

SENATE, No. 419

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator MARTIN

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:*

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

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

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

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

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

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

22
23 4. a. The division shall, within six months of the effective date of
24 this act, select and provide grants to three county Domestic Violence
25 Resource Centers to participate in the 21-month demonstration
26 program.

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

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

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

46 d. The division shall approve an application for establishment of a

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

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

32
33 5. The division shall establish a Domestic Violence Resource
34 Center Advisory Committee. The committee shall consist of 11
35 members including one representative each from the Division of
36 Alcoholism, Drug Abuse and Addiction Services in the Department of
37 Health, the Division on Women in the Department of Community
38 Affairs, the New Jersey Advisory Council on Domestic Violence, the
39 New Jersey Coalition for Battered Women, the New Jersey Network
40 for the Treatment of Spouse Abusers, and six service providers who
41 are domestic violence specialists. The advisory committee shall:
42 advise the division of any regulations or standards necessary to carry
43 out the purposes of this act; review any regulations or standards
44 before their effective date; review grant applications and advise the
45 division on the selection of grant recipients; and monitor, evaluate and
46 set standards for the quality of services funded by this act.

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

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

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

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

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

43 d. In conjunction with the designated domestic violence agency of
44 the county in which a center is located, a center shall ensure that
45 outreach is attempted with any victim who signs a civil domestic
46 violence complaint. Outreach includes the provision of the following

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

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

19 f. A center shall compile statistics regarding persons admitted to
20 the center's program, including persons ordered by the court to
21 participate in the center's recommended intervention plan, the rate of
22 successful completion of the plan, the recidivism of domestic violence
23 incidents and any other pertinent statistics required by the division. A
24 center shall submit a monthly statistical report to the division.
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26 7. a. If a person fails to report to a domestic violence resource
27 center for evaluation pursuant to a court order, the center shall notify
28 the defendant by certified mail of a new appointment date and time and
29 provide a warning that failure to appear will constitute noncompliance
30 with a court order which can result in incarceration and monetary
31 penalty. Upon further noncompliance, the center shall notify the court
32 and request that the court initiate contempt proceedings pursuant to
33 section 14 of P.L.1991, c.261 (C.2C:25-30).

34 b. In cooperation with the referral agencies, a center shall be
35 responsible for monitoring attendance of all persons ordered to
36 participate in the center's recommended intervention plan. The center
37 shall document attendance of all such persons and provide attendance
38 records upon request of the court with jurisdiction over the matter
39 being monitored by the center. Upon two consecutive unexcused
40 absences or upon the development of a pattern of absences, the center
41 shall notify the offender and the court of noncompliance and request
42 that the court initiate contempt proceedings pursuant to section 14 of
43 P.L.1991, c.261 (C.2C:25-30). The center shall also provide to the
44 court a written progress report at six month intervals on each person
45 who is under an order to attend an intervention program. The
46 progress report shall include, but not be limited to, notification of

1 successful completion of the intervention plan, recommendations for
2 continued intervention or other relevant recommendations.

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

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

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

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27 10. This act shall take effect immediately and shall expire 21 months
28 thereafter.

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31 **STATEMENT**

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

41 Services offered by the centers would focus on intervention with
42 the goal of ending the offenders' violent behavior. Upon court order,
43 an offender would receive an initial assessment and evaluation by the
44 center with a recommendation to the court for an intervention plan.
45 In addition to assessing the person's history of domestic violence, the
46 centers would conduct screenings for alcohol and drug abuse, mental

1 illness and other related problems, and where indicated, would refer
2 the person to other agencies specializing in such problems. Treatment
3 and services provided by the center would include educational sessions
4 concerning domestic violence, including criminal, legal, social and
5 personal consequences of violent behavior. Programs provided by the
6 centers and any referral agency would be enforceable by court order,
7 and a willful failure to attend the programs could result in a finding of
8 contempt.

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

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

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

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