

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

CHILDREN AND FAMILIES

(a)

DIVISION ON WOMEN

Standards for Shelters for Victims of Domestic Violence

Proposed Readoption with Amendments: N.J.A.C. 3A:57

Proposed Repeal: N.J.A.C. 3A:57-1.3

Authorized By: Christine Norbut Beyer, Commissioner Designate,
Department of Children and Families.

Authority: N.J.S.A. 9:3A-7.f, 30:14-1 et seq., 37:1-12.1 et seq., and 2C:25-29.2.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-034.

Submit written comments by June 15, 2018, to:

Debra A. Hayes
Department of Children and Families
PO Box 717
Trenton, NJ 08625
rules@dcf.state.nj.us

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, N.J.A.C. 3A:57, Standards for Shelters for Victims of Domestic Violence, was scheduled to expire on March 3, 2018. Pursuant to N.J.S.A. 52:14B-5.1.c(2), this date is extended 180 days to August 30, 2018, as the Division on Women (Division) submitted this notice of proposal to the Office of Administrative Law (OAL) on March 6, 2018, which is a legally timely filing pursuant to N.J.A.C. 1:30-6.4(g). The Division has reviewed these rules and has determined that, as changed, they continue to be necessary, proper, and reasonable for the purpose which they were originally promulgated, as required by Executive Order No. 66 (1978).

As the Division has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The Shelters for Victims of Domestic Violence Act (the Act), N.J.S.A. 30:14-1 et seq., became effective in 1980. Under the Act, the Department of Human Services was directed to establish standards to be met by shelters to assure the availability of necessary specialized personnel, resources, and equipment. Subsequently, the enactment in 1981 of N.J.S.A. 37:1-12.1 et seq., provided funds for the development

and maintenance of such shelters from an additional \$5.00 fee for marriage licenses.

In 1989, the New Jersey Department of Community Affairs (DCA) was given statutory authority (N.J.S.A. 55:13C-1 et seq.) for licensing emergency shelters for the homeless, which included shelters for victims of domestic violence. On May 1, 1989, DCA adopted official licensing rules at N.J.A.C. 5:15, pursuant to N.J.S.A. 55:13C-1 et seq. Discussions involving DCA, the Division of Youth and Family Services (now Division of Child Protection and Permanency), and the Attorney General's Office resulted in the determination that the standards previously promulgated by the Division and allowed to expire on September 19, 1988, by operation of Executive Order No. 66 (1978), were still necessary and should be re-promulgated to reflect the Division's continuing role in implementing the Act and the marriage license fee fund distribution.

Subsequent enactments included the 1993 amendments to N.J.S.A. 37:1-21.1 et seq., which increased the fee charged for marriage licenses from \$5.00 to \$25.00. Additionally, non-profit coalitions, such as the New Jersey Coalition to End Domestic Violence, became eligible to receive grants from the trust funds in which the fees are deposited. In August 2001, legislation was passed that supplemented Titles 2C and 30 by imposing civil penalties on domestic violence offenses, establishing the "Domestic Violence Victims' Fund," and authorizing the Division of Youth and Family Services to distribute revenues from the penalty collections to agencies serving victims of domestic violence.

The rules were subsequently adopted in 1990, and readopted, without change, in 1995, 2000, and 2005. There were amendments in 2004 and the chapter was readopted with amendments in 2011. The rules are currently promulgated by the Division on Women, pursuant to N.J.S.A. 52:27D-43.9a, which transferred the Division on Women to the Department of Children and Families. This transfer included all appropriations and other monies to be available for the purposes for which these monies are appropriated. In January 2017, this chapter was recodified from Title 10 to Title 3A. (See 49 N.J.R. 98(a))

The following is a summary of the rules proposed for readoption with amendments and a repeal.

Subchapter 1 details the purpose and scope for shelters for victims of domestic violence.

Subchapter 2 outlines the standards for shelters including 24-hour access, site, physical plant, staff requirements, service provisions, confidentiality, and non-discriminatory practice for clients and employees of the shelters. This subchapter prohibits the release of a minor to anyone other than the custodial parent and requires the identity and location of a service recipient to be kept confidential. This subchapter also describes that all staff and job applicants disclose any criminal convictions.

Subchapter 3 provides the legal basis, scope, and purpose of the rules governing the use of marriage and civil union license fees, sets funding

priorities and requirements for existing and new programs, and provides for program fiscal responsibility.

The Division proposes to repeal N.J.A.C. 3A:57-1.3 as the legal authority of chapter is stated at the beginning of the chapter historical notes and makes for redundancy in the chapter material.

The Division proposes to amend N.J.A.C. 3A:57-2.2 by removing irrelevant language and replacing it with language that addresses the current services provided by domestic violence shelters.

The Division proposes to amend N.J.A.C. 3A:57-2.5(b), (c), (d), and (f) by proposing minor grammatical changes and updating language that addresses the services provided by domestic violence shelters.

The Division proposes to amend N.J.A.C. 3A:57-2.8 by adding a comma between the final two statutory cross-references, consistent with existing OAL practice.

The Division proposes to amend N.J.A.C. 3A:57-2.9 by adding "civil union" as an additional status shelters cannot discriminate against, whether the person be an employee or client.

The Division proposes to amend the heading of Subchapter 3 by adding "civil union" and "civil penalties" to encompass the full scope of the subchapter.

The Division proposes to amend the heading of N.J.A.C. 3A:57-3.1 to "Receipt of revenue by Department" and to delete subsection (a), for the same reason N.J.A.C. 3A:57-1.3 is proposed for repeal. The Division proposes to amend recodified N.J.A.C. 3A:57-3.1(a) by removing old statutory citations and adding the current and appropriate citation and language.

The Division proposes to amend N.J.S.A. 3A:57-3.2 by adding the applicable statutory cross-reference.

The Division proposes to amend N.J.A.C. 3A:57-3.3 by removing unnecessary language and cross-references and updating language for clarity.

The Division proposes to amend N.J.A.C. 3A:57-3.4 by removing the public law citation and replacing it with the N.J.S.A. citation.

The Division proposes to amend N.J.A.C. 3A:57-3.5 and 3.6, by removing language and agency names no longer essential in the funding process.

The Division proposes to amend N.J.A.C. 3A:57-3.7(c) by removing redundant language.

Social Impact

This chapter applies to all shelters whether they receive funding through the Department or not. The rules proposed for re adoption with amendments and a repeal continue to provide standards under which shelters for victims of domestic violence will continue to receive funding and the methods in which the shelters operate. The rules proposed for re adoption with amendments and a repeal will have a positive social impact in protecting the health, safety, and well-being of the shelter residents seeking temporary refuge from their batterers.

Economic Impact

For fiscal year 2017, the State provided funds in the amount of \$19,376,537 to domestic violence agencies and domestic violence shelters. In calendar year 2017, approximately 1,479 women, 1,571 children, and nine men received temporary refuge in emergency shelter for domestic violence.

The proposed amendments and repeal make no substantive change to the existing rules and will have no economic impact.

Federal Standards Statement

The rules proposed for re adoption with amendments and a repeal are not subject to Federal standards or requirements, and a Federal standards analysis is not applicable to the rulemaking.

Jobs Impact

The rules proposed for re adoption with amendments and a repeal may have a minimal positive impact on jobs generated in the State of New Jersey. Any jobs that may be generated as a result of the rules proposed for re adoption with amendments and a repeal will be in the private sector relative to shelter operations and 24-hour staff coverage. The Division does not anticipate any loss of jobs as a result of the rules proposed for re adoption with amendments and a repeal.

Agriculture Industry Impact

The rules proposed for re adoption with amendments and a repeal has no impact on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for re adoption with amendments and a repeal maintain the established reporting, recordkeeping, and program requirements for shelters for victims of domestic violence in the State of New Jersey. The rules also affect New Jersey shelters for victims of domestic violence that receive funds from the trust fund established pursuant to N.J.S.A. 37:1-12.2, into which is deposited an additional fee of \$25.00 for each marriage or civil union license issued in New Jersey.

Domestic violence shelters are required to provide services to their clientele. Shelter services include, but are not limited to: 24-hour shelter entry, hotline and information referral; legal, financial, and housing advocacy; supportive counseling; community education, training, and awareness; community networking; and children's services. Domestic violence shelter services are essential and vital to the clientele of the shelters.

All shelters that apply for and receive funding for shelter programs are subject to fiscal and program reviews by the Department of Children and Families, Area Business Offices, that manage the contracts through routine monitoring and supervision. Costs for such professional services and costs for compliance are funded by the State through contracts with the domestic violence shelters.

There are 23 domestic violence shelters that fall within the definition of small business, as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. It is not appropriate or necessary to establish different standards that would apply to larger or smaller shelters, as all regulated entities are small businesses or governmental entities. No capital expenditures are imposed by the rules proposed for re adoption with amendments.

Housing Affordability Impact Analysis

The rules proposed for re adoption with amendments and a repeal will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for re adoption with amendments and a repeal would evoke a change in the average cost associated with housing because the rules pertain to the Division on Women Standards for Shelters for Victims of Domestic Violence.

Smart Growth Development Impact Analysis

The rules proposed for re adoption with amendments and a repeal have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to the Division on Women Standards for Shelters for Victims of Domestic Violence.

Full text of the rules proposed for re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 3A:57.

Full text of the proposed amendments and repeal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS FOR SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

[3A:57-1.3 Legal authority of chapter

This chapter is promulgated pursuant to N.J.S.A. 30:14-1 et seq., the Shelters for Victims of Domestic Violence Act.]

SUBCHAPTER 2. STANDARDS FOR SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

3A:57-2.2 Shelter site

A shelter shall provide a residential area, which provides safe refuge for victims of domestic violence. A shelter shall also offer [non-residential] services, including, **but not limited to, 24-hour hotline, advocacy, and supportive counseling [programs] services.** These services may be located at the shelter site or in a separate facility, which can assist victims of domestic violence who have not made a decision to

leave their home, or who have found other [shelter] accommodations, but who nevertheless have a need for other domestic violence supportive services provided by the shelter.

3A:57-2.5 Domestic violence shelter services

(a) (No change.)

(b) [Wherever possible, if] **If** requested, a shelter shall arrange referrals to appropriate authorities or agencies, to provide the following services to victims of domestic violence:

1.-3. (No change.)

4. Information regarding education, welfare, and other available social services.

(c) The shelter staff shall advocate on behalf of the clients to assist them [in] **with** receiving equitable, [and] uniform, **and emergency** services from agencies, including, but not limited to, the Department of Children and Families, the Department of Education, State and local public assistance agencies, and local educational agencies, **including temporary housing agencies**, as well as other appropriate governmental and community-based groups or agencies.

(d) A shelter shall have [an] ongoing individual and group counseling [programs] **services with licensed mental health clinicians or access to these services**.

(e) (No change.)

(f) Shelters shall provide supportive recreational programs for [sheltered] children **residing within the shelter**.

(g) (No change.)

3A:57-2.8 Confidentiality

Information that may reveal the identity or location of a person seeking or receiving shelter services shall not be disclosed, except as otherwise specifically required by law. Information that may identify the location of a shelter for victims of domestic violence shall not be deemed to be a public record pursuant to N.J.S.A. 47:1A-1 et seq., 47:1A-5 et seq., 30:14-13, and 30:14-13.1.

3A:57-2.9 Non-discrimination; clients and employees

A shelter shall not discriminate in providing appropriate residential services and other domestic violence services based on race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital **or civil union** status, domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, and AIDS and HIV status.

SUBCHAPTER 3. ESTABLISHING AND MAINTAINING SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE THROUGH MARRIAGE LICENSE AND CIVIL UNION FEES AND CIVIL PENALTIES

3A:57-3.1 [Legal authority of subchapter] **Receipt of revenue by Department**

[(a) This subchapter is promulgated pursuant to N.J.S.A. 37:1-12.1 et seq., and P.L. 2001, c. 195, which increased the fees charged for the issuance of a marriage license, imposed civil penalties on persons found to have committed an act of domestic violence, created the “Domestic Violence Victims’ Fund,” provided for the use of such fees and funds by the Department of Children and Families in establishing and maintaining shelters for victims of domestic violence and which resulted in the adoption of rules to implement the purposes of the legislation.]

[(b) [Under] **Pursuant to N.J.S.A. 9:3A-9, 37:1-12.1 and 12.2, and [P.L. 2001, c. 195,] 2C:25-29.2, the Department of Children and Families is authorized to receive revenues from additional \$25.00 fees charged with the issuance of a marriage **or civil union** license and from the civil penalties imposed on domestic violence offenders, for the purposes of maintaining and establishing shelters for victims of domestic violence and for the continued support of direct services to that population.**

3A:57-3.2 Delegation of responsibility to the Department of Children and Families

Responsibility for ensuring that revenues are used according to the provisions of N.J.S.A. 37:1-12.1 et seq., is hereby delegated to the Department of Children and Families, **pursuant to N.J.S.A. 9:3A-9.**

3A:57-3.3 Purpose of subchapter

The purpose of this subchapter[, which governs the distribution of collections made through N.J.S.A. 37:1-12.1 et seq. and P.L. 2001, c.195,] is to assure that [such] **the collected** funds are available for the continued support of programs serving victims of domestic violence and for the development of new programs. These programs are essential to provide persons who have been subject to or threatened with violence at home with a safe refuge where they can examine alternatives and receive supportive services.

3A:57-3.4 Scope of subchapter

This subchapter shall apply to all shelters for victims of domestic violence [which] **that** receive funds from the collections made through N.J.S.A. 37:1-12.1 et seq., and [P.L. 2001, c.195] **2C:25-29.2**, within the State of New Jersey.

3A:57-3.5 Funding priorities for marriage license fees

[Designated lead agencies and the New Jersey Coalition for Battered Women] **Agencies** receiving funds from the Department of Children and Families shall be eligible to receive the proceeds of marriage license fee collections. Donor matching will not be required.

3A:57-3.6 Funding priorities for the Domestic Violence Victims’ Fund

(a) All moneys deposited in the Domestic Violence Victims’ Fund shall be distributed [equally] among the Department of Children and Families’ [designated] domestic violence [lead] agencies, specifically for the provision of emergency shelter and related core services to adult victims and their dependent children. Donor matching is not required.

(b) (No change.)

3A:57-3.7 Program fiscal responsibility

(a)-(b) (No change.)

(c) All emergency residential shelter programs applying for or receiving funding under the provisions of this subchapter shall comply with the provisions of this chapter[, Standards for Shelters Serving Victims of Domestic Violence, N.J.A.C. 3A:57] and with the provisions of N.J.A.C. 5:15, Rules Governing Emergency Shelters for the Homeless.

HEALTH

(a)

**PUBLIC HEALTH SERVICES BRANCH
DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL
AND OCCUPATIONAL HEALTH
CANCER EPIDEMIOLOGY SERVICES**

Cancer Registry

Proposed Readoption with Amendments: N.J.A.C. 8:57A

Proposed Repeals: N.J.A.C. 8:57A Appendices A through M

Authorized By: Shareef Elnahal, MD, MBA, Acting Commissioner, Department of Health (in consultation with the Public Health Council).

Authority: N.J.S.A. 26:2-104 et seq., particularly 26:2-106.

Calendar Reference: See Summary below for an explanation of exception to calendar requirement.

Proposal Number: PRN 2018-035.