

LEGISLATIVE FISCAL ESTIMATE
[First Reprint]
SENATE, No. 383
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 29, 2021

SUMMARY

- Synopsis:** Establishes standards for Batterers’ Intervention Programs in domestic violence cases.
- Type of Impact:** Annual State expenditure increase to the General Fund
- Agencies Affected:** Department of Children and Families, the Judiciary.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Cost	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill will result in an annual indeterminate State expenditure increase. The Department of Children and Families (DCF) would need to implement the required standards for the Batterer’s Intervention Programs in domestic violence cases. It is unclear what would be the additional costs for adhering to these new requirements. This bill specifies that the professional domestic violence counseling ordered by the court may consist of a Batterers’ Intervention Program, which could result in an increased number of participants. However, the OLS does not have sufficient information to estimate the cost to the DCF.
- The Judiciary is likely to incur indeterminate annual costs to implement the compliance protocol, including a prompt and effective review by the court for noncompliance. The bill does not clarify the specific requirements for such a review. The OLS does not have sufficient information to estimate the cost to the Judiciary.

BILL DESCRIPTION

The bill establishes standards for a Batterers’ Intervention Programs in domestic violence cases. Under the bill, any Batterers’ Intervention Program in which a defendant participates based on a court order issued in a domestic violence matter would consist of a minimum of 40 contact hours over 26 weeks and be required to have the following components:

- (1) Periodic, ongoing risk assessments to protect the safety of the victim and any children;
- (2) Offender accountability for their acts of domestic violence as a central component of the program;
- (3) Information and education concerning the tactics of power and control and the understanding of domestic violence as a domination and control issue;
- (4) A swift and certain compliance protocol, including a prompt and effective review by the court for noncompliance; and
- (5) Regular reviews of the program and compliance audits by the New Jersey Advisory Council on Domestic Violence, courts and designated domestic violence advocacy groups.

This bill embodies recommendation 18 of the Report of the Supreme Court Ad Hoc Committee on Domestic Violence issued June 2016.

Under current law, as part of a final restraining order issued by the court in a domestic violence matter, the court may order the defendant to receive professional domestic violence counseling from either a private source or a source appointed by the court and, in that event, require the defendant to provide the court with documentation of attendance. This bill specifies that the professional domestic violence counseling ordered by the court may consist of a Batterers' Intervention Program, and the bill establishes standards for such programs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will result in an annual indeterminate State expenditure increase. The DCF would need to implement the required standards for the Batterer's Intervention Programs in domestic violence cases. It is unclear what would be the additional costs for adhering to these new requirements. This bill specifies that the professional domestic violence counseling ordered by the court may consist of a Batterers' Intervention Program, which could result in an increased number of participants. However, the OLS does not have sufficient information to estimate the cost to the DCF.

According to the DCF website, the department's Office of Domestic Violence Services funds 22 domestic violence programs and the New Jersey Coalition to End Domestic Violence. There is at least one DCF-funded domestic violence program in each of the State's 21 counties. Per the provisions of the bill, it is unclear if the DCF would see an increase in participants due to court-ordered domestic violence counseling as part of the Batterers' Intervention Program. Under the bill, any Batterers' Intervention Program in which a defendant participates based on a court order issued in a domestic violence matter would consist of a minimum of 40 contact hours over 26 weeks and other mandated components.

With regard to other requirements of the program, including but not limited to, instituting periodic, ongoing risk assessments to protect the safety of the victim and any children, it is unclear as to who would implement this aspect program. Moreover, based on the DCF offerings for domestic violence related programs, it is unclear if some of these requirements are already being met. According to the DCF website, a Batterer's Intervention Program is

currently operating in Sussex, Morris, Burlington, Monmouth, and Atlantic counties. The OLS does not have sufficient information on the costs involved.

The Judiciary is likely to incur indeterminate costs to conduct a compliance protocol, including a prompt and effective review by the court for noncompliance by participants. The bill does not clarify the specific requirements for such a review, and the OLS does not have sufficient information to estimate the cost to the Judiciary.

Section: Judiciary

Analyst: Anuja Pande Joshi
Associate Research Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).