

CHAPTER 394

AN ACT permitting counties and non-governmental, community-based agencies, in partnership with certain governmental entities, to provide coordinated, multi-agency governmental and non-governmental assistance through centralized locations to victims of certain crimes and offenses, and their family members, referred to as family justice centers, and supplementing P.L.1985, c.404 (C.52:4B-39 et seq.).

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

C.52:4B-72 Establishment of family justice centers.

1. a. (1) A county or a non-governmental, community-based agency, in partnership with the county and municipal governments therein, may provide multi-agency governmental and non-governmental assistance, including but not limited to legal, law enforcement, social services, and health care assistance, to any victim of domestic violence as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), sexual assault as defined in N.J.S.2C:14-2, human trafficking as defined in section 1 of P.L.2005, c.77 (C.2C:13-8), or criminal abandonment or neglect of an elderly person or disabled adult as defined in section 1 of P.L.1989, c.23 (C.2C:24-8), as well as assistance to the victim's family members, by establishing a centralized location, to be referred to as a family justice center, through which the victim and family members can request and access all available multi-agency assistance, and this assistance can be efficiently coordinated.

(2) A county or non-governmental, community-based agency may establish more than one family justice center, so long as the same forms of multi-agency governmental and non-governmental assistance are available at each center. If multiple centers are established in a county, they shall coordinate and collaborate with one another with respect to the provision of services.

b. The family justice center shall operate under a director, who shall have, by education, training, or experience, an expertise in victim advocacy, and who may be an existing county official or employee, or a designated professional from a community-based agency. The family justice center shall be additionally staffed by a privacy officer designated by the director, who may be an existing county official or employee, or a professional from a community-based agency, and who is responsible for overseeing the center's privacy policies and procedures, as described in section 4 of this act, concerning the maintenance of confidential records on victims and their family members, and the limited sharing of information from those records and other sources, when consented to by the victim, amongst the providers of assistance at the center, as well as third-party service providers. The county or community-based agency may also provide for any additional administrative and other personnel which it deems necessary for the proper operation of the center.

c. In cooperation with the Judiciary, municipalities, and non-governmental entities, the multi-agency assistance available at a county's or community-based agency's family justice center may be provided by, but is not limited to, the following professionals or volunteers:

- (1) law enforcement officers;
- (2) county or municipal prosecutors;
- (3) representatives from the Judiciary's Domestic Violence Hearing Officer Program;
- (4) the county's victim-witness coordinator, defined in section 7 of P.L.1985, c.404 (C.52:4B-45), or a designated representative thereof, or the director or designated representative of a designated county-wide domestic violence agency as defined in subsection c. of section 3 of P.L.2013, c.82 (C.34:11C-3) or rape crisis center as defined in section 1 of P.L.1981, c.256 (C.52:4B-22);

(5) health care professionals, which could include a certified forensic sexual assault nurse examiner who is certified pursuant to the provisions of section 5 of P.L.2001, c.81 (C.52:4B-53);

(6) victim counselors as defined in subsection e. of section 3 of P.L.1987, c.169 (C.2A:84A-22.14), certified domestic violence specialists as defined in subsection c. of section 3 of P.L.2013, c.82 (C.34:11C-3), rape care advocates as defined in section 4 of P.L.2001, c.81 (C.52:4B-52), or representatives of providers of services to victims of human trafficking that have been designated as victim service providers by the Director of the State's Office of Victim-Witness Advocacy pursuant to section 6 of P.L.1985, c.404 (C.52:4B-44);

(7) staff from the county's child advocacy center as defined in section 6 of P.L.1998, c.19 (C.9:6-8.104), or members of the county's multidisciplinary team, established pursuant to that same section, which investigates child abuse and neglect and provides victim services to abused children and their families;

(8) domestic violence shelter staff from shelters which meet all of the standards for operating and service delivery required by the "Shelters for Victims of Domestic Violence Act," P.L.1979, c.337 (C.30:14-1 et seq.);

(9) staff from local governmental or non-governmental, community-based social and human services agencies, including child care services;

(10) staff from the county health department established pursuant to section 6 of P.L.1975, c.329 (C.26:3A2-6), or municipal local health agencies or municipalities' contracting health agencies as described in section 10 of P.L.1975, c.329 (C.26:3A2-10);

(11) staff from the county welfare board, or local assistance boards, municipal advisory committees, or resident helpers involved with services and relief for the poor, as established or appointed pursuant to Title 44 of the Revised Statutes; and

(12) attorneys from Legal Services of New Jersey or its affiliates, or other legal service providers which provide legal assistance in civil matters to the poor.

d. The director of the family justice center shall develop, approve, and provide for a training program, or in the alternative approve the use of a training program offered by a federal, State, or local governmental entity or recognized non-profit organization, for all professionals and volunteers providing assistance at the family justice center, which consists of eight or more hours of instruction annually, covering topics that include, but are not limited to, victims' rights, victim advocacy, risk assessments for victims and their family members and the appropriate case response thereto, and confidentiality issues associated with the treatment and protection of victims and their family members.

C.52:4B-73 Availability of services.

2. a. The availability of services at a family justice center shall not be made conditional on the basis of a victim's or family member's willingness to cooperate with law enforcement authorities or participate in the criminal justice system, and services shall not be denied if a victim or family member does not cooperate with law enforcement authorities or participate in the criminal justice system.

b. (1) The availability of services at a family justice center shall not be made conditional on the basis of a victim or family member consenting to a criminal history record background check, and a criminal history background check shall not be conducted on a victim or family member without that person's written consent, unless the background check is being done in the course of a criminal investigation.

(2) Services at a family justice center shall not be denied solely on the basis of any victim's or family member's criminal history, or citizenship or immigration status.

C.52:4B-74 Consultation, development of policies and procedures.

3. a. The director of a family justice center shall consult, and develop policies and procedures in collaboration with non-governmental organizations involved in victim advocacy and services, as well as former victims of domestic violence as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), sexual assault as defined in N.J.S.2C:14-2, human trafficking as defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and criminal abandonment or neglect of an elderly person or disabled adult as defined in section 1 of P.L.1989, c.23 (C.2C:24-8), concerning the family justice center's intake process for victims and family members, the forms of multi-agency assistance available at the center and the coordination thereof, and victim safety, and may consult and develop policies and procedures in collaboration with the organizations and former victims on any other aspect of the center's operations. The director shall also provide a procedure for the receipt, on an ongoing basis, of additional input and evaluations of family justice center operations by those non-governmental organizations and former victims with whom the director consults pursuant to this subsection.

b. The director of a family justice center shall provide a procedure for the receipt, on an ongoing basis, of input and evaluations by all victims and their family members who request and access assistance through the center regarding the center's operations, particularly concerning issues with the provision or coordination of services, and the conduct of the providers of assistance at the center and the center's own personnel.

C.52:4B-75 Compliance with privacy laws.

4. a. A family justice center shall develop and maintain, under the immediate supervision of the center's privacy officer designated by the director pursuant to subsection b. of section 1 of this act, policies and procedures which comply with all applicable federal and State privacy laws pertaining to the confidentiality of records to be maintained on victims and their family members who request and access assistance through the center.

b. All of the providers of assistance at a family justice center shall comply with the applicable laws on confidentiality and privileged communications concerning their respective professions. Nothing in this section shall be deemed to abrogate or modify any existing handling of confidential records or information, or privileged communications, as set forth and recognized under State or federal constitutional, statutory, or common law, or court rule, including any legal obligation by a provider of assistance to report or disclose to other parties specific information or incidents when the disclosure is mandated under State or federal law or required by court order.

c. (1) A family justice center shall develop and maintain, under the immediate supervision of the center's privacy officer, a procedure to seek and obtain an informed, voluntary, written consent from each victim at the time the victim initially requests to access assistance through the center, which consent shall be reasonably time limited and intended to only permit the collection and subsequent sharing of the victim's and family members' confidential records and information, and the content of otherwise privileged communications, amongst some or all of the center's personnel, some or all of the providers of assistance at the center, and third-party service providers not providing assistance at the center, as agreed to by the victim. A victim shall not be required to provide written consent to the family justice center for the victim or any family member to access services at the center.

(2) (a) At the time of seeking the victim's written consent for the collection and limited sharing of confidential and privileged records, information, and communications, the victim shall also be informed that the limitations of any written consent, if given, shall not prevent

the sharing of any records, information, and communications offered by the victim or victim's family members when, as described in subsection b. of this section, there is a mandatory, lawful duty to report to law enforcement officers, prosecutors, or other governmental officers or officials based upon any specific information that is provided by the victim or a family member, the type of incident involved, or if the victim or a family member is a danger to himself, herself, or others, or disclosure is required by a court order. The family justice center shall obtain and maintain on file a written acknowledgment from the victim that the victim is aware that any mandatory, lawful duty to report or to disclose pursuant to court order shall apply regardless of the provisions set forth in any written consent for limited sharing, if provided by the victim.

(b) Except for a mandatory, lawful duty to report or to disclose pursuant to court order as set forth in subsection b. of this section, and the authorized sharing of information concerning a family justice center's operations and utilization by victims and their family members pursuant to section 5 of this act, the family justice center's personnel and the providers of assistance at the center shall not share any confidential or privileged records, information, and communications in any manner, and with any other parties, other than as consented to in the victim's written consent and consistent with the applicable laws on confidentiality and privileged communications concerning their respective professions.

(3) The victim's written consent shall not be deemed to be a more general waiver of confidentiality or privileged communications beyond that which is consented to in the victim's written consent, and beyond that which is consistent with the applicable laws on confidentiality and privileged communications concerning the respective professionals amongst whom any records, information, and communications are shared.

C.52:4B-76 Authorization to share certain information.

5. a. A family justice center is authorized to share information, as well as recommendations, concerning the center's operations and utilization by victims and their family members, which does not include any personal identifiers of those victims and family members, with Alliance for Hope International, the national, nonprofit organization that assists with the development and operation of new and existing family justice centers and serves as a national membership organization for all centers, when requested by that organization. The information which may be shared includes, but is not limited to:

(1) the number of victims who received assistance, the number of children and other family members of victims who received assistance, and the number of victims, children, and other family members who received assistance multiple times;

(2) the reasons that victims and their family members requested assistance;

(3) the filing, conviction, and dismissal rates for criminal, and disorderly persons and petty disorderly persons cases handled at the center;

(4) subjective and objective measurements of the impacts of centrally located multi-agency services related to the safety, empowerment, and mental and emotional well-being of victims and their family members, and comparison data from victims and family members, if available, on their access to services outside the family justice center model; and

(5) barriers, if any, to receiving available services at a family justice center, including actual or perceived barriers based on immigration status, criminal history, substance abuse or mental health issues, or privacy concerns, and potential means to mitigate any identified barriers to accessing services and for improving the utilization rate of services.

b. Alliance for HOPE International may file a report, utilizing any information collected pursuant to subsection a. of this section, with the Governor, the Division on Women in the Department of Children and Families, and pursuant to section 2 of P.L.1991, c.164 (C.52:14-

19.1), the Legislature annually or upon request by the Attorney General. The report may include recommendations for expanding or improving the Statewide operation of family justice centers, as well as suggested executive or legislative action, if necessary, to accomplish any recommendations.

6. This act shall take effect immediately.

Approved January 21, 2020.