

RESOLUTION 2015-119

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY SUPPORTING ASSEMBLY BILL A1109 WHICH SEEKS TO IMPLEMENT STRICTER RULES AND REGULATIONS FOR ORGANIZATIONS THAT HOUSE AND CARE FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

WHEREAS, the implementation of Assembly Bill A1109 (also called "Stephen Kominos' Law) would improve protections for individuals with developmental disabilities by providing increased transparency of investigations conducted in connection with an allegation of abuse, neglect or exploitation of individuals with developmental disabilities; and

WHEREAS, Assembly Bill A1109 was created to honor the memory of Stephen Kominos, an individual with developmental disabilities who died at the age of 22 while under the care of a private licensed facility for persons with developmental disabilities in Haddonfield, New Jersey; and

WHEREAS, the adoption of Assembly Bill A1109 provides for six bi-monthly unannounced site visits to be conducted at any facility that houses individuals with developmental disabilities, including but not limited to any public or private agency, organization or institution providing care to the developmentally disabled; and

WHEREAS, upon adoption of assembly Bill A1109, the Commission of Human Services or the Commissioner's designee is required to designate members of the public to serve as advocates for individuals with developmental disabilities and staff members for the Special Response Unit in the Department of Human Services to participate in the bi-monthly unannounced visits. A member of a law enforcement agency would also participate in the visits, which would be conducted to determine if the patients/residents of said organization are being subject to abuse, neglect or exploitation by a caregiver; and

WHEREAS, this Bill also requires the Commissioner or his/her designee to provide written notification to the guardian or an authorized family member of an individual with a developmental disability receiving services from the Division of Developmental Disabilities, of an injury to the individual with a developmental disability, as soon as possible, but no later than one hour after the occurrence of the injury; and

WHEREAS, a State developmental center and any private licensed facility for individuals with developmental disabilities are to bi-annually host an event in order to provide an opportunity for parents and guardians to share experiences about their family members and wards; and

WHEREAS, Assembly Bill A1109 also amends Public Law 2010, c.5 (C.30:6D-73, et seq.) which established the Central Registry of Offenders

Against Individuals with Developmental Disabilities (Central Registry) in DHS to prevent those caregivers who are identified as offenders against individuals with developmental disabilities from working with such individuals in the future; and

WHEREAS, this Bill further amends the current law to change from a disorderly persons offense to a fourth degree crime the failure of a case manager or supervisor to report an incident, and makes it a third degree, rather than a fourth degree crime if the unreported incident results in death; and

WHEREAS, the confidentiality provisions of the Central Registry law would further be amended to permit records of any investigation to be provided to a guardian or other person responsible for the welfare of the individual with a developmental disability; and

WHEREAS, the adoption of Assembly Bill A1109 is in the best interests of the Township of Barnegat, its residents and their families; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Barnegat that it supports the adoption of A1109, which would implement stricter rules and regulations for organizations that house and care for individuals with developmental disabilities; and

BE IT FURTHER RESOLVED that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A1109; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the 9th Legislative District, the Mayors of Ocean County, and the New Jersey State League of Municipalities.

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Township Committee at their regular meeting held on the 4th day of May 2015, in the Municipal Complex, 900 W. Bay Avenue, Barnegat, NJ 08005

Michele Rivers, RMC
Municipal Clerk