

New Jersey Family Assistance Center



Update:

June 16, 2003



◀ Gov. McGreevey makes remarks about the need to enhance port security at event hosted at Port Elizabeth by U.S. Secretary of Homeland Security Tom Ridge (right) and also attended by U.S. Commissioner of Customs Robert C. Bonner (left).

▼ Gov. McGreevey and U.S. Secretary of Homeland Security Tom Ridge tour a warehouse at Port Elizabeth with a U.S. Customs officer during a Department of Homeland Security event announcing port security initiatives.



Message from the Governor:

It has been 21 months since the horrific September 11, 2001 terrorist attacks and, as families of the victims, you continue to suffer troubles I cannot even imagine. Yet, I would like to assure you that your concerns remain the highest priority to me.

My office will once again assist you in any way we can on the second anniversary of the tragedy. We are working with you in many other ways as well. My Deputy Chief of Staff, Amy Mansue, convened the Family Advisory Committee established to develop the parameters for a New Jersey Memorial to the victims. You will recall that I offered that anyone who wanted to join, could be part of this effort. After months of meetings, the 35-member Committee has agreed upon the following mission statement and guiding principles:

“On the morning of September 11th, 2001, with the skies so clear that the Twin Towers across the river appeared to be within reach, the very essence of what our country stands for – freedom, tolerance, and the pursuit of happiness – was attacked. This memorial is dedicated to the

691 innocent loved ones who were violently and senselessly murdered that day at the World Trade Center, the Pentagon, and in Shanksville, PA.

Let this memorial reflect the legacies of those whose lives were lost, that their un-

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Family Seminar on New Jersey Probate Law and Victim Compensation Fund Issues:

The New Jersey State Bar Foundation is sponsoring a seminar on New Jersey probate law to assist families of World Trade Center victims. Many family members have voiced their concerns about probate law and its effect, if any, on the federal Victim Compensation Fund distribution. While answers to these questions will be reached by families in consultation with their attorneys, the Bar Foundation is providing two experienced practitioners who will offer insights and a “walk through” the probate process. In addition, a representative of the Special Master will be there to explain options that the Victims Compensation Fund has developed.

The Seminar will be held July 23 from 6:30 to 8:30 p.m. at the New Jersey Law Center, One Constitution Square, New Brunswick. To register and get directions, please call the Office of Recovery and Victim Assistance: (609) 777-1248.

Info Hotline: 866-652-7474 • www.nj.gov/wtc

Providing Help for September 11 Victims and Their Families

Message from the Governor *continued from page 1*

fulfilled dreams and hopes may result in a better future for society. Their unique qualities and characteristics enriched our lives immeasurably, and through this memorial their stories shall live on.”

In addition, the Committee has established these Program Elements to be considered in the New Jersey Memorial:

- ◆ Recognition of each victim
- ◆ A multi-media/interactive component
- ◆ The use of the Lower Manhattan skyline as backdrop; some (visual) connection to the WTC site
- ◆ An outside area of reflection
- ◆ Something that specifically represents New Jersey, i.e. state flag, flower
- ◆ Symbolic or literal artifacts from each of the sites of the attacks
- ◆ Incorporation of The Memorial Walls

The next step will be for the State to issue a Request for Proposals, Competition Guidelines and an invitation to be submitted to a list of interested architects and designers. This will enable us to obtain the design of the memorial for a selection committee as well as a cost estimate for the creation of the Memorial. We would like to be able to announce a design on September 11, 2003. We will ask a panel of experts to work with the Family Advisory Committee to give recommendations to me. Nikki Stern who brings both the vantage point of a WTC widow and architectural skills, will be coordinating this effort with my staff.

We will also ask a notable business person and philanthropist to help us in this process and then assemble a team that will do the leg work.

I am also happy to announce that the Family Advocate Program run by New Jersey Family Advocate Management, Inc. (“NJFAM”) put in place over a year ago by my Executive Order #5, is currently help-

ing over 580 families with six new registrants in the last few weeks. This indicates that the Program is still vital and necessary, and I would like to take this opportunity to encourage you to return the family surveys that you have recently received in the mail. We welcome all your comments, ideas and suggestions for ways that the Family Advocate Program can serve you.

NJFAM has also expanded the programs it administers to include the World Trade Center: New Jersey Recovers Program which provides confidential assessments and referrals to free individual, group, or family substance abuse counseling for adolescents and adults impacted by the September 11th terrorist attacks. This Program is focusing on outreach and has provided the information on benzodiazepines included in this newsletter.

Please feel free to call my Office of Recovery and Victim Assistance, (609) 777-1248, with any concerns or questions you may have.

Legislative Update

A 3559: This bill authorizes the establishment of trusts for young beneficiaries which provide for deferred distribution of funds in cases where the decedent died without a will, and is scheduled to be heard by the Assembly Judiciary Committee on June 19th. The bill would allow a parent or guardian to apply to the court for permission to place funds from a victim's estate into a trust that would authorize delayed distribution instead of full distribution at age 18. The intent is to protect a young person from dissipating all the assets of a trust upon attaining the age of 18.

A3352: The Assembly Homeland Security and State Preparedness Committee reported this bill out favorably with committee amendments on May 8, 2003. This bill would create the “September 11, 2001 Victims Compensation Act” to assist the efforts of victims of the terrorist attacks, or the surviving family members or loved ones of victims, to receive compensation for their losses. The

provisions of the bill are similar to the provisions of legislation enacted in New York State, titled the “September 11th Victims and Families Relief Act,” P.L.2002, c.73.

The bill would establish the Legislature's support for compensation to victims, or their surviving dependents, such as spouses, children, or other loved ones. The bill would also establish several new provisions concerning the relationship between the federal “September 11th Victim Compensation Fund of 2001” and existing State law. See Pub. L. 107-42, Title IV, §401 et seq.

First, the bill would amend the collateral source statute, N.J.S.A. 2A:15-97. Generally, the collateral source statute causes the plaintiff's award in a civil action brought for personal injury or death to be reduced by the amount of duplicate benefits which the plaintiff receives, or is eligible to receive, from any source other than a joint tortfeasor. The bill would amend the collateral source statute so that any individual who receives money from the federal victim compensa-

tion fund would not face a reduction of any other benefits which the individual receives, or is eligible to receive.

More specifically, under the bill's provisions, any benefits received by a victim of the terrorist attacks, or in the case of a deceased victim, the victim's dependents, pursuant to the State's workers' compensation law, would not be reduced due to any award received from the federal victim compensation fund. The bill also provides that the proceeds of any award from the federal fund would not be considered a tort liability recovery under the provisions of the workers' compensation law, and therefore no employer or insurance carrier subrogation rights would exist with respect to the proceeds.

Regarding court proceedings for victims killed in the terrorist attacks, any Superior Court in this State would gain jurisdiction over the proceedings of any decedent domiciled in New Jersey, regardless of the county of residence at the time of his or her death. In probate proceedings, the determination of a fiduciary's

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The World Trade Center Family Icon

The World Trade Center Family Icon was created for the first anniversary of the September 11th, 2001 Attacks. It honors all those who died in the attacks as well as St. Nicholas Greek Orthodox Church which was destroyed that day.

The idea of an image to commemorate the anniversary came from the Cartier Family, siblings of WTC victim James Cartier and co-founders of Give Your Voice. Louise LoPresti, project director of ArtAid and a family advisor, designed the icon using as inspiration a promise by New York Governor Pataki that St. Nicholas Church would be rebuilt. Diana and George Voyajolu of Sacred Icons donated their time and talent to create the icon and arranged for their fine art printer to make 3000 postcard-size prints as a remembrance for the families, gratis. Another family member, Tom Meehan, contributed the text on the scroll. Approximately

650 of these 4" by 8" postcards remain available. If you would like one, please call the Office of Recovery and Victim Assistance at 609-777-1248. The post cards will be sent on a first-come, first-served basis.

The icon itself is four feet high and decorated in gold leaf. It is currently in storage in Manhattan and will be donated to St. Nicholas Church when it is rebuilt. The icon's creators report that they have developed a warm relationship with the congregation of St. Nicholas over this labor of love.

The World Trade Center Family Icon (below) honors all those who died in the attacks as well as St. Nicholas Greek Orthodox Church which was destroyed that day.



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commission, generally based upon a statutory fee calculation correlating with the wealth of the estate, would not include any award received by the decedent from the federal victim compensation fund. See N.J.S.A. 3B18-2 et seq.

Finally, the bill would grant immunity to a victim of the terrorist attacks, or the personal representative of a victim, such as a victim's dependent, for actions taken reasonably and in good faith with respect to the federal victim compensation fund. These actions would include: the submission or prosecution of claims for compensation from the federal fund; the waiver of the right to file any civil action, or be a party to any civil action, pursuant to the federal act establishing the fund; the failure to identify or locate persons designated to receive notice of a claim for compensation from the federal fund; and the payment or distribution of any award received from the federal fund.

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Providing Help for September 11 Victims and Their Families

IMPORTANT NOTICE:

Applications for September 11th Victim Compensation Fund of 2001 Must be Postmarked on or before December 22, 2003

As you know, in response to the terrorist attacks, Congress established a September 11th Victim Compensation Fund (“VCF”) (Title IV of the Air Transportation Safety and System Stabilization Act, H.R. 2926, now 49 U.S.C. 40101). Congress intended that the VCF provide a “no fault” alternative to tort litigation to compensate victims who were physically injured or who lost their loved ones during the terrorist attacks of September 11, 2001.

If you have already decided to file a claim with the VCF, you are aware that you are *not required* to use a lawyer. There are, however, complex issues which many believe make it wise to have one. For example:

- ◆ Collecting and presenting evidence to support a claim;
- ◆ Choosing between two different “tracks” and the opportunity for an “advance benefit”;
- ◆ Assuring that no time limits (statutes of limitation) are missed;
- ◆ Exercising a fully informed decision to waive your rights to file almost all lawsuits in court, and
- ◆ Considering issues regarding a deceased victim’s “Personal Representative.”

The Two Procedural Options — **Track A** or **Track B**:

If you select **Track A**, a Claims Evaluator will look at your application to determine:

- ◆ if you are eligible for VCF money;
- ◆ your “Presumed Award” and,
- ◆ within 45 days of the date the claim was filed, will notify you in writing whether you are eligible, and the amount of the “Presumed Award.”

“Presumed Award” is a calculation of presumed economic and non-economic losses. Charts of these “Presumed Awards” can be found at www.usdoj.gov/victimcompensation. These charts are meant to provide the majority of potential Claimants the general range of their awards before a calculation is made using “Collateral Sources” which will be subtracted from VCF awards.

These charts will also be used by Claims Evaluators and the Special Master to initially determine what your award will be. In other words, in order to calculate a “Presumed Award,” you can consult the Special Master’s charts, and then subtract from those amounts any “Collateral Sources” — income such as life insurance, pensions, etc. — that you have received.

- ◆ After you have been notified of the Presumed Award, you may either accept the Presumed Award and request payment, or may instead request a review before the Special Master or his representative.
- ◆ If you opt for a review, you may make supplemental submissions. The Special Master may alter or modify the award if the Presumed Award was calculated erroneously, or if you demonstrate extraordinary circumstances indicating that the Presumed Award does not adequately address your injury.
- ◆ There will be no further review or appeal from the determination of the Special Master.

If you select **Track B**, a Claims Evaluator will look at your application and:

- ◆ will determine your eligibility to receive Fund money within 45 days of the date the claim was filed, *but will not determine your Presumed Award.*
- ◆ The Special Master will hear and determine the appropriate award.
- ◆ There will be no review or appeal from this determination.

If you have not yet decided whether to file a claim with the Victim Compensation Fund or file a civil lawsuit, an attorney can help you assess your options and decide what you feel is in your best interests.

Trial Lawyers Care offers, free, trained volunteer attorneys to assist you. Visit www.911lawhelp.org.

There are also two Claims Assistance Sites in New Jersey at:

- ◆ 1551 S. Washington Avenue, 3rd Floor
Piscataway, NJ 08854
- ◆ 101 Hudson Street, 26th Floor
(at the corner of Hudson and Montgomery Streets)
Jersey City NJ 07302

Note: The building has no street number or other identification, but it is the tallest building at the intersection of Hudson and Montgomery Streets, and the Au Bon Pain restaurant is on the ground floor. Parking is very difficult in the area. Please identify yourself as a potential claimant when you enter the lobby. You will be directed or escorted to the Claims Assistance Site Office.

Hours of Operation: By appointment only Monday through Friday, 9:00 am - 5:00 pm, and Saturdays between 10:00 am to 3:00 pm. Saturday appointments should be made by 5:00 pm Thursday the same week.

Directions: Call 888-714-3385 (within the US), or (202) 305-1352 (outside the US). TDD users should call (888) 560-0844, or visit the Department of Justice website at www.usdoj.gov/victimcompensation. **The Special Master has repeatedly said that the December 22, 2003 deadline is final, and that there is no hope of its being extended by Congress.**

Mental Health Resources

The last edition of this Newsletter included a reminder of the services provided by Project Phoenix. Below is a more comprehensive list. However, all of these additional services are in Project Phoenix's referral database, so you could call them first if you prefer.

In addition, the Office of Recovery and Victim Assistance has a detailed list which includes many, but not all, of Project Phoenix's database resources. If you prefer to have this mailed to you, please call 609-777-1248.

- ❖ **Project Phoenix:** Assists NJ residents of all ages who need help dealing with their emotional responses to the aftermath of disasters such as 9/11 and the fear of another terrorist attack. Call the toll free line 877-294-HELP. Hours of operation: Mon-Fri 9am-8pm. www.projectphoenixnj.com
- ❖ **World Trade Center: New Jersey Recovers Project:** Provides assessment and referrals for FREE individual, group, and family substance abuse counseling for adolescents and adults impacted by the September 11th terrorist attacks. Confidential: 732-869-8346 or 866-652-7474.
- ❖ **New Jersey Self-Help Group Clearinghouse:** Established to increase awareness, utilization, development and understanding of mutual aid self-help groups to help reduce emotional suffer-

ing and isolation. Call 800-367-6274 in NJ or 973-326-6789 outside NJ.

- ❖ **LIFENET:** September 11th Fund and American Red Cross working together to provide individuals directly affected by the WTC tragedy with mental health counseling. Some eligibility requirements. Call 800-LIFENET (543-3638); Spanish 877-990-8585, or TTY 212-982-5284.

Helpful Links:

- ❖ **American Psychological Association**
www.helping.apa.org
- ❖ **American Red Cross**
www.redcross.org
- ❖ **Mental Health Association in NJ**
www.mhanj.org
- ❖ **National Mental Health Association**
www.nmha.org
- ❖ **National Victim's Assistance Organization**
www.try-nova.org
- ❖ **New Jersey Division of Mental Health Services**
www.state.nj.us/humanservices/dmhs
- ❖ **Trauma Resource Area**
www.sidran.org/casa.html

Local Community Resources:

- ❖ **Family Guidance Center of Central New Jersey**
253 Nassau Street
Princeton, NJ 08540
800-813-0555
- ❖ **Family Service League**
204 Claremont Avenue
Montclair, NJ 07042
973-746-0800
- ❖ **Jewish Family and Children's Services of Greater Mercer County**
707 Alexander Road, Suite 102
Princeton, NJ 08540
609-987-8100
www.jfsonline.org
- ❖ **Mental Health Association of Morris County**
28 walnut Street, Box 9
Madison, NJ 07940
973-377-9280

- ❖ **New Bridge Services, Inc.**
390 Main Road
Montville, NJ 07045
1-888-746-9333

Benzodiazepines:

After 9/11, many doctors prescribed benzodiazepines in order to help people who were going through intense periods of trauma or stress. These medications are fast acting and can reduce many symptoms of anxiety and insomnia. Some commonly prescribed benzodiazepines are Xanax, Valium, Ativan, Librium, Halcion, Prosom, Klonopin, Lorazepam, Serax, and Restoril. While these medications are initially effective, and can produce a calming or drowsy effect, a tolerance can develop with a few weeks and withdrawal symptoms when discontinuing usage is expected. It is most often suggested that they be prescribed for short term usage. Also, these are Central Nervous System depressants and the danger for combining these medications with alcohol or other substances and the dangers of seizures during withdrawal are well-documented.

There are numerous other ways to address the symptoms of ongoing sleep and anxiety disorders that have far less negative side effects. Cognitive behavioral therapy has proven very effective in combination with drug therapy and alone. The World Trade Center: New Jersey Recovers Project can refer individuals who are considering discontinuing use of a benzodiazepine for ongoing treatment under the care of a doctor. For information, please call 866-652-7474.

Memorials

The Governor's Office of Recovery and Victim Assistance is compiling a list of memorials around the State of New Jersey that have been created to honor the victims of September 11. We are hoping to create a comprehensive list that will include county, municipal and private memorials. If you know of any such memorials, please contact our office at (609) 777-1248 to advise us.

Dates to Remember

July 23, 2003

Family Seminar on
New Jersey Probate Law

December 22, 2003

Deadline for Applications for
September 11th Victim
Compensation Fund

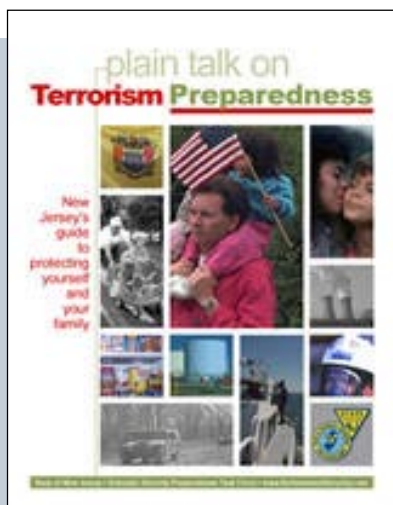
Let's Go Out to The Ballgame!

The **Newark Bears** baseball club has donated tickets to NJFAM families. The game is on **Sunday, July 20th** at 1:35pm. The Bears will be playing Somerset Patriots. If you would like tickets, please tell your NJFAM Advocate to arrange them for you or call NJFAM at 866-652-7474.



Changing Your Mailing Address?

Recently, the Post Office has returned several newsletters due to incorrectly addressed envelopes. If you have moved since registering with the Family Assistance Center in September 2001, please notify the Governor's Office of Recovery and Victim Assistance at 609-777-1248 to ensure correct delivery of all future mailings. Thank you!



Available Online: Plain Talk on Terrorism Preparedness

*New Jersey's guide to protecting
yourself and your family*

**For up-to-the-minute
information, resources
and to learn what New
Jersey is doing to protect
It's citizens, visit:**

www.NJHomelandSecurity.com

Family Assistance Update

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