

CHAPTER 130
STANDARDS FOR SHELTERS FOR VICTIMS
OF DOMESTIC VIOLENCE

Authority

N.J.S.A. 30:14-1 et seq., specifically N.J.S.A. 30:14-5, and N.J.S.A. 37:1-12.1 et seq., specifically N.J.S.A. 37:1-12.3.

Source and Effective Date

R.1995 d.311, effective May 24, 1995.
 See: 27 N.J.R. 1126(a), 27 N.J.R. 2487(a).

Executive Order No. 66(1978) Expiration Date

Chapter 130, Standards for Shelters for Victims of Domestic Violence expires on May 24, 2000.

Historical Note

Chapter 130 formerly contained the Manual of Standards for Children's Shelters. These rules were repealed and the content recodified at N.J.A.C. 10:124 as R.1982 d.222, effective July 19, 1982, operative September 1, 1982. See: 14 N.J.R. 125(a), 14 N.J.R. 761(a).

Chapter 130, Standards for Shelters for Victims of Domestic Violence became effective May 3, 1982 as R.1982 d.138. See: 14 N.J.R. 197(a), 14 N.J.R. 429(a). Subchapter 3 became effective September 19, 1983 as R.1983 d.399. See: 15 N.J.R. 1169(a), 15 N.J.R. 1603(a). This chapter expired on September 19, 1988.

Chapter 130, Standards for Shelters for Victims of Domestic Violence was adopted as New Rules as R.1990 d.328, effective July 2, 1990. See: 22 N.J.R. 767(a), 22 N.J.R. 2019(a). Chapter 130 was readopted as R.1995 d.311, effective May 24, 1995. See source and effective date.

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

10:130-1.1 Purpose

The Department recognizes that seeking and receiving shelter care is a trying emotional experience for victims of domestic violence. The purpose of shelters for victims of domestic violence is to provide an environment in which the client and the family experience the least amount of disruption possible through the provision of "a home setting," to the extent possible; a clean and safe environment; and protection from further violence.

10:130-1.2 Scope; applicability

This chapter shall apply to all shelters for victims of domestic violence in the State of New Jersey. Shelters for victims of domestic violence shall comply with the provisions of this chapter and with the provisions of N.J.A.C. 5:15, Rules Governing Emergency Shelters for the Homeless, which is incorporated herein by reference.

10:130-1.3 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

10:130-2.1 Client access to shelter

(a) A shelter shall have a 24-hour hotline and emergency support services available at all times.

(b) A shelter shall have a 24-hour entry available.

10:130-2.2 Shelter site

A shelter shall provide a residential area which provides safe refuge for victims of domestic violence. A shelter shall also provide a day program or drop-in center, 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 but who nevertheless have a need for other domestic violence services provided by the shelter.

10:130-2.3 Physical plant

(a) A shelter shall undergo a Department of Community Affairs health and safety inspection at least every two years.

(b) To the extent possible, an area of the shelter shall be designated for private communications with lawyers, counselors, etc.

10:130-2.4 Staff requirements

(a) A shelter shall require all staff and job applicants to make a full, written disclosure of his or her criminal convictions, if any. Should a criminal conviction be disclosed, the shelter operators shall apply the provisions of the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq., in determining whether to hire the job applicant or retain the staff member.

(b) To the extent feasible, one or more of the shelter personnel shall be fluent in the language of the non-English speaking population of the shelter. An effort shall be made to recruit and train victims of domestic assault as staff members.

10:130-2.5 Shelter services

(a) A shelter shall arrange for or provide the following services to victims of domestic violence:

1. Emergency medical care;
2. Emergency legal assistance;
3. Emergency psychological support and counseling, as requested; and
4. Information regarding education, welfare, and other available social services accomplished, wherever possible, by referrals to appropriate authorities or agencies.

(b) The shelter staff shall advocate on behalf of the clients to assist them in receiving equitable and uniform services from agencies, including, but not limited to, the Division of Youth and Family Services, public assistance agencies, the Department of Education, and local educational agencies as well as appropriate governmental groups or agencies.

(c) A shelter shall have an ongoing individual and group counseling program.

(d) Shelters shall assure that nutritionally adequate meals are available to all shelter residents.

(e) Shelters shall provide recreational programs for sheltered children.

(f) Shelter programs shall foster positive parenting skills and non-violent models.

10:130-2.6 Educational services

(a) All shelters shall advocate for the provision of educational services for all children residing within the shelter. This shall be accomplished in accordance with the Public School Education Act of 1975. The shelter shall advocate for the following for all children residing in the facility:

1. Education in the home school;
2. Education in the school district in which the shelter is located;
3. Education in the district in which the family is located; or
4. Education on a tutorial basis within the shelter.

10:130-2.7 Release of a minor

No shelter providing care for a minor who was in actual custody, guardianship, or the custody of a parent or other person at the time such person applied for shelter services, shall release the minor person to anyone, including the child's other parent or person sharing legal guardianship or custody, without the consent of the person who sought shelter, except as may be otherwise required by court order.

10:130-2.8 Confidentiality

Information which 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.

10:130-2.9 Non-discrimination; clients and employees

A shelter shall not discriminate in providing appropriate residential services and other domestic violence services based on age, race, creed, national origin, sex, handicap condition, and/or financial status.

10:130-2.10 House rules

Established written house rules shall be presented to, and signed by, clients upon entering the shelter.

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

10:130-3.1 Legal authority of subchapter

(a) This subchapter is promulgated pursuant to N.J.S.A. 37:1-12.1 et seq., which increased the fees charged for the issuance of a marriage license, provided for the use of such fees by the Department in establishing and maintaining shelters for victims of domestic violence and directed the Commissioner to adopt rules to implement the purpose of the legislation.

(b) Under N.J.S.A. 37:1-12.1 and 12.2, the Department of Human Services is authorized to receive revenues from additional \$5.00 fees charged with the issuance of a marriage license, for purposes of maintaining and establishing shelters for victims of domestic violence.

10:130-3.2 Delegation of responsibility to the Division of Youth and Family Services

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 by the Department of Human Services to the Division of Youth and Family Services.

10:130-3.3 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., is to assure that such 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.

10:130-3.4 Scope of subchapter

This subchapter shall apply to all shelters for victims of domestic violence which receive funds from the collections made through N.J.S.A. 37:1-12.1 et seq., within the State of New Jersey.

10:130-3.5 Funding priorities

(a) Agencies receiving funds from the Division of Youth and Family Services prior to January 1, 1990 shall be eligible to receive a portion of at least 80 percent of marriage license fee collections. Donor matching will not be required.

(b) Funding for the development of new programs shall be subject to the following conditions:

1. New program development may receive up to a maximum of 20 percent of marriage license fee collections;

2. Eligibility will be limited to counties which do not have emergency residential shelter programs;

3. Donor match will not be required;

4. Proposals received for programs including an emergency residential shelter component in addition to initial response and linkage to other services, will be given first priority for funding;

5. Second priority will be given to non-residential programs which include initial response, linkage to other services, and emergency housing provisions; and

6. Applications for new program funding shall be solicited through a formal request for proposals process and reviewed on the basis of program and fiscal criteria established in the proposal request.

10:130-3.6 Program fiscal responsibility

(a) Funding for shelter programs is contingent on the ability of programs to meet the fiscal and programmatic practices required by the agency's contract with the Division of Youth and Family Services.

(b) All programs applying for or receiving funding under the provisions of this subchapter shall be subject to fiscal and program review by the Division of Youth and Family Services of the requirements of their contracts with the Division.

(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. 10:130 and with the provisions of N.J.A.C. 5:15, Rules Governing Emergency Shelters for the Homeless.