the Department of Human Services is authorized to
39 establish three domestic violence resource centers in three different
40 counties, which would provide evaluation and treatment services for
41 persons who have been found guilty of committing an act of domestic
42 violence and ordered by the court to receive domestic violence
43 counseling and services.

44 Services offered by the centers would focus on intervention with
45 the goal of ending the offenders' violent behavior. Upon court order,
46 an offender would receive an initial assessment and evaluation by the

1 center with a recommendation to the court for an intervention plan.
2 In addition to assessing the person's history of domestic violence, the
3 centers would conduct screenings for alcohol and drug abuse, mental
4 illness and other related problems, and where indicated, would refer
5 the person to other agencies specializing in such problems. Treatment
6 and services provided by the center would include educational sessions
7 concerning domestic violence, including criminal, legal, social and
8 personal consequences of violent behavior. Programs provided by the
9 centers and any referral agency would be enforceable by court order,
10 and a willful failure to attend the programs could result in a finding of
11 contempt.

12 The bill requires the centers to work in conjunction with the
13 domestic violence service agency of the county to provide outreach
14 services to domestic violence victims. Outreach services would
15 include information for victims concerning their legal rights and
16 remedies, community resources and other available services.

17 The bill further establishes an 11-member Domestic Violence
18 Resource Center Advisory Committee. It also directs the division to
19 contract with an independent, professional agent to evaluate the
20 demonstration program. No later than three months prior to the
21 expiration of this substitute, the division shall report the results of the
22 study to the Governor, the Legislature and the Chief Justice of the
23 Supreme Court.

24 The bill appropriates \$750,000 to the Department of Human
25 Services and provides that \$515,000 of that amount is designated for
26 the establishment of the Domestic Violence Resource Centers;
27 \$75,000 for victim outreach services through the designated domestic
28 violence agencies or their designees; \$60,000 for the costs of an
29 independent evaluation, and \$100,000 for the division to perform the
30 administrative duties.

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35 Establishes the "Domestic Violence Resource Center Demonstration
36 Program;" appropriates \$750,000.