

[Second Reprint]
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:

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,

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SWF committee amendments adopted January 22, 1996.

² Senate SBA committee amendments adopted January 29, 1996.

1 evaluation, education and referral of persons who have committed
2 acts of domestic violence and who have been ordered by the ¹[Family
3 Part of the Chancery Division of the Superior Court] court¹ to receive
4 professional domestic violence counseling; the monitoring of
5 attendance of those persons ordered to participate in a recommended
6 intervention plan; and participation in the coordination of victim
7 outreach services.

8 "Domestic violence specialist" means a person who has fulfilled the
9 requirements of certification established by the New Jersey
10 Association of Domestic Violence Professionals.

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

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

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

24

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

29

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

34 b. A nonprofit agency or county based agency may apply to the
35 division for participation as a Domestic Violence Resource Center in
36 the demonstration program. The applicant shall submit documentation
37 ¹[that: (1) the agency will maintain a cooperative working relationship
38 with existing domestic violence service providers in the community;
39 (2) the county's designated domestic violence agencies have endorsed
40 the agency's proposal in writing; (3) the establishment and activities of
41 the center has the support and cooperation of the judiciary and
42 governing body of that county; and (4) other assurances which may be
43 deemed necessary or appropriate by the division] demonstrating
44 compliance with rules and regulations adopted by the division pursuant
45 to this act¹.

46 Nothing herein shall bar a designated domestic violence agency

1 from applying for designation as a Domestic Violence Resource
2 Center.

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

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

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

41
42 5. The division shall establish a Domestic Violence Resource
43 Center Advisory Committee. The committee shall consist of ²[11] 12²
44 members including one representative each from the Division of
45 Alcoholism, Drug Abuse and Addiction Services in the Department of
46 Health, the Division on Women in the Department of Community

1 Affairs, ¹the Administrative Office of the Courts, the Office of Victim-
2 Witness Advocacy, the Department of Corrections,¹ the New Jersey
3 Advisory Council on Domestic Violence, the New Jersey Coalition for
4 Battered Women, ²and² the New Jersey Network for the Treatment of
5 Spouse Abusers, ²a county prosecutor ²and [~~six~~] three ~~service~~
6 providers who are domestic violence specialists. The advisory
7 committee shall: advise the division of any regulations or standards
8 necessary to carry out the purposes of this act; review any regulations
9 or standards before their effective date; review grant applications and
10 advise the division on the selection of grant recipients; and monitor,
11 evaluate and set standards for the quality of services funded by this
12 act.

13 The advisory committee shall organize within two months of the
14 effective date of this act, and shall elect from its members a chair and
15 a deputy chair, who shall serve for the duration of the demonstration
16 program. The committee shall at its organizational meeting, with the
17 approval of the director of the division, establish rules for any matter
18 which may be necessary for efficient operation. The committee shall,
19 thereafter, meet at least once per month for the duration of the
20 demonstration program, and shall invite at least one representative of
21 the division to attend the meeting.

22

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

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

40 b. An evaluation fee of \$200 shall be payable to the Domestic
41 Violence Resource Center by each person ordered by the court to
42 receive treatment and services from the center or by any person who
43 receives such treatment or services. These funds shall be used to
44 support the ¹[functions of] programs and counseling services for
45 offenders in¹ the center ¹[, provided however, that no] or to cover
46 counseling costs incurred by referrals to outside agencies. No¹ person

1 shall be excluded from the program due to inability to pay. The center
2 may waive all or part of the fee based on the person's ability to pay.
3 The center shall waive the entire fee for any person found by the court
4 to be indigent.

5 c. A center shall establish agreements with community educational,
6 counseling, treatment and rehabilitation resources qualified to serve as
7 referral agencies, and shall, where indicated, refer clients to the
8 referral agencies for additional services. The center shall monitor the
9 services that each referral agency provides and make whatever
10 additional proposals are necessary to provide appropriate services. ¹In
11 accordance with rules established by the Domestic Violence Resource
12 Center Advisory Committee, offenders shall be required to pay all fees
13 associated with their use of a referral agency, except that no person
14 shall be denied services due to an inability to pay.¹

15 d. In conjunction with the designated domestic violence agency of
16 the county in which a center is located, a center shall ensure that
17 outreach is attempted with any victim who signs a civil domestic
18 violence complaint. Outreach includes the provision of the following
19 to the victim: (1) information regarding the legal rights of victims of
20 domestic violence; (2) information regarding available community
21 social and legal services for the victim and victim's children, if any; (3)
22 information regarding the center's program and how the program
23 interfaces with court action; (4) an assessment of victim safety; and (5)
24 encouragement for the victim to utilize available services. Whenever
25 possible, outreach services should be offered at the time a domestic
26 violence complaint is signed. Outreach services shall be provided by
27 the designated domestic violence agency of the county or the agency's
28 designee.

29 e. A center shall be responsible for providing informational training
30 sessions on the center's program to county and municipal personnel,
31 including judges, law enforcement personnel, community social
32 services providers, and other involved agencies. In conjunction with
33 the New Jersey Advisory Council on Domestic Violence and the
34 county's designated domestic violence agency, the center may also
35 assess the county's comprehensive domestic violence training needs
36 and may participate in the provision and coordination of such training.

37 f. A center shall compile statistics regarding persons admitted to
38 the center's program, including persons ordered by the court to
39 participate in the center's recommended intervention plan, the rate of
40 successful completion of the plan, the recidivism of domestic violence
41 incidents and any other pertinent statistics required by the division. A
42 center shall submit a monthly statistical report to the division.

43
44 7. a. If a person fails to report to a domestic violence resource
45 center for evaluation pursuant to a court order, the center shall notify
46 ¹[the defendant by certified mail of a new appointment date and time

1 and provide a warning that failure to appear will constitute
2 noncompliance with a court order which can result in incarceration and
3 monetary penalty. Upon further noncompliance, the center shall notify
4 the court and request that the court] the court immediately. The court
5 shall¹ initiate contempt proceedings pursuant to section 14 of
6 P.L.1991, c.261 (C.2C:25-30).

7 b. In cooperation with the referral agencies, a center shall be
8 responsible for monitoring attendance of all persons ordered to
9 participate in the center's recommended intervention plan. The center
10 shall document attendance of all such persons and provide attendance
11 records upon request of the court with jurisdiction over the matter
12 being monitored by the center. Upon two consecutive unexcused
13 absences or upon the development of a pattern of absences, the center
14 shall notify the offender and the court of noncompliance ¹[and request
15 that the]. The¹ court ¹shall¹ initiate contempt proceedings pursuant to
16 section 14 of P.L.1991, c.261 (C.2C:25-30). The center shall also
17 provide to the court a written progress report at six month intervals on
18 each person who is under an order to attend an intervention program.
19 The progress report shall include, but not be limited to, notification of
20 successful completion of the intervention plan, recommendations for
21 continued intervention or other relevant recommendations.

22

23 8. a. The division shall contract with an independent, professional
24 agent to evaluate the demonstration program. The selected agent will
25 design, conduct and document the results of the study. The study will
26 include, but not be limited to, an evaluation of the following: (1) the
27 extent of judicial cooperation with the demonstration program
28 including willingness to issue and enforce orders for mandatory
29 participation in an intervention program; (2) the rate of successful
30 completion of a prescribed intervention plan; (3) the impact of the
31 project on victims; and (4) the rate of recidivism of persons charged
32 with committing acts of domestic violence. The study shall also
33 include an analysis of actual costs of operating the centers.

34 b. No later than two months prior to the expiration of this act, the
35 division shall report to the Governor, the Legislature, ¹the Attorney
36 General¹ and the Chief Justice of the Supreme Court the results of the
37 study.

38

39 9. There is appropriated \$750,000 to the department from the
40 General Fund to effectuate the purposes of this act. Of this sum,
41 \$515,000 is designated for the establishment of the three Domestic
42 Violence Resource Centers; \$75,000 for victim outreach services
43 through the designated domestic violence agencies or their designees;
44 \$60,000 for the costs of an independent evaluation, and \$100,000 for
45 the division to perform the administrative duties prescribed by this act.

1 10. This act shall take effect immediately and shall expire 21
2 months thereafter.

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