

## CHAPTER 253

AN ACT concerning caregiver liability and supplementing Title 30 of the Revised Statutes.

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

C.30:4C-26c Caregiver liability relative to certain activities; terms defined.

1. a. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, a department that is responsible for the care of children shall make efforts to normalize the life of a child in the department's care, custody, or guardianship by empowering the child's caregiver to approve or disapprove, in a manner consistent with a reasonable and prudent parent standard, the child's participation in extracurricular, enrichment, cultural, or social activities.

b. In making a determination of a reasonable and prudent parent with regard to allowing a child's participation in extracurricular, enrichment, cultural, or social activities, the child's caregiver shall consider, but not be limited to, circumstances that:

(1) encourage the child's formation of healthy, age-appropriate social relationships and bonds;

(2) permit the child's participation in age-appropriate social activities and events;

(3) allow the child to exercise age-appropriate autonomy and decision making authority within reasonable limits;

(4) allow the child to maintain an age-appropriate degree of personal privacy; and

(5) avoid imposing upon the child's conduct any unreasonable burden not generally imposed upon other children of the same age and maturity level.

c. A caregiver shall not be held liable for an injury caused by an act or omission in connection with the authority granted pursuant to subsection a. of this section unless the act or omission of the caregiver, resulting in the injury, constitutes willful or wanton misconduct.

d. The immunity afforded in subsection c. of this section shall not limit or remove any liability protection or immunity afforded to the caregiver or the department by the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq. or any other law or statute.

e. As used in this section:

"Caregiver" means a resource family parent, foster parent, or a corporate entity or person designated by the department as responsible for the care of a child under the care, custody, or guardianship of the department.

"Department" means the Department of Children and Families and any other State department, agency, political subdivision, or the employees of any State department, agency, or political subdivision that is responsible for the care of children.

"Reasonable and prudent parent standard" means the standard of care provided to a child which is characterized by careful and sensible parental decisions that maintain the health, safety, and well-being of the child, encourage the emotional and developmental growth of the child, and promote the best interests of the child.

f. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Children and Families shall, immediately upon filing proper notice with the Office of Administrative Law, adopt the rules and regulations as the commissioner deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed 270 days and shall, thereafter, be amended, adopted, or readopted by the commissioner in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

2. This act shall take effect immediately.

Approved January 19, 2016.