

Public Hearing

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before

ASSEMBLY APPROPRIATIONS COMMITTEE

ASSEMBLY BILL Nos. 431 & 1599 (1R) (ACS)
and

SENATE BILL No. 848 (2R)

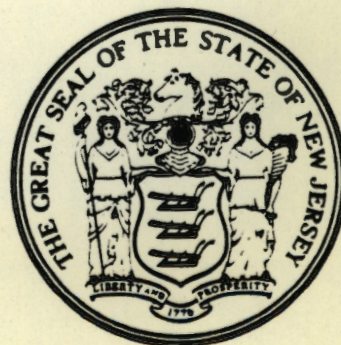
(Authorizes the sale of State bonds for institutional
and community projects for clients served by the
Department of Human Services, including clients of the
Division of Developmental Disabilities)

LOCATION: State House
Room 319
Trenton, New Jersey

DATE: August 15, 1994
1:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Rodney P. Frelinghuysen, Chairman
Assemblyman Walter J. Kavanaugh, Vice-Chairman
Assemblyman Alan M. Augustine
Assemblyman John C. Gibson
Assemblywoman Rose M. Heck
Assemblyman Leonard Lance
Assemblyman Joseph R. Malone
Assemblywoman Carol J. Murphy
Assemblywoman Joann H. Smith
Assemblyman Joseph J. Roberts, Jr.
Assemblyman Louis A. Romano
Assemblyman George E. Williams



ALSO PRESENT:

Michael J. Basarab
Office of Legislative Services
Aide, Assembly Appropriations Committee

Hearing Recorded and Transcribed by

The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, CN 068, Trenton, New Jersey 08625

RODNEY P. FRELINGHUYSEN
Chairman
WALTER J. KAVANAUGH
Vice-Chairman
JOANN H. SMITH
Sub-Committee Chair

Sub-Committee Chair
LEONARD LANCE
Sub-Committee Chair
JOHN C. GIBSON
Sub-Committee Chair



New Jersey State Legislature

ASSEMBLY APPROPRIATIONS COMMITTEE
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JOSEPH SULIGA

NOTICE OF PUBLIC HEARING

The Assembly Appropriations Committee will hold a public hearing on **Monday, August 15, 1994 at 1:00 PM in Room 319, State House, Trenton, NJ.**

The purpose of this hearing is to take testimony, in accordance with Rule No. 140 of Rules of the General Assembly, on **Assembly Bill No. 431, Assembly Bill No. 1599 and Senate Bill No. 848**, which authorize the sale of State bonds for community residences for clients of the Division of Developmental Disabilities.

The public may address comments and questions to Michael J. Basarab, Committee Aide and persons wishing to testify should contact Pat Scott, secretary, at (609) 984-6798. Those persons presenting written testimony should provide 20 copies to the committee on the day of the hearing.

Issued 08/05/94

Assistive listening devices available upon 24 hours prior notice
to the committee aide(s) listed above

THE CHAIRMAN REQUESTS THAT ALL LEGISLATIVE AGENTS
PLEASE DISPLAY IDENTIFICATION BADGES
WHILE IN ATTENDANCE AT COMMITTEE MEETINGS.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 431 and 1599

STATE OF NEW JERSEY

DATED: AUGUST 15, 1994

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 431 and 1599.

This Assembly Committee Substitute for Assembly Bill Nos. 431 and 1599 authorizes the State of New Jersey to issue \$160 million in bonds. The purpose of the substitute is to provide a comprehensive bond issue for all constituencies of the Department of Human Services including clients of the Divisions of Mental Health and Hospitals, Developmental Disabilities, Youth and Family Services, and Juvenile Services. The substitute provides for capital funding to allow the State to continue to pursue its goal of reducing the demand for institutional care while providing increased opportunities for community care and allowing for further development of alternative care through such concepts as supportive housing arrangements.

The bond proceeds are to be allocated as follows: \$30 million for necessary capital improvements at the various institutions operated by the Department of Human Services; and \$130 million for renovations of existing community-based facilities and expansion and creation of new community-based facilities. The expenditure of these funds is contingent upon the preparation of an updated institutional master plan and the preparation of a master plan for the expenditure of the community funds.

More specifically, the master plan is to be developed through an open planning process which includes participation of potential consumers and their families, that reflects to the maximum extent possible the creation of residences that are typical of those in which people who are not disabled reside, and that guarantees consumer choice and control over where and with whom the person will reside. The master plan must also include details regarding the amount to be expended and the types of services for persons with mental illness, developmental disabilities, or other physical and emotional problems and the amount to be used for new programs versus expanding existing programs and the types of programs to be established.

The substitute authorizes the expenditure of the bond funds for additional purposes as follows:

Life safety projects to abate hazards to clients and employees at human services facilities.

Accreditation projects to provide improved living conditions for clients, in accordance with requirements contained in accreditation and certification surveys.

Community grants for physical plant improvements of existing community facilities.

Community grants to create new and expand existing residential and service facilities in the community.

Physical plant projects to maintain the operational integrity of human services facilities.

Program improvement projects to materially add to or upgrade human services facilities.

The development of departmental master plans, through a process that includes the clients of the Department of Human Services, is an opportunity for the department to review its mission. The committee anticipates such further work with the department as may be required to bring that mission into focus and provide the organizational tools for its accomplishment.

This substitute is identical to Senate Bill No. 848 (2R).

FISCAL IMPACT:

This substitute authorizes the issuance of \$160 million in State general obligation bonds for the construction, planning, erecting, purchasing, improving, developing, extending, rehabilitating, renovating, upgrading, demolishing and equipping of State and community-based human services facilities, including the community residences for clients of the Division of Developmental Disabilities. The substitute also appropriates \$5,000 to the Department of State for expenses involving public notification.

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 431 and 1599

STATE OF NEW JERSEY

ADOPTED AUGUST 15, 1994

Sponsored by Assemblyman FRELINGHUYSEN,
Assemblywoman HECK, Assemblymen FELICE and COLLINS

1 AN ACT authorizing the creation of a debt of the State of New
2 Jersey by the issuance of bonds of the State in an aggregate
3 principal amount of \$160,000,000 for the purpose of planning,
4 construction, reconstruction, development, erection,
5 acquisition, extension, improvement, rehabilitation and
6 equipment of community residences for clients of the Division
7 of Developmental Disabilities and other State and
8 community-based human services facilities; providing the ways
9 and means to pay and discharge the principal of and interest on
10 the bonds; providing for the submission of this act to the people
11 at a general election; and making an appropriation therefor.

12
13 BE IT ENACTED by the Senate and General Assembly of the
14 State of New Jersey:

15 1. This act shall be known and may be cited as the
16 "Developmental Disabilities' Waiting List Reduction and Human
17 Services Facilities Construction Bond Act of 1994."

18 2. The Legislature finds and declares:

19 a. The number of persons on the waiting list for services from
20 the Division of Developmental Disabilities has increased 34%,
21 from 3,090 to 4,150, between December 1990 and December 1993.

22 b. The number of persons on the waiting list who require a
23 residential placement increased 36%, between December 1990
24 and December 1993, from 2,509 to 3,407.

25 c. The Department of Human Services has expended virtually
26 all the 1989 bond funds that had been allocated to the Division of
27 Developmental Disabilities to develop residential programs for its
28 clients.

29 d. Implementation of the program in this act to reduce the
30 division's waiting list will meet the immediate and critical need
31 of the people of New Jersey, will substantially further the public
32 interest, and can be most economically financed through a bond
33 issue.

34 e. That the reduction of the division's waiting list and the
35 meeting of critical needs financed by a bond issue be
36 accomplished creatively in living environments that are typical of
37 those in which persons without disabilities reside, utilizing
38 existing community resources to the greatest extent possible.

39 f. That individuals served by use of this bond issue for the
40 development of community residences for clients of the division
41 be given, to the maximum extent possible, choice and control
42 over where and with whom they live.

43 g. In addition, the State of New Jersey requires continuing
44 funding to support community grants to develop such facilities as
45 group homes and other community-based facilities for persons

1 with mental illness, developmental disabilities, or other physical
2 and emotional problems.

3 h. Increased community efforts are necessary to provide the
4 proper level of services in local areas, and thereby reduce the
5 demand for institutional care at State human services facilities
6 and reduce institutional populations.

7 i. The State of New Jersey requires continuing funding for
8 capital improvements at human services facilities, in the areas of
9 life safety, accreditation, physical plant and program
10 improvement projects.

11 j. Implementation of such programs will meet the immediate
12 and critical need of the people of New Jersey, will substantially
13 further the public interest, and can be most economically
14 financed through a bond issue.

15 3. As used in this act, unless the context indicates a different
16 meaning or intent:

17 "Bonds" mean the bonds authorized to be issued, or issued,
18 under this act.

19 "Commission" means the New Jersey Commission on Capital
20 Budgeting and Planning.

21 "Commissioner" means the Commissioner of Human Services.

22 "Community residences" means group homes, supervised
23 apartments, supportive living arrangements and other community
24 residences for clients of the Division of Developmental
25 Disabilities as decided upon and chosen by the individual and the
26 individual's family.

27 "Construct" and "construction" means, in addition to the usual
28 meaning thereof, the planning, erecting, purchasing, improving,
29 developing, constructing, reconstructing, extending,
30 rehabilitating, renovating, upgrading, demolishing and equipping
31 of community residences and human services facilities.

32 "Cost" means the expenses incurred in connection with: the
33 acquisition by purchase, lease, or otherwise, and the construction
34 of a project authorized by this act; the acquisition by purchase,
35 lease, or otherwise, and the development of any real or personal
36 property for use in connection with a project authorized by this
37 act, including any rights or interests therein, the execution of any
38 agreements and franchises deemed by the department to be
39 necessary or useful and convenient in connection with any project
40 authorized by this act; the procurement of engineering,
41 inspection, planning, legal, financial, or other professional
42 services, including the services of a bond register or an
43 authenticating agent; the issuance of bonds, or any interest or
44 discount thereon; the administrative, organizational, operating or
45 other expenses incident to the financing, completing, and placing
46 into service of any project authorized by this act; the
47 establishment of a reserve fund or funds for working capital,
48 operating, maintenance, or replacement expenses and for the
49 payment or security of principal or interest on bonds, as the
50 Director of the Division of Budget and Accounting in the
51 Department of the Treasury may determine; and reimbursement
52 to any fund of the State of moneys which may have been
53 transferred or advanced therefrom to any fund created by this
54 act, or any moneys which may have been expended therefrom for,

1 or in connection with, this act.

2 "Department" means the Department of Human Services.

3 "Government securities" means any bonds or other obligations
4 which as to principal and interest constitute direct obligations of,
5 or are unconditionally guaranteed by, the United States of
6 America, including obligations of any federal agency, to the
7 extent those obligations are unconditionally guaranteed by the
8 United States of America, and any certificates or any other
9 evidences of an ownership interest in those obligations of, or
10 unconditionally guaranteed by, the United States of America or in
11 specified portions which may consist of the principal of, or the
12 interest on, those obligations.

13 "Human services facilities" means structures, institutions, and
14 facilities under the supervision of the Department of Human
15 Services, including community residences; and structures,
16 institutions and facilities necessary for the operation of State,
17 county, municipal or private programs for persons who have
18 either a mental illness, developmental disability, or other
19 physical and emotional problems, including community residences.

20 4. a. The commissioner shall adopt, pursuant to the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
22 seq.), rules and regulations necessary to implement the provisions
23 of this act. The commissioner shall review and consider the
24 findings and recommendations of the commission in the
25 administration of the provisions of this act.

26 b. Funds shall be appropriated for the construction of
27 community residences only in accordance with a master plan
28 developed through an open planning process that includes
29 participation of potential consumers and families of potential
30 consumers of community residences authorized by this act, and
31 which reflects to the maximum extent possible the creation of
32 residences that are typical of those in which people who are not
33 disabled reside, and guarantees consumer choice and control over
34 where and with whom the individual will reside. The plan shall
35 provide the following information:

36 (1) The number of persons to be served and, specifically, the
37 number of children and adolescents to be served;

38 (2) The number and types of community residences that are to
39 be developed, their approximate cost and their geographic
40 location;

41 (3) The annual operating costs of any new or expanded
42 community residences that are to be established and the cost of
43 any ancillary services that are to be provided;

44 (4) the housing needs of those with low incidence disabilities
45 and those who have been historically underserved.

46 c. (1) Of the amount allocated to the department pursuant to
47 subsection b. of section 5 of this act for State institutions for the
48 mentally ill, the developmentally disabled or other State operated
49 facilities, funds shall be appropriated only in accordance with an
50 updated master plan. The updated plan shall include a needs
51 assessment of the capital facilities required to provide a level of
52 care that meets current licensure and accreditation standards and
53 requirements and an integrated plan for the use and rehabilitation
54 of current facilities with new capital facilities. The plan shall

1 indicate the amount to be spent at each institution and list those
2 projects which may be undertaken at each institution. The plan
3 shall be developed in consultation with appropriate community
4 providers and shall be submitted by the commissioner to the
5 Commission on Capital Budgeting and Planning for review and
6 approval.

7 (2) Of the amount allocated to the department pursuant to
8 subsection b. of section 5 of this act for community-based
9 facilities for persons with mental illness, developmental
10 disabilities, or other physical and emotional problems, funds shall
11 be appropriated only in accordance with a master plan which
12 provides the following information:

13 (a) the amount to be expended on persons with mental illness,
14 developmental disabilities, or other physical and emotional
15 problems;

16 (b) the amount to be expended on renovations or other capital
17 projects of existing programs and facilities;

18 (c) the amount to be expended on establishing new or expanding
19 existing programs and the type of programs to be established or
20 expanded;

21 (d) the amount to be expended on behalf of services for
22 adolescents and children with mental illness, developmental
23 disabilities or other physical and emotional problems;

24 (e) the number of clients residing in departmental institutions
25 and the number of clients residing in the community which will be
26 served by these new or expanded programs; and

27 (f) the annual operating costs of any new or expanded programs
28 that are to be established.

29 d. The plans developed pursuant to subsections b. and c. of this
30 section shall be updated annually until all bond funds are
31 appropriated.

32 5. a. Bonds of the State of New Jersey are authorized to be
33 issued in an aggregate principal amount not exceeding
34 \$160,000,000 for the purpose of capital expenditure for the cost
35 of construction of community residences for clients of the
36 Division of Developmental Disabilities and human services
37 facilities.

38 b. Of this total, \$30,000,000 shall be for State institutions and
39 \$130,000,000 shall be for community-based facilities for persons
40 with mental illness, developmental disabilities and other physical
41 and emotional problems. The proceeds from the sale of bonds
42 shall be utilized for the following purposes:

43 (1) Life safety projects to abate hazards to clients and
44 employees at human services facilities.

45 (2) Accreditation projects to provide improved living conditions
46 for clients, in accordance with requirements contained in
47 accreditation and certification surveys.

48 (3) Community grants for physical plant improvements of
49 existing community facilities.

50 (4) Community grants to create new and expand existing
51 residential and service facilities in the community, including
52 community residences for clients of the Division of
53 Developmental Disabilities.

54 (5) Physical plant projects to maintain the operational integrity

1 of human services facilities.

2 (6) Program improvement projects to materially add to or
3 upgrade human services facilities.

4 6. The bonds authorized under this act shall be serial bonds,
5 term bonds, or a combination thereof, and shall be known as
6 "Developmental Disabilities' Waiting List Reduction and Human
7 Services Facilities Construction Bonds." They shall be issued
8 from time to time as the issuing officials herein named shall
9 determine and may be issued in coupon form, fully-registered
10 form or book-entry form. The bonds may be subject to
11 redemption prior to maturity and shall mature and be paid not
12 later than 35 years from the respective dates of their issuance.

13 7. The Governor, the State Treasurer and the Director of the
14 Division of Budget and Accounting in the Department of the
15 Treasury, or any two of these officials, herein referred to as "the
16 issuing officials," are authorized to carry out the provisions of
17 this act relating to the issuance of bonds, and shall determine all
18 matters in connection therewith, subject to the provisions of this
19 act. If an issuing official is absent from the State or incapable of
20 acting for any reason, the powers and duties of that issuing
21 official shall be exercised and performed by the person
22 authorized by law to act in an official capacity in the place of
23 that issuing official.

24 8. Bonds issued in accordance with the provisions of this act
25 shall be direct obligations of the State of New Jersey, and the
26 faith and credit of the State are pledged for the payment of the
27 interest and redemption premium thereon, if any, when due, and
28 for the payment of the principal thereof at maturity or earlier
29 redemption date. The principal of and interest on the bonds shall
30 be exempt from taxation by the State or by any county,
31 municipality or other taxing district of the State.

32 9. The bonds shall be signed in the name of the State by means
33 of the manual or facsimile signature of the Governor under the
34 Great Seal of the State, which seal may be by facsimile or by way
35 of any other form of reproduction on the bonds, and attested by
36 the manual or facsimile signature of the Secretary of State, or an
37 Assistant Secretary of State, and shall be countersigned by the
38 facsimile signature of the Director of the Division of Budget and
39 Accounting in the Department of the Treasury and may be
40 manually authenticated by an authenticating agent or bond
41 registrar, as the issuing officials shall determine. Interest
42 coupons, if any, attached to the bonds shall be signed by the
43 facsimile signature of the Director of the Division of Budget and
44 Accounting in the Department of the Treasury. The bonds may
45 be issued notwithstanding that an official signing them or whose
46 manual or facsimile signature appears on the bonds or coupons
47 has ceased to hold office at the time of issuance, or at the time
48 of the delivery of the bonds to the purchaser thereof.

49 10. a. The bonds shall recite that they are issued for the
50 purposes set forth in section 5 of this act, that they are issued
51 pursuant to this act, that this act was submitted to the people of
52 the State at the general election held in the month of November,
53 1994, and that this act was approved by a majority of the legally
54 qualified voters of the State voting thereon at the election. This

1 recital shall be conclusive evidence of the authority of the State
2 to issue the bonds and their validity. Any bonds containing this
3 recital shall, in any suit, action or proceeding involving their
4 validity, be conclusively deemed to be fully authorized by this act
5 and to have been issued, sold, executed and delivered in
6 conformity herewith and with all other provisions of law
7 applicable hereto, and shall be incontestable for any cause.

8 b. The bonds shall be issued in those denominations and in the
9 form or forms, whether coupon, fully-registered or book-entry,
10 and with or without provisions for the interchangeability thereof,
11 as may be determined by the issuing officials.

12 11. When the bonds are issued from time to time, the bonds of
13 each issue shall constitute a separate series to be designated by
14 the issuing officials. Each series of bonds shall bear such rate or
15 rates of interest as may be determined by the issuing officials,
16 which interest shall be payable semiannually; except that the
17 first and last interest periods may be longer or shorter, in order
18 that the intervening semiannual payments may be at convenient
19 dates.

20 12. The bonds shall be issued and sold at the price or prices
21 and under the terms, conditions and regulations as the issuing
22 officials may prescribe, after notice of the sale, published at
23 least once in at least three newspapers published in this State,
24 and at least once in a publication carrying municipal bond notices
25 and devoted primarily to financial news, published in this State or
26 in the city of New York, the first notice to appear at least five
27 days prior to the day of bidding. The notice of sale may contain a
28 provision to the effect that any bid in pursuance thereof may be
29 rejected. In the event of rejection or failure to receive any
30 acceptable bid, the issuing officials, at any time within 60 days
31 from the date of the advertised sale, may sell the bonds at a
32 private sale at such price or prices and under the terms and
33 conditions as the issuing officials may prescribe. The issuing
34 officials may sell all or part of the bonds of any series as issued
35 to any State fund or to the federal government or any agency
36 thereof, at a private sale, without advertisement.

37 13. Until permanent bonds are prepared, the issuing officials
38 may issue temporary bonds in a form and with those privileges as
39 to their registration and exchange for permanent bonds as may be
40 determined by the issuing officials.

41 14. The proceeds derived from the sale of bonds shall be paid
42 to the State Treasurer in a separate fund, which shall be known as
43 the "Developmental Disabilities' Waiting List Reduction and
44 Human Services Facilities Construction Fund." The proceeds of
45 this fund shall be deposited in those depositories as may be
46 selected by the State Treasurer to the credit of the fund.

47 15. a. The moneys in the "Developmental Disabilities' Waiting
48 List Reduction and Human Services Facilities Construction Fund"
49 are specifically dedicated and shall be applied to the cost of the
50 purposes set forth in section 5 of this act. However, no moneys
51 in the fund shall be expended for those purposes, except as
52 otherwise authorized by this act, without the specific
53 appropriation thereof by the Legislature, but bonds may be issued
54 as herein provided, notwithstanding that the Legislature shall not

1 have then adopted an act making a specific appropriation of any
2 of the moneys. Any act appropriating moneys from the
3 "Developmental Disabilities' Waiting List Reduction and Human
4 Services Facilities Construction Fund" shall identify the
5 community residences and human services facilities to be funded
6 by the moneys.

7 b. At any time prior to the issuance and sale of bonds under
8 this act, the State Treasurer is authorized to transfer from any
9 available moneys in any fund of the treasury of the State to the
10 credit of the "Developmental Disabilities' Waiting List
11 Reduction and Human Services Facilities Construction Fund"
12 those sums as the State Treasurer may deem necessary. The
13 sums so transferred shall be returned to the same fund of the
14 treasury of the State by the State Treasurer from the proceeds of
15 the sale of the first issue of bonds.

16 c. Pending their application to the purposes provided in this
17 act, the moneys in the "Developmental Disabilities' Waiting List
18 Reduction and Human Services Facilities Construction Fund" may
19 be invested and reinvested as are other trust funds in the custody
20 of the State Treasurer, in the manner provided by law. Net
21 earnings received from the investment or deposit of moneys in
22 the "Developmental Disabilities' Waiting List Reduction and
23 Human Services Facilities Construction Fund" shall be paid into
24 the General Fund.

25 16. If any coupon bond, coupon or registered bond is lost,
26 mutilated or destroyed, a new bond or coupon shall be executed
27 and delivered of like tenor, in substitution for the lost, mutilated
28 or destroyed bond or coupon, upon the owner furnishing to the
29 issuing officials evidence satisfactory to them of the loss,
30 mutilation or destruction of the bond or coupon, the ownership
31 thereof, and security, indemnity and reimbursement for expenses
32 connected therewith, as the issuing officials may require.

33 17. The accrued interest, if any, received upon the sale of the
34 bonds shall be applied to the discharge of a like amount of
35 interest upon the bonds when due. Any expense incurred by the
36 issuing officials for advertising, engraving, printing, clerical,
37 authenticating, registering, legal or other services necessary to
38 carry out the duties imposed upon them by the provisions of this
39 act shall be paid from the proceeds of the sale of the bonds by
40 the State Treasurer, upon the warrant of the Director of the
41 Division of Budget and Accounting in the Department of the
42 Treasury, in the same manner as other obligations of the State
43 are paid.

44 18. Bonds of each series issued hereunder shall mature,
45 including any sinking fund redemptions, not later than the 35th
46 year from the date of issue of that series, and in amounts as shall
47 be determined by the issuing officials. The issuing officials may
48 reserve to the State by appropriate provision in the bonds of any
49 series the power to redeem any of the bonds prior to maturity at
50 such price or prices and upon such terms and conditions as may be
51 provided in the bonds.

52 19. Any bond or bonds issued hereunder, which are subject to
53 the "Refunding Bond Act of 1985," P.L.1985, c.74 as amended by
54 P.L.1992, c.182 (C.49:2B-1 et seq.), shall no longer be deemed to

1 be outstanding, shall no longer constitute a direct obligation of
2 the State of New Jersey, and the faith and credit of the State
3 shall no longer be pledged to the payment of the principal of,
4 redemption premium, if any, and interest on the bonds, and the
5 bonds shall be secured solely by and payable solely from moneys
6 and government securities deposited in trust with one or more
7 trustees or escrow agents, which trustees and escrow agents shall
8 be trust companies or national or state banks having powers of a
9 trust company, located either within or without the State, as
10 provided herein, whenever there shall be deposited in trust with
11 the trustees or escrow agents, as provided herein, either moneys
12 or government securities, including government securities issued
13 or held in book-entry form on the books of the Department of
14 Treasury of the United States, the principal of and interest on
15 which when due will provide money which, together with the
16 moneys, if any, deposited with the trustees or escrow agents at
17 the same time, shall be sufficient to pay when due the principal
18 of, redemption premium, if any, and interest due and to become
19 due on the bonds on or prior to the redemption date or maturity
20 date thereof, as the case may be; provided the government
21 securities shall not be subject to redemption prior to their
22 maturity other than at the option of the holder thereof. The
23 State of New Jersey hereby covenants with the holders of any
24 bonds for which government securities or moneys shall have been
25 deposited in trust with the trustees or escrow agents as provided
26 in this section that, except as otherwise provided in this section,
27 neither the government securities nor moneys so deposited with
28 the trustees or escrow agents shall be withdrawn or used by the
29 State for any purpose other than, and shall be held in trust for,
30 the payment of the principal of, redemption premium, if any, and
31 interest to become due on the bonds; provided that any cash
32 received from the principal or interest payments on the
33 government securities deposited with the trustees or escrow
34 agents, to the extent the cash will not be required at any time for
35 that purpose, shall be paid over to the State, as received by the
36 trustees or escrow agents, free and clear of any trust, lien,
37 pledge or assignment securing the bonds; and to the extent the
38 cash will be required for that purpose at a later date, shall, to the
39 extent practicable and legally permissible, be reinvested in
40 government securities maturing at times and in amounts
41 sufficient to pay when due the principal of, redemption premium,
42 if any, and interest to become due on the bonds on and prior to
43 the redemption date or maturity date thereof, as the case may
44 be, and interest earned from the reinvestments shall be paid over
45 to the State, as received by the trustees or escrow agents, free
46 and clear of any trust, lien or pledge securing the bonds.

47 Notwithstanding anything to the contrary contained herein: a. the
48 trustees or escrow agents shall, if so directed by the issuing
49 officials, apply moneys on deposit with the trustees or escrow
50 agents pursuant to the provisions of this section, and redeem or
51 sell government securities so deposited with the trustees or
52 escrow agents, and apply the proceeds thereof to (1) the purchase
53 of the bonds which were refinanced by the deposit with the
54 trustees or escrow agents of the moneys and government

1 securities and immediately thereafter cancel all bonds so
2 purchased, or (2) the purchase of different government securities;
3 provided however, that the moneys and government securities on
4 deposit with the trustees or escrow agents after the purchase and
5 cancellation of the bonds or the purchase of different government
6 securities shall be sufficient to pay when due the principal of,
7 redemption premium, if any, and interest on all other bonds in
8 respect of which the moneys and government securities were
9 deposited with the trustees or escrow agents on or prior to the
10 redemption date or maturity date thereof, as the case may be;
11 and b. in the event that on any date, as a result of any purchases
12 and cancellations of bonds or any purchases of different
13 government securities, as provided in this sentence, the total
14 amount of moneys and government securities remaining on
15 deposit with the trustees or escrow agents is in excess of the
16 total amount which would have been required to be deposited
17 with the trustees or escrow agents on that date in respect of the
18 remaining bonds for which the deposit was made in order to pay
19 when due the principal of, redemption premium, if any, and
20 interest on the remaining bonds, the trustees or escrow agents
21 shall, if so directed by the issuing officials, pay the amount of the
22 excess to the State, free and clear of any trust, lien, pledge or
23 assignment securing the refunding bonds.

24 20. Refunding bonds issued pursuant to P.L.1985, c.74 as
25 amended by P.L.1992, c.182 (C.49:2B-1 et seq.) may be
26 consolidated with bonds issued pursuant to section 5 of this act or
27 with bonds issued pursuant to any other act for purposes of sale.

28 21. To provide funds to meet the interest and principal
29 payment requirements for the bonds issued under this act and
30 outstanding, there is appropriated in the order following:

31 a. Revenue derived from the collection of taxes under the
32 "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), or
33 so much thereof as may be required; and

34 b. If, at any time, funds necessary to meet the interest,
35 redemption premium, if any, and principal payments on
36 outstanding bonds issued under this act are insufficient or not
37 available, there shall be assessed, levied and collected annually in
38 each of the municipalities of the counties of this State, a tax on
39 the real and personal property upon which municipal taxes are or
40 shall be assessed, levied and collected, sufficient to meet the
41 interest on all outstanding bonds issued hereunder and on the
42 bonds proposed to be issued under this act in the calendar year in
43 which the tax is to be raised and for the payment of bonds falling
44 due in the year following the year for which the tax is levied.
45 The tax shall be assessed, levied and collected in the same
46 manner and at the same time as other taxes upon real and
47 personal property. The governing body of each municipality shall
48 pay to the county treasurer of the county in which the
49 municipality is located, on or before December 15 in each year,
50 the amount of tax herein directed to be assessed and levied, and
51 the county treasurer shall pay the amount of the tax to the State
52 Treasurer on or before December 20 in each year.

53 If on or before December 31 in any year, the issuing officials,
54 by resolution, determine that there are moneys in the General

1 Fund beyond the needs of the State, sufficient to pay the
2 principal of bonds falling due and all interest and redemption
3 premium, if any, payable in the ensuing calendar year, the issuing
4 officials shall file ~~the~~ resolution in the office of the State
5 Treasurer, whereupon the State Treasurer shall transfer the
6 moneys to a separate fund to be designated by the State
7 Treasurer, and shall pay the principal, redemption premium, if
8 any, and interest out of that fund as the same shall become due
9 and payable, and the other sources of payment of the principal,
10 redemption premium, if any, and interest provided for in this
11 section shall not then be available, and the receipts for the year
12 from the tax specified in subsection a. of this section shall be
13 considered and treated as part of the General Fund, available for
14 general purposes.

15 22. Should the State Treasurer, by December 31 of any year,
16 deem it necessary, because of the insufficiency of funds collected
17 from the sources of revenues as provided in this act, to meet the
18 interest and principal payments for the year after the ensuing
19 year, then the State Treasurer shall certify to the Director of the
20 Division of Budget and Accounting in the Department of the
21 Treasury the amount necessary to be raised by taxation for those
22 purposes, the same to be assessed, levied and collected for and in
23 the ensuing calendar year. The director shall, on or before March
24 1 following, calculate the amount in dollars to be assessed, levied
25 and collected in each county as herein set forth. This calculation
26 shall be based upon the corrected assessed valuation of each
27 county for the year preceding the year in which the tax is to be
28 assessed, but the tax shall be assessed, levied and collected upon
29 the assessed valuation of the year in which the tax is assessed and
30 levied. The director shall certify the amount to the county board
31 of taxation and the treasurer of each county. The county board
32 of taxation shall include the proper amount in the current tax
33 levy of the several taxing districts of the county in proportion to
34 the ratables as ascertained for the current year.

35 23. For the purpose of complying with the provisions of the
36 State Constitution, this act shall be submitted to the people at
37 the general election to be held in the month of November, 1994.
38 To inform the people of the contents of this act, it shall be the
39 duty of the Secretary of State, after this section takes effect,
40 and at least 60 days prior to the election, to cause this act to be
41 published at least once in one or more newspapers of each county,
42 if any newspapers be published therein and to notify the clerk of
43 each county of this State of the passage of this act; and the
44 clerks respectively, in accordance with the instructions of the
45 Secretary of State, shall have printed on each of the ballots the
46 following:

47 If you approve of the act entitled below, make a cross (X), plus
48 (+), or check (✓) mark in the square opposite the word "Yes."

49 If you disapprove of the act entitled below, make a cross (X),
50 plus (+) or check (✓) mark in the square opposite the word "No."

51 If voting machines are used, a vote of "Yes" or "No" shall be
52 equivalent to these markings respectively.

DEVELOPMENTAL DISABILITIES' WAITING
LIST REDUCTION AND HUMAN SERVICES
FACILITIES CONSTRUCTION BOND ISSUE

YES. Shall the "Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Bond Act of 1994," which authorizes the State to issue bonds in the amount of \$160,000,000 for the purpose of the planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation and equipment of community residences for clients of the Division of Developmental Disabilities and other State and community-based human services facilities; and providing the ways and means to pay the interest on the debt and also to pay and discharge the principal thereof, be approved?

INTERPRETIVE STATEMENT

NO. ..Approval of this act will authorize the sale of \$160,000,000 in State general obligation bonds. Of the total, \$30,000,000 will be used for capital improvements at State institutions operated by the Department of Human Services and the remaining \$130,000,000 will be used for various community-based facilities. These funds will be used for the development of new community residences for clients of the Division of Developmental Disabilities; life safety projects to abate hazards to clients and employees at human services facilities; accreditation projects to provide improved living conditions for clients, in accordance with requirements contained in accreditation and certification surveys; community grants for physical plant improvements of existing community facilities community grant projects to create new and expand existing residential and service facilities in the community; physical plant projects to maintain the operational integrity of human services facilities; and program improvement projects to materially add to or upgrade human services facilities.

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in the ballot. No other requirements of law of any kind or character as to notice or procedure, except as herein provided, need be adhered to.

The votes cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of the election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there is a majority

1 of all votes cast for and against it at the election in favor of the
2 approval of this act, then all the provisions of this act not made
3 effective theretofore shall take effect forthwith.

4 24. There is appropriated the sum of \$5,000 to the Department
5 of State for expenses in connection with the publication of notice
6 pursuant to section 23 of this act.

7 25. The commissioner shall submit to the State Treasurer and
8 the commission with the department's annual budget request a
9 plan for the expenditure of funds from the "Developmental
10 Disabilities' Waiting List Reduction and Human Services
11 Facilities Construction Fund" for the upcoming fiscal year. The
12 plan shall include the following information: a performance
13 evaluation of the expenditures made from the fund to date; a
14 description of programs planned during the upcoming fiscal year;
15 a copy of the regulations in force governing the operation of
16 programs that are financed, in part or in whole, by funds from the
17 "Developmental Disabilities' Waiting List Reduction and Human
18 Services Facilities Construction Fund"; and an estimate of
19 expenditures for the upcoming fiscal year.

20 26. Immediately following the submission to the Legislature of
21 the Governor's annual budget message, the commissioner shall
22 submit to the relevant standing committees of the Legislature, as
23 designated by the President of the Senate and the Speaker of the
24 General Assembly, and to the Joint Budget Oversight Committee,
25 or its successor, a copy of the plan called for under section 25 of
26 this act, together with such changes therein as may have been
27 required by the Governor's budget message.

28 27. Not less than 30 days prior to entering into any contract,
29 lease, obligation, or agreement to effectuate the purposes of this
30 act, the commissioner shall report to and consult with the Joint
31 Budget Oversight Committee, or its successor.

32 28. All appropriations from the "Developmental Disabilities'
33 Waiting List Reduction and Human Services Facilities
34 Construction Fund" shall be by specific allocation for each
35 project, and any transfer of any funds so appropriated shall
36 require the approval of the Joint Budget Oversight Committee, or
37 its successor.

38 29. This section and sections 23 and 24 of this act shall take
39 effect immediately and the remainder of this act shall take
40 effect as and when provided in section 23.

41
42
43
44
45 Authorizes \$160,000,000 sale of State bonds for institutional and
46 community projects for clients served by the Department of
47 Human Services, including clients of the Division of
48 Developmental Disabilities.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 848

STATE OF NEW JERSEY

DATED: AUGUST 15, 1994

The Assembly Appropriations Committee reports favorably Senate Bill No. 848 (2R).

Senate Bill No. 848 (2R) authorizes the State of New Jersey to issue \$160 million in bonds. The purpose of the bill is to provide a comprehensive bond issue for all constituencies of the Department of Human Services including clients of the Divisions of Mental Health and Hospitals, Developmental Disabilities, Youth and Family Services, and Juvenile Services. The bill provides for capital funding to allow the State to continue to pursue its goal of reducing the demand for institutional care while providing increased opportunities for community care and allowing for further development of alternative care through such concepts as supportive housing arrangements.

The bond proceeds are to be allocated as follows: \$30 million for necessary capital improvements at the various institutions operated by the Department of Human Services; and \$130 million for renovations of existing community-based facilities and expansion and creation of new community-based facilities. The expenditure of these funds is contingent upon the preparation of an updated institutional master plan and the preparation of a master plan for the expenditure of the community funds.

More specifically, the master plan is to be developed through an open planning process which includes participation of potential consumers and their families, that reflects to the maximum extent possible the creation of residences that are typical of those in which people who are not disabled reside, and that guarantees consumer choice and control over where and with whom the person will reside. The master plan must also include details regarding the amount to be expended and the types of services for persons with mental illness, developmental disabilities, or other physical and emotional problems and the amount to be used for new programs versus expanding existing programs and the types of programs to be established.

The bill authorizes the expenditure of the bond funds for additional purposes as follows:

Life safety projects to abate hazards to clients and employees at human services facilities.

Accreditation projects to provide improved living conditions for clients, in accordance with requirements contained in accreditation and certification surveys.

Community grants for physical plant improvements of existing community facilities.

Community grants to create new and expand existing residential and service facilities in the community.

Physical plant projects to maintain the operational integrity of human services facilities.

Program improvement projects to materially add to or upgrade human services facilities.

The development of departmental master plans, through a process that includes the clients of the Department of Human Services, is an opportunity for the department to review its mission. The committee anticipates such further work with the department as may be required to bring that mission into focus and provide the organizational tools for its accomplishment.

This bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 431 and 1599 (2R) reported by this committee.

FISCAL IMPACT:

This bill authorizes the issuance of \$160 million in State general obligation bonds for the construction, planning, erecting, purchasing, improving, developing, extending, rehabilitating, renovating, upgrading, demolishing and equipping of State and community-based human services facilities, including the community residences for clients of the Division of Developmental Disabilities. The bill also appropriates \$5,000 to the Department of State for expenses involving public notification.

STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1994

By Senators BASSANO, CODEY, Connors, Matheussen,
Lipman, Cafiero, Bubba, Bennett, Ewing, Ciesla
and MacInnes

1 **AN ACT** authorizing the creation of a debt of the State of New
2 Jersey by the issuance of bonds of the State in an aggregate
3 principal amount of \$160,000,000 for the purpose of planning,
4 construction, reconstruction, development, erection,
5 acquisition, extension, improvement, rehabilitation and
6 equipment of community ¹[~~-based residential facilities~~]
7 residences¹ for clients ¹[~~on~~ of¹ the Division of Developmental
8 Disabilities¹ waiting list] Disabilities¹ ²and other State and
9 community-based human services facilities²; providing the
10 ways and means to pay and discharge the principal of and
11 interest on the bonds; providing for the submission of this act
12 to the people at a general election; and making an
13 appropriation therefor.

14
15 **BE IT ENACTED** by the Senate and General Assembly of the
16 State of New Jersey:

17 1. This act shall be known and may be cited as the
18 "Developmental Disabilities' Waiting List Reduction ²and Human
19 Services Facilities Construction² Bond Act of 1994."

20 2. The Legislature finds and declares:

21 a. The number of persons on the waiting list for services from
22 the Division of Developmental Disabilities has increased 34%,
23 from 3,090 to 4,150, between December 1990 and December 1993.

24 b. The number of persons on the waiting list who require a
25 residential placement ¹[~~in either a group home, supervised~~
26 ~~apartment or supportive living arrangement~~]¹ increased 36%,
27 between December 1990 and December 1993, from 2,509 to 3,407.

28 c. The Department of Human Services has expended virtually
29 all the 1989 bond funds that had been allocated to the Division of
30 Developmental Disabilities to develop ¹[~~group homes and other~~]¹
31 residential programs for its clients.

32 d. Implementation of ²[~~this~~ the² program ²in this act² to
33 reduce the division's waiting list will meet the immediate and
34 critical need of the people of New Jersey, will substantially
35 further the public interest, and can be most economically
36 financed through a bond issue.

37 ¹e. That the reduction of the division's waiting list and the
38 meeting of critical needs financed by a bond issue be
39 accomplished creatively in living environments that are typical of
40 those in which persons without disabilities reside, utilizing
41 existing community resources to the greatest extent possible.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHU committee amendments adopted May 5, 1995.

² Senate SBA committee amendments adopted June 27, 1994.

1 f. That individuals served by use of this bond issue ²for the
 2 develop of community residences for clients of the division² be
 3 given, to the maximum extent possible, choice and control over
 4 where and with whom they live.¹

5 ²g. In addition, the State of New Jersey requires continuing
 6 funding to support community grants to develop such facilities as
 7 group homes and other community-based facilities for persons
 8 with mental illness, developmental disabilities, or other physical
 9 and emotional problems.

10 h. Increased community efforts are necessary to provide the
 11 proper level of services in local areas, and thereby reduce the
 12 demand for institutional care at State human services facilities
 13 and reduce institutional populations.

14 i. The State of New Jersey requires continuing funding for
 15 capital improvements at human services facilities, in the areas of
 16 life safety, accreditation, physical plant and program
 17 improvement projects.

18 j. Implementation of such programs will meet the immediate
 19 and critical need of the people of New Jersey, will substantially
 20 further the public interest, and can be most economically
 21 financed through a bond issue.²

22 3. As used in this act, unless the context indicates a different
 23 meaning or intent:

24 "Bonds" mean the bonds authorized to be issued, or issued,
 25 under this act.

26 "Commission" means the New Jersey Commission on Capital
 27 Budgeting and Planning.

28 "Commissioner" means the Commissioner of Human Services.

29 "Community ¹[–based residential facilities] residences¹" means
 30 group homes, supervised apartments, supportive living
 31 arrangements and ¹[such]¹ other ¹[residential programs]
 32 community residences¹ ²for clients of the Division of
 33 Developmental Disabilities² as ¹[may be developed for the
 34 benefit of clients on the Division of Developmental Disabilities'
 35 waiting list] decided upon and chosen by the individual and ²[his]
 36 the individual's² family¹.

37 "Construct" and "construction" means, in addition to the usual
 38 meaning thereof, the planning, erecting, purchasing, improving,
 39 developing, constructing, reconstructing, extending,
 40 rehabilitating, renovating, upgrading, demolishing and equipping
 41 of community ¹[–based residential facilities] residences ²and
 42 human services facilities².¹

43 "Cost" means the expenses incurred in connection with: the
 44 acquisition by purchase, lease, or otherwise, and the construction
 45 of a project authorized by this act; the acquisition by purchase,
 46 lease, or otherwise, and the development of any real or personal
 47 property for use in connection with a project authorized by this
 48 act, including any rights or interests therein, the execution of any
 49 agreements and franchises deemed by the department to be
 50 necessary or useful and convenient in connection with any project
 51 authorized by this act; the procurement of engineering,
 52 inspection, planning, legal, financial, or other professional
 53 services, including the services of a bond register or an
 54 authenticating agent; the issuance of bonds, or any interest or

discount thereon; the administrative, organizational, operating or other expenses incident to the financing, completing, and placing into service of any project authorized by this act; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses and for the payment or security of principal or interest on bonds, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys which may have been transferred or advanced therefrom to any fund created by this act, or any moneys which may have been expended therefrom for, or in connection with, this act.

"Department" means the Department of Human Services.

"Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency, to the extent those obligations are unconditionally guaranteed by the United States of America, and any certificates or any other evidences of an ownership interest in those obligations of, or unconditionally guaranteed by, the United States of America or in specified portions which may consist of the principal of, or the interest on, those obligations.

²"Human services facilities" means structures, institutions, and facilities under the supervision of the Department of Human Services, including community residences; and structures, institutions and facilities necessary for the operation of State, county, municipal or private programs for persons who have either a mental illness, developmental disability, or other physical and emotional problems, including community residences.²

4. a. The commissioner shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act. The commissioner shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.

b. Funds shall be appropriated ²for the construction of community residences² only in accordance with a master plan ¹[which provides] developed through an open planning process that includes participation of potential consumers and families of potential consumers of community residences authorized by this act, and which reflects to the maximum extent possible the creation of residences that are typical of those in which people who are not disabled reside, and guarantees consumer choice and control over where and with whom the individual will reside. The plan shall provide¹ the following information:

(1) The number of persons to be served and, specifically, the number of children and adolescents to be served;

(2) The number and types of community ¹[–based residential facilities] residences¹ that are to be developed, their approximate cost and their geographic location;

(3) The annual operating costs of any new or expanded community ¹[–based residential facilities] residences¹ that are to

1 be established and the cost of any ancillary services that are to
2 be provided¹;

3 (4) the housing needs of those with low incidence disabilities
4 and those who have been historically underserved¹.

5 ²c. (1) Of the amount allocated to the department pursuant to
6 subsection b. of section 5 of this act for State institutions for the
7 mentally ill, the developmentally disabled or other State operated
8 facilities, funds shall be appropriated only in accordance with an
9 updated master plan. The updated plan shall include a needs
10 assessment of the capital facilities required to provide a level of
11 care that meets current licensure and accreditation standards and
12 requirements and an integrated plan for the use and rehabilitation
13 of current facilities with new capital facilities. The plan shall
14 indicate the amount to be spent at each institution and list those
15 projects which may be undertaken at each institution. The plan
16 shall be developed in consultation with appropriate community
17 providers and shall be submitted by the commissioner to the
18 Commission on Capital Budgeting and Planning for review and
19 approval.

20 (2) Of the amount allocated to the department pursuant to
21 subsection b. of section 5 of this act for community-based
22 facilities for persons with mental illness, developmental
23 disabilities, or other physical and emotional problems, funds shall
24 be appropriated only in accordance with a master plan which
25 provides the following information:

26 (a) the amount to be expended on persons with mental illness,
27 developmental disabilities, or other physical and emotional
28 problems;

29 (b) the amount to be expended on renovations or other capital
30 projects of existing programs and facilities;

31 (c) the amount to be expended on establishing new or expanding
32 existing programs and the type of programs to be established or
33 expanded;

34 (d) the amount to be expended on behalf of services for
35 adolescents and children with mental illness, developmental
36 disabilities or other physical and emotional problems;

37 (e) the number of clients residing in departmental institutions
38 and the number of clients residing in the community which will be
39 served by these new or expanded programs; and

40 (f) the annual operating costs of any new or expanded programs
41 that are to be established.

42 d.² The ²[plan] plans developed pursuant to subsections b. and
43 c. of this section² shall be updated annually until all bond funds
44 are appropriated.

45 5. a. Bonds of the State of New Jersey are authorized to be
46 issued in an aggregate principal amount not exceeding
47 \$160,000,000 for the purpose of capital expenditure for the cost
48 of construction of community ¹[–based residential facilities]
49 residences¹ for clients of the Division of Developmental
50 Disabilities ²and human services facilities².

51 ²[b. The proceeds from the sale of bonds shall be utilized for
52 community grants to create new and expand existing community
53 ¹[–based residential facilities] residences¹ for clients of the
54 Division of Developmental Disabilities.]

1 b. Of this total, \$30,000,000 shall be for State institutions and
2 \$130,000,000 shall be for community-based facilities for persons
3 with mental illness, developmental disabilities and other physical
4 and emotional problems. The proceeds from the sale of bonds
5 shall be utilized for the following purposes:

6 (1) Life safety projects to abate hazards to clients and
7 employees at human services facilities.

8 (2) Accreditation projects to provide improved living conditions
9 for clients, in accordance with requirements contained in
10 accreditation and certification surveys.

11 (3) Community grants for physical plant improvements of
12 existing community facilities.

13 (4) Community grants to create new and expand existing
14 residential and service facilities in the community, including
15 community residences for clients of the Division of
16 Developmental Disabilities.

17 (5) Physical plant projects to maintain the operational integrity
18 of human services facilities.

19 (6) Program improvement projects to materially add to or
20 upgrade human services facilities.²

21 6. The bonds authorized under this act shall be serial bonds,
22 term bonds, or a combination thereof, and shall be known as
23 "Developmental Disabilities' Waiting List Reduction ²and Human
24 Services Facilities Construction² Bonds." They shall be issued
25 from time to time as the issuing officials herein named shall
26 determine and may be issued in coupon form, fully-registered
27 form or book-entry form. The bonds may be subject to
28 redemption prior to maturity and shall mature and be paid not
29 later than 35 years from the respective dates of their issuance.

30 7. The Governor, the State Treasurer and the Director of the
31 Division of Budget and Accounting in the Department of the
32 Treasury, or any two of these officials, herein referred to as "the
33 issuing officials," are authorized to carry out the provisions of
34 this act relating to the issuance of bonds, and shall determine all
35 matters in connection therewith, subject to the provisions of this
36 act. If an issuing official is absent from the State or incapable of
37 acting for any reason, the powers and duties of that issuing
38 official shall be exercised and performed by the person
39 authorized by law to act in an official capacity in the place of
40 that issuing official.

41 8. Bonds issued in accordance with the provisions of this act
42 shall be direct obligations of the State of New Jersey, and the
43 faith and credit of the State are pledged for the payment of the
44 interest and redemption premium thereon, if any, when due, and
45 for the payment of the principal thereof at maturity or earlier
46 redemption date. The principal of and interest on the bonds shall
47 be exempt from taxation by the State or by any county,
48 municipality or other taxing district of the State.

49 9. The bonds shall be signed in the name of the State by means
50 of the manual or facsimile signature of the Governor under the
51 Great Seal of the State, which seal may be by facsimile or by way
52 of any other form of reproduction on the bonds, and attested by
53 the manual or facsimile signature of the Secretary of State, or an
54 Assistant Secretary of State, and shall be countersigned by the

1 facsimile signature of the Director of the Division of Budget and
2 Accounting in the Department of the Treasury and may be
3 manually authenticated by an authenticating agent or bond
4 registrar, as the issuing officials shall determine. Interest
5 coupons, if any, attached to the bonds shall be signed by
6 ¹[thefacsimile] the facsimile¹ signature of the Director of the
7 Division of Budget and Accounting in the Department of the
8 Treasury. The bonds may be issued notwithstanding that an
9 official signing them or whose manual or facsimile signature
10 appears on the bonds or coupons has ceased to hold office at the
11 time of issuance, or at the time of the delivery of the bonds to
12 the purchaser thereof.

13 10. a. The bonds shall recite that they are issued for the
14 purposes set forth in section 5 of this act, that they are issued
15 pursuant to this act, that this act was submitted to the people of
16 the State at the general election held in the month of November,
17 1994, and that this act was approved by a majority of the legally
18 qualified voters of the State voting thereon at the election. This
19 recital shall be conclusive evidence of the authority of the State
20 to issue the bonds and their validity. Any bonds containing this
21 recital shall, in any suit, action or proceeding involving their
22 validity, be conclusively deemed to be fully authorized by this act
23 and to have been issued, sold, executed and delivered in
24 conformity herewith and with all other provisions of law
25 applicable hereto, and shall be incontestable for any cause.

26 b. The bonds shall be issued in those denominations and in the
27 form or forms, whether coupon, fully-registered or book-entry,
28 and with or without provisions for the interchangeability thereof,
29 as may be determined by the issuing officials.

30 11. When the bonds are issued from time to time, the bonds of
31 each issue shall constitute a separate series to be designated by
32 the issuing officials. Each series of bonds shall bear such rate or
33 rates of interest as may be determined by the issuing officials,
34 which interest shall be payable semiannually; except that the
35 first and last interest periods may be longer or shorter, in order
36 that the intervening semiannual payments may be at convenient
37 dates.

38 12. The bonds shall be issued and sold at the price or prices
39 and under the terms, conditions and regulations as the issuing
40 officials may prescribe, after notice of the sale, published at
41 least once in at least three newspapers published in this State,
42 and at least once in a publication carrying municipal bond notices
43 and devoted primarily to financial news, published in this State or
44 in the city of New York, the first notice to appear at least five
45 days prior to the day of bidding. The notice of sale may contain a
46 provision to the effect that any bid in pursuance thereof may be
47 rejected. In the event of rejection or failure to receive any
48 acceptable bid, the issuing officials, at any time within 60 days
49 from the date of the advertised sale, may sell the bonds at a
50 private sale at such price or prices and under the terms and
51 conditions as the issuing officials may prescribe. The issuing
52 officials may sell all or part of the bonds of any series as issued
53 to any State fund or to the federal government or any agency
54 thereof, at a private sale, without advertisement.

1 13. Until permanent bonds are prepared, the issuing officials
2 may issue temporary bonds in a form and with those privileges
3 ¹[asto] as to¹ their registration and exchange for permanent
4 bonds as may be determined by the issuing officials.

5 14. The proceeds derived from the sale of bonds shall be paid
6 to the State Treasurer in a separate fund, which shall be known as
7 the "Developmental Disabilities' Waiting List Reduction ²and
8 Human Services Facilities Construction² Fund." The proceeds of
9 this fund shall be deposited in those depositories as may be
10 selected by the State Treasurer to the credit of the fund.

11 15. a. The moneys in the "Developmental Disabilities' Waiting
12 List Reduction ²and Human Services Facilities Construction²
13 Fund" are specifically dedicated and shall be applied to the cost
14 of the purposes set forth in section 5 of this act. However, no
15 moneys in the fund shall be expended for those purposes, except
16 as otherwise authorized by this act, without the specific
17 appropriation thereof by the Legislature, but bonds may be issued
18 as herein provided, notwithstanding that the Legislature shall not
19 have then adopted an act making a specific appropriation of any
20 of the moneys. Any act appropriating moneys from the
21 "Developmental Disabilities' Waiting List Reduction ²and Human
22 Services Facilities Construction² Fund" shall identify the
23 community ¹[-based residential facilities] residences¹ ²and
24 human services facilities² to be funded by the moneys.

25 b. At any time prior to the issuance and sale of bonds under
26 this act, the State Treasurer is authorized to transfer from any
27 available moneys in any fund of the treasury of the State to the
28 credit of the "Developmental Disabilities' Waiting List
29 Reduction ²and Human Services Facilities Construction² Fund"
30 those sums as the State Treasurer may deem necessary. The
31 sums so transferred shall be returned to the same fund of the
32 treasury of the State by the State Treasurer from the proceeds of
33 the sale of the first issue of bonds.

34 c. Pending their application to the purposes provided in this
35 act, the moneys in the "Developmental Disabilities' Waiting List
36 Reduction ²and Human Services Facilities Construction² Fund"
37 may be invested and reinvested as are other trust funds in the
38 custody of the State Treasurer, in the manner provided by law.
39 Net earnings received from the investment or deposit of moneys
40 in the "Developmental Disabilities' Waiting List Reduction ²and
41 Human Services Facilities Construction² Fund" shall be paid into
42 the General Fund.

43 16. If any coupon bond, coupon or registered bond is lost,
44 mutilated or destroyed, a new bond or coupon shall be executed
45 and delivered of like tenor, in substitution for the lost, mutilated
46 or destroyed bond or coupon, upon the owner furnishing to the
47 issuing officials evidence satisfactory to them of the loss,
48 mutilation or destruction of the bond or coupon, the ownership
49 thereof, and security, indemnity and reimbursement for expenses
50 connected therewith, as the issuing officials may require.

51 17. The accrued interest, if any, received upon the sale of the
52 bonds shall be applied to the discharge of a like amount of
53 interest upon the bonds when due. Any expense incurred by the
54 issuing officials for advertising, engraving, printing, clerical,

1 authenticating, registering, legal or other services necessary to
2 carry out the duties imposed upon them by the provisions of this
3 act shall be paid from the proceeds of the sale of the bonds by
4 the State Treasurer, upon the warrant of the Director of the
5 Division of Budget and Accounting in the Department of the
6 Treasury, in the same manner as other obligations of the State
7 are paid.

8 18. Bonds of each series issued hereunder shall mature,
9 including any sinking fund redemptions, not later than the 35th
10 year from the date of issue of that series, and in amounts as shall
11 be determined by the issuing officials. The issuing officials may
12 reserve to the State by appropriate provision in the bonds of any
13 series the power to redeem any of the bonds prior to maturity at
14 such price or prices and upon such terms and conditions as may be
15 provided in the bonds.

16 19. Any bond or bonds issued hereunder², which are subject to
17 the "Refunding Bond Act of 1985." P.L.1985. c.74 as amended by
18 P.L.1992, c.182 (C.49:2B-1 et seq.),² shall no longer be deemed to
19 be outstanding, shall no longer constitute a direct obligation of
20 the State of New Jersey, and the faith and credit of the State
21 shall no longer be pledged to the payment of the principal of,
22 redemption premium, if any, and interest on the bonds, and the
23 bonds shall be secured solely by and payable solely from moneys
24 and government securities deposited in trust with one or more
25 trustees or escrow agents, which trustees and escrow agents shall
26 be trust companies or national or state banks having powers of a
27 trust company, located either within or without the State, as
28 provided herein, whenever there shall be deposited in trust with
29 the trustees or escrow agents, as provided herein, either moneys
30 or government securities, including government securities issued
31 or held in book-entry form on the books of the Department of
32 Treasury of the United States, the principal of and interest on
33 which when due will provide money which, together with the
34 moneys, if any, deposited with the trustees or escrow agents at
35 the same time, shall be sufficient to pay when due the principal
36 of, redemption premium, if any, and interest due and to become
37 due on the bonds on or prior to the redemption date or maturity
38 date thereof, as the case may be; provided the government
39 securities shall not be subject to redemption prior to their
40 maturity other than at the option of the holder thereof. The
41 State of New Jersey hereby covenants with the holders of any
42 bonds for which government securities or moneys shall have been
43 deposited in trust with the trustees or escrow agents as provided
44 in this section that, except as otherwise provided in this section,
45 neither the government securities nor moneys so deposited with
46 the trustees or escrow agents shall be withdrawn or used by the
47 State for any purpose other than, and shall be held in trust for,
48 the payment of the principal of, redemption premium, if any, and
49 interest to become due on the bonds; provided that any cash
50 received from the principal or interest payments on the
51 government securities deposited with the trustees or escrow
52 agents, to the extent the cash will not be required at any time for
53 that purpose, shall be paid over to the State, as received by the
54 trustees or escrow agents, free and clear of any trust, lien,

pledge or assignment securing the bonds; and to the extent the cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from the reinvestments shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien or pledge securing the bonds.

Notwithstanding anything to the contrary contained herein: a. the trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the trustees or escrow agents pursuant to the provisions of this section, and redeem or sell government securities so deposited with the trustees or escrow agents, and apply the proceeds thereof to (1) the purchase of the bonds which were refinanced by the deposit with the trustees or escrow agents of the moneys and government securities and immediately thereafter cancel all bonds so purchased, or (2) the purchase of different government securities; provided however, that the moneys and government securities on deposit with the trustees or escrow agents after the purchase and cancellation of the bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which the moneys and government securities were deposited with the trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and b. in the event that on any date, as a result of any purchases and cancellations of bonds or any purchases of different government securities, as provided in this sentence, the total amount of moneys and government securities remaining on deposit with the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the trustees or escrow agents on that date in respect of the remaining bonds for which the deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on the remaining bonds, the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of the excess to the State, free and clear of any trust, lien, pledge or assignment securing the refunding bonds.

20. Refunding bonds issued pursuant to P.L.1985, c.74 as amended by P.L.1992, c.182 (C.49:2B-1 et seq.) may be consolidated with bonds issued pursuant to section 5 of this act or with bonds issued pursuant to any other act for purposes of sale.

21. To provide funds to meet the interest and principal payment requirements for the bonds ²[and refunding bonds]² issued under this act and outstanding, there is appropriated in the order following:

a. Revenue derived from the collection of taxes under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), or so much thereof as may be required; and

b. If, at any time, funds necessary to meet the interest, redemption premium, if any, and principal payments on

1 outstanding bonds issued under this act are insufficient or not
2 available, there shall be assessed, levied and collected annually in
3 each of the municipalities of the counties of this State, a tax on
4 the real and personal property upon which municipal taxes are or
5 shall be assessed, levied and collected, sufficient to meet the
6 interest on all outstanding bonds issued hereunder and on the
7 bonds proposed to be issued under this act in the calendar year in
8 which the tax is to be raised and for the payment of bonds falling
9 due in the year following the year for which the tax is levied.
10 The tax shall be assessed, levied and collected in the same
11 manner and at the same time as other taxes upon real and
12 personal property. The governing body of each municipality shall
13 pay to the county treasurer of the county in which the
14 municipality is located, on or before December 15 in each year,
15 the amount of tax herein directed to be assessed and levied, and
16 the county treasurer shall pay the amount of the tax to the State
17 Treasurer on or before December 20 in each year.

18 If on or before December 31 in any year, the issuing officials,
19 by resolution, determine that there are moneys in the General
20 Fund beyond the needs of the State, sufficient to pay the
21 principal of bonds falling due and all interest and redemption
22 premium, if any, payable in the ensuing calendar year, the issuing
23 officials shall file the resolution in the office of the State
24 Treasurer, whereupon the State Treasurer shall transfer the
25 moneys to a separate fund to be designated by the State
26 Treasurer, and shall pay the principal, redemption premium, if
27 any, and interest out of that fund as the same shall become due
28 and payable, and the other sources of payment of the principal,
29 redemption premium, if any, and interest provided for in this
30 section shall not then be available, and the receipts for the year
31 from the tax specified in subsection a. of this section shall be
32 considered and treated as part of the General Fund, available for
33 general purposes.

34 22. Should the State Treasurer, by December 31 of any year,
35 deem it necessary, because of the insufficiency of funds collected
36 from the sources of revenues as provided in this act, to meet the
37 interest and principal payments for the year after the ensuing
38 year, then the State Treasurer shall certify to the Director of the
39 Division of Budget and Accounting in the Department of the
40 Treasury the amount necessary to be raised by taxation for those
41 purposes, the same to be assessed, levied and collected for and in
42 the ensuing calendar year. The director shall, on or before March
43 1 following, calculate the amount in dollars to be assessed, levied
44 and collected in each county as herein set forth. This calculation
45 shall be based upon the corrected assessed valuation of each
46 county for the year preceding the year in which the tax is to be
47 assessed, but the tax shall be assessed, levied and collected upon
48 the assessed valuation of the year in which the tax is assessed and
49 levied. The director shall certify the amount to the county board
50 of taxation and the treasurer of each county. The county board
51 of taxation shall include the proper amount in the current tax
52 levy of the several taxing districts of the county in proportion to
53 the ratables as ascertained for the current year.

54 23. For the purpose of complying with the provisions of the

1 State Constitution, this act shall be submitted to the people at
2 the general election to be held in the month of November, 1994.
3 To inform the people of the contents of this act, it shall be the
4 duty of the Secretary of State, after this section takes effect,
5 and at least 60 days prior to the election, to cause this act to be
6 published at least once in one or more newspapers of each county,
7 if any newspapers be published therein and to notify the clerk of
8 each county of this State of the passage of this act; and the
9 clerks respectively, in accordance with the instructions of the
10 Secretary of State, shall have printed on each of the ballots the
11 following:

12 If you approve of the act entitled below, make a cross (X), plus
13 (+), or check (✓) mark in the square opposite the word "Yes."

14 If you disapprove of the act entitled below, make a cross (X),
15 plus (+) or check (✓) mark in the square opposite the word "No."

16 If voting machines are used, a vote of "Yes" or "No" shall be
17 equivalent to these markings respectively.

1		
2		
3		DEVELOPMENTAL DISABILITIES' WAITING
4		LIST REDUCTION AND HUMAN SERVICES
5		FACILITIES CONSTRUCTION BOND ISSUE
6		
7	YES.	Shall the "Developmental Disabilities' Waiting
8		List Reduction ² and Human Services Facilities
9		Construction ² Bond Act of 1994," which
10		authorizes the State to issue bonds in the amount
11		of \$160,000,000 for the purpose of the planning,
12		construction, reconstruction, development,
13		erection, acquisition, extension, improvement,
14		rehabilitation and equipment of community
15		¹ [based residential facilities] residences ¹ for
16		clients ¹ [on] of ¹ the Division of Developmental
17		¹ [Disabilities' waiting list] Disabilities ¹ ² and
18		other State and community-based human services
19		facilities ² ; and providing the ways and means to
20		pay the interest on the debt and also to pay and
21		discharge the principal thereof, be approved?
22		
23		
24		INTERPRETIVE STATEMENT
25		
26		
27		
28	NO.	⁴ Approval of this act would authorize the sale
29		of \$160,000,000 in State general obligation bonds
30		and would enable the Department of Human
31		Services to develop ¹ [alternate living
32		arrangements such as group homes, supervised
33		apartments and supportive living arrangements
34		for persons on the waiting list for services from]
35		community residences for clients of ¹ the Division
36		of Developmental Disabilities.] Approval of this
37		act will authorize the sale of \$160,000,000 in
38		State general obligation bonds. Of the total,
39		\$30,000,000 will be used for capital
40		improvements at State institutions operated by
41		the Department of Human Services and the
42		remaining \$130,000,000 will be used for various
43		community-based facilities. These funds will be
44		used for the development of new community
45		residences for clients of the Division of
46		Developmental Disabilities; life safety projects
47		to abate hazards to clients and employees at
48		human services facilities; accreditation projects
49		to provide improved living conditions for clients,
50		in accordance with requirements contained in
51		accreditation and certification surveys;
52		community grants for physical plant
53		improvements of existing community facilities
54		community grant projects to create new and
55		expand existing residential and service facilities
56		in the community; physical plant projects to
57		maintain the operational integrity of human
58		services facilities; and program improvement
59		projects to materially add to or upgrade human
60		services facilities. ²
61		
62		

1 The fact and date of the approval or passage of this act, as the
2 case may be, may be inserted in the appropriate place after the
3 title in the ballot. No other requirements of law of any kind or
4 character as to notice or procedure, except as herein provided,
5 need be adhered to.

6 The votes cast for and against the approval of this act, by
7 ballot or voting machine, shall be counted and the result thereof
8 returned by the election officer, and a canvass of the election
9 had in the same manner as is provided for by law in the case of
10 the election of a Governor, and the approval or disapproval of
11 this act so determined shall be declared in the same manner as
12 the result of an election for a Governor, and if there is a majority
13 of all votes cast for and against it at the election in favor of the
14 approval of this act, then all the provisions of this act not made
15 effective theretofore shall take effect forthwith.

16 24. There is appropriated the sum of \$5,000 to the Department
17 of State for expenses in connection with the publication of notice
18 pursuant to section 23 of this act.

19 25. The commissioner shall submit to the State Treasurer and
20 the commission with the department's annual budget request a
21 plan for the expenditure of funds from the "Developmental
22 Disabilities' Waiting List Reduction ²and Human Services
23 Facilities Construction² Fund" for the upcoming fiscal year. The
24 plan shall include the following information: a performance
25 evaluation of the expenditures made from the fund to date; a
26 description of programs planned during the upcoming fiscal year;
27 a copy of the regulations in force governing the operation of
28 programs that are financed, in part or in whole, by funds from the
29 "Developmental Disabilities' Waiting List Reduction ²and Human
30 Services Facilities Construction² Fund"; and an estimate of
31 expenditures for the upcoming fiscal year.

32 26. Immediately following the submission to the Legislature of
33 the Governor's annual budget message, the commissioner shall
34 submit to the relevant standing committees of the Legislature, as
35 designated by the President of the Senate and the Speaker of the
36 General Assembly, and to the Joint Budget Oversight Committee,
37 or its successor, a copy of the plan called for under section 25 of
38 this act, together with such changes therein as may have been
39 required by the Governor's budget message.

40 27. Not less than 30 days prior to entering into any contract,
41 lease, obligation, or agreement to effectuate the purposes of this
42 act, the commissioner shall report to and consult with the Joint
43 Budget Oversight Committee, or its successor.

44 28. All appropriations from the "Developmental Disabilities'
45 Waiting List Reduction ²and Human Services Facilities
46 Construction² Fund" shall be by specific allocation for each
47 project, and any transfer of any funds so appropriated shall
48 require the approval of the Joint Budget Oversight Committee, or
49 its successor.

50 29. This section and sections 23 and 24 of this act shall take
51 effect immediately and the remainder of this act shall take
52 effect as and when provided in section 23.

1

2

3 **Authorizes \$160,000,000 sale of State bonds for institutional and**
4 **community projects for clients served by the Department of**
5 **Human Services, including clients of the Division of**
6 **Developmental Disabilities.**

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* * * * *

ASSEMBLYMAN RODNEY P. FRELINGHUYSEN, (Chairman): For the formal public hearing, I'm calling on Kathleen Moore, parent.

Ms. Moore, thank you for being here, and for your patience.

KATHLEEN MOORE: Good afternoon.

ASSEMBLYMAN FRELINGHUYSEN: If you would just move that microphone a little closer to you. One of the microphones goes into the recorder for the permanent record, and the other one is just for our -- so we can hear you.

MS. MOORE: Okay. Can you hear me now? (no response)

My name is Kathleen Moore. I'm a parent and I live in Lawrenceville with my 12-year-old daughter, Elizabeth, and my 14-year-old autistic son, Kevin. Kevin attends High Road School in Somerset, a private school for neurologically and developmentally disabled adolescents. I am a Board of Trustee member of COSAC -- the New Jersey Center for Outreach and Services for the Autism Community. COSAC's commitment to people with autism has been an invaluable resource to my family.

Autism is a lifelong developmental disability. To look at Kevin, he appears to be a strong, handsome normal teenager. To observe him, you will quickly notice that he is very different and stands apart from his peer group. Whether in a crowd, small group, or alone, Kevin remains very socially isolated. Kevin has always needed, and will continue to need throughout his life, help in communicating with and interpreting his environment.

Kevin lives at home with his sister and I. The daily routines in our household demand that we follow a very predictable and structured schedule. Kevin functions best when he understands the structure and knows what is expected of him through ritual and routine. Kevin lacks the cognitive ability to use good judgement, or even make very simple decisions for

himself. The smallest change in the routine can cause this quiet and compliant boy to have temper tantrums and become self-abusive by biting himself or pulling out his body hair.

I have always tried to allow Kevin to lead as normal a life as possible given his limitations. Kevin has spent all his life in the protective environment of special education. He has made remarkable academic progress, but he continues to have great difficulty relating what he learns in school to practical skills necessary to survive independently. Kevin's next seven years in school will focus on teaching him practical life skills that will best enable him to function in the outside world.

I love my son, and like his sister, he is an integral part of our family. I want the best for my son, but because of his disability, I am concerned on what his future will be. What will he do; where will he live; and will he be happy? I firmly believe that it is in his best interest to grow up in a way that will allow him to become a functional member of our society, independent of his father, his sister, or me. My hopes for Kevin include him living within our community in a supervised living arrangement such as an apartment or group home. I believe that living in a community-based residence will provide Kevin with the security and familiarity he needs to function happily in life as an independent adult, yet still be near his family, who will always love him and care about his well-being.

Raising and caring for Kevin has not been easy. There have been many challenges and obstacles to overcome along the way to teach Kevin appropriate social and communication skills. These have been met with a good deal of hard work and creativity. As I look to the future, I am extremely frightened and overwhelmed by the continually growing waiting list for residential placement for the developmentally disabled. This waiting list now contains more than 4000 names.

There are many families like mine, who have loved, cared for, and educated their children to function as best they can given their varying disabilities. Many of these parents are growing older and finding it increasingly more difficult to meet the demands made upon them for caring for their adult disabled children. Even more frightening is their concern for their children's future when they are no longer around to care for them. The lack of available and appropriate living accommodations for the developmentally disabled has resulted in them living at home until there is a significant family crisis such as the death or disability of one or both of their parents. During such a crisis, family members who have always advocated and made decisions for their children will not have the opportunity to select the most appropriate living arrangement for them. The lack of dignity resulting from such a placement keeps me awake at night.

For my son and the children of thousands of New Jersey families who are waiting for or will be seeking appropriate living arrangements, I urge you to support the Community Residence Bond Act. I understand that this will not solve the entire problem, yet it is an important step forward in dealing with the waiting list crisis for people with developmental disabilities.

Thank you.

ASSEMBLYMAN FRELINGHUYSEN: Thank you, Ms. Moore, for your testimony.

Helen I. Steinberg, New Jersey Day Training Coalition and Arc, Raritan Valley Chapter. Thank you for your patience and for being here this afternoon.

H E L E N I. S T E I N B E R G: Thank you. Some of you know me and some of you don't. I have spoken before this Committee in the past. I, too, am a parent, but I also represent other parents, parents of children who attend day

training centers around the State. These are children with some of the most severe and profound developmental disabilities.

I'm also the immediate past-President of Arc, Raritan Valley Chapter -- a volunteer in that organization. I know of the many needs of families who are older, who may not have children with severe and profound disabilities, but are also under great strain in keeping up with the day-to-day care of their children -- their adult children.

On the side of representing children under 21, I want to explain that if not for a due process suit against our school district, because my 13-year-old son, Jason, had entwined in his needs educational needs that were not being met-- We won our due process suit in July, and Jason moved on July 13 to Melmark, a facility in Pennsylvania, because there was not an appropriate facility in New Jersey.

I want to speak to the issue and the understanding that we are talking about people of various ages, of various needs, that had he not been placed in July, I would be here telling you that I did not hold up, and had to have my son placed in an inappropriate setting.

Many of us parents dealing with children or adults with severe and profound disabilities have, as you heard earlier today, been dealing with diapering, possibly six or seven or eight times a day; lifting a person who cannot always help themselves get up from a wheelchair, or out of a bed, or up from the floor -- feeding, bathing, shaving, toothbrushing, all of the daily living needs of their children -- children who cannot talk and tell you what they want, people who need extensive care. As parents get older, they physically cannot keep going. Some of us, younger, cannot physically keep going.

There was a parent here earlier -- Cathy Fisler -- whose daughter is almost her size. Well, my Jason -- younger -- is almost my size, and although it's a lot smaller, we're

talking 76 pounds that he weighs, compared to 100-and-some pounds of another child. In the comparison, being smaller as a parent, it's a similar thing. You're dealing with somebody almost your size. It is nearly impossible to handle.

We were more fortunate than many of the parents who call me, because we were able to use our home equity loan to have funds to pay for home health care. We were able to take money out of savings. But I can tell you, beyond the 10 hours a week that the Division of Developmental Disabilities was able to provide us for home health care, we were providing an additional 52 hours a week of home health care. From the beginning of January through mid-July, that cost us almost \$19,000; it was \$18,900. Physically, financially, emotionally, this is an enormous burden.

Most of the parents who call me rent. They don't own their homes, so they don't have home equity loans that they can hit. They don't have money in their savings, and they don't have incomes as good as ours. These parents cannot get that additional help. So we're talking about people at different economic levels, different age levels, dealing with problems that vary, and we need options in the types of facilities that we're going to provide through the bond moneys.

We need to be looking not just to today, but at the future, as was mentioned earlier. I believe, Chairman Frelinghuysen, Paul Petito gave you the phrase, "catalyst for change." I think we have to look at this as the beginning of change and how we provide services as continuing beyond this year and its options that meet the varied needs that are out there.

I encourage the passage of this bill for this bond issue, and I hope that in November the public will pass it, too. Thank you for this opportunity.

ASSEMBLYMAN FRELINGHUYSEN: Thank you, Ms. Steinberg, for your testimony.

The Chair recognizes Joan Mechlin. Is Joan Mechlin here -- Children Coordinating Council -- the Child Coordination Council of New Jersey? (no response) All right. She doesn't appear to be here at the moment.

Peter D'Souza, Executive Director for Project Hope?

Mr. D'Souza, good afternoon. Thank you for your patience.

P E T E R D ' S O U Z A: Good afternoon, Mr. Chairman and members of the Assembly. My name is Peter D'Souza. I am the Director of Project Hope, a housing facility for the mentally ill in Morris County. I am also the President of AMICA. AMICA stands for Association of Mentally Ill Chemical Abusers.

This group, the people who are mentally ill and also have substance abuse, are really the homeless in this system, because they do not fall directly within the Division of Mental Health, and do not fall directly within the Division of Alcohol and Drug Abuse. As its President, I have gone to both the Divisions to ask for homes to be developed for the MICA client -- the mentally ill chemical abuser. To date, in the whole northern region of New Jersey, we do not have a single home for the mentally ill chemical abuser.

As Executive Director of an agency for mental illness, I know that those group homes cannot take care of the MICA patient. I see that this bond here will be a good opportunity for at least one home for the mentally ill chemical abuser in the northern region. There are very few homes -- group homes -- for the mentally ill chemical abuser in the whole of New Jersey.

In every State and county needs assessment conducted within the past three years, housing for the mentally ill has been one of the top priorities. And yet, we do not have a single home for the mentally ill chemical abuser.

Housing with programming breaks the cycle of multiple admissions into the hospital system, thus saving all of us millions of dollars. Joanne, an anonymous name, came to

Project Hope from Greystone Park Psychiatric Hospital with a 15-year history of mental illness and four hospitalizations. Today she lives in her own apartment, is a leader in mental health consumer advocacy work, gives back to the community through a 20-hour volunteer job, and has not returned to Greystone Park Psychiatric Hospital since.

Housing works. Housing for the mentally ill chemical abuser also works. Thank you.

ASSEMBLYMAN FRELINGHUYSEN: Thank you very much.

Any questions from the Committee? (no response)

Ellie Stone, State Board of Human Services, Association of Jewish Federations? (no response) She was here a minute ago.

Nancy Richardson, COSAC. Good afternoon.

N A N C Y R I C H A R D S O N: Good afternoon. My name is Nancy Richardson, and I am the Executive Director of the New Jersey Center for Outreach and Services for the Autism Community, better known as COSAC.

COSAC is a statewide, private, not-for-profit agency that provides parent and professional training, in-home consultation, advocacy, and referral services to parents and people with autism.

I am also the parent of a 22-year-old son with autism, and I am here to testify on behalf of Senate Bill No. 848 and Assembly Bill Nos. 431 and 1599, because I consider them one giant step forward to help make life as good as it is for the Richardson family.

My 22-year-old son has the good fortune of living in a group home that is especially tailored for his needs, and he is also in an employment training and support center that is especially tailored to his needs.

I am pleased that this Committee has taken the steps needed to address such a timely and important issue as community residences for people with disabilities. As you

know, the Department of Human Services has maintained a waiting list for community residences for several years. This list has grown from a few hundred people to approximately 4000 individuals. It is critical that the State and the Legislature commit not only the time, but the monetary resources needed to create the services which will reduce this list.

The passage of these bills -- S-848, A-431, and A-1599 -- will certainly go a long way in helping to reduce the number of individuals who are currently waiting for community residential services. In New Jersey, there are approximately 12,000 individuals with autism, or 1.5 percent of the population. This represents children and adults. The number of people on the waiting list, according to the information that we have gotten, is 240, or 6 percent of the people waiting for community residences. When you compare the figures, you can see how much people with autism need community residences.

Families that have an individual with autism usually require a higher level of emotional and physical stamina than the typical family. Many families just can't give any more. They are emotionally and physically drained, but many reluctantly ask for assistance. Needless to say, parents are getting older. Siblings have grown up, left the house, and started lives of their own. The need for community residences can be seen as the typical course of human life. In all likelihood, the individual with autism will outlive his or her parents. If we wait until the parent or guardian is infirm or physically unable to take care of their family member with autism, we will be doing a grave injustice, not only to the family, but to the individual with autism.

These bills have been carefully thought out and have been commented on at length by various service-oriented agencies. I would like, however, to comment on two areas of these bills that are very important. The first is the acknowledgement of the need for a master plan. The open

planning process ensures that the consumers of the services will have sufficient input into what sort of residence will best suit their needs.

The second area is the inclusion of housing for low-incidence disabilities and those who have been historically underserved. Speaking on behalf of a low-incidence disability, autism, it sometimes appears that our concerns might not be viewed as important or as urgent as others, but there certainly is a need for input from all disability groups, large and small, those whose disabilities are well-known, and those who are not. There must be community residences tailored to the specific needs of each consumer, and these bills will help to ensure that.

I encourage this Committee to do everything possible to advance these bills. I look forward to your support when it is presented to the full Assembly and ultimately when it is presented to the Governor for her signature.

Finally, I ask that you continue your good work by encouraging every voter in New Jersey to support the ballot question. The need for legislative support is essential until the final ballot is cast. We at COSAC are committed to doing everything possible to gather support for the ballot question, and we urge you to support its passage in the Assembly and on the ballot in November.

Thank you for the opportunity to comment.

ASSEMBLYMAN FRELINGHUYSEN: Thank you, Ms. Richardson, for being here and for your testimony.

We have several other people who have their organization represented as COSAC. Since they have been here for such a long time, how about James A. Mangin? Is James A. Mangin here?

And how about John Bartolotta; is Mr. Bartolotta here? (affirmative response) Okay, if you could be on deck, unless you know each other and want to sit together, otherwise we'll separate you.

J A M E S A . M A N G I N: Good afternoon. My name is Jim Mangin. I live in Kearny, which is in Hudson County. I am a member of COSAC, and I am also the parent of a 5-year-old autistic child, my son, Kyle.

Kyle was diagnosed as autistic only two years ago. We spent the first year following his diagnosis listening to the medical and educational professionals about what the best course of treatment for Kyle would be. It wasn't until roughly about a year ago that we decided that Kyle wasn't making the kind of progress that we thought he was capable of making. So we did what every parent of a handicapped child should do, and, in fact, what every citizen of the State should do; and that is, we looked first to ourselves.

We decided, my wife and I, it was time to get more active in his education, since it seemed that we had higher aspirations for him than the professionals that we were dealing with.

The first thing we did was, we joined COSAC. Through COSAC we learned more about autism. We went through their parent training program. One component of that parent training taught us a teaching style that, for whatever reason, happens to work very well with Kyle. Up to this point, he had spent about nine months in an in-district preschool handicapped program, which, as I said, really wasn't showing the kind of results that we thought he was capable of.

In any case, in the past year, we've spent-- With the information we got from COSAC, we've investigated a number of schools that have this teaching style. We've checked out what we think is the best school for him. We've put him in that program. We've come up with a pretty comprehensive plan on how to deal with Kyle's disability. In the past three months, we've even included a home program where he gets even more instruction at home.

The bottom line is that in the last few months, Kyle made more progress in a week than he did in the nine months of this preschool handicapped program that he was in.

Kyle's progress pretty much is the result of a lot of hard work and an incredible amount of planning. It wasn't until several months ago, when The Star-Ledger did a series on the lack of community residences, that my wife and I thought that we pretty much had things planned out. The one thing we never planned on was, what would happen if we weren't here. Really, in effect, we're in the middle of the process of trying to get Kyle to live as close to a normal life as possible. If we weren't here-- Well, pretty much we were convinced that the thought was pretty disturbing.

In any case, that's my reason for being here today. As parents, my wife and I feel that we've done everything that we can to try and give Kyle the opportunity that, for one thing, we took for granted up until two years ago. Now we're at a point where we need your help. We need the safety net that these bills would provide children like Kyle, in the event that some kind of disaster did strike our family.

As I said, we feel we've done everything we can. The rest is up to you. Good luck, and thank you.

ASSEMBLYMAN FRELINGHUYSEN: Thank you, Mr. Mangin, for your testimony. We especially appreciate, as others have said today, hearing from parents. Thank you for taking the time.

Mr. Bartolotta, from Lincroft, New Jersey. Good afternoon. Thank you for being with us here. A long day; it's been a long haul.

J O H N B A R T O L O T T A: I'm here to speak, Mr. Chairman and members of the Committee, not only as a member of COSAC, but also as a parent of a child with autism. I want to thank you, first of all, for the opportunity to speak to you about legislation supporting the bond to provide for developmentally disabled adults in New Jersey, specifically: A-431, A-1599, and S-848.

I urge you to approve all legislation that would increase funding for group homes for adults with developmental disabilities. As a parent of a five-year-old daughter with autism, I'm deeply concerned about the shortage of housing for this population. As a New Jersey taxpayer, I fully support the popular move toward tax and budget cutting measures; however, I believe that these cuts must be made carefully and with sensitivity and compassion.

Programs for persons who truly cannot provide independent living arrangements for themselves must remain, and, in fact, must be increased. The number of adults waiting for group home placement in this State is currently unacceptable, and action must be taken to remedy this problem.

My daughter, Lisa, cannot care for herself. She needs assistance in dressing, eating, toileting, and in recreation. She must be continually supervised because she has no sense of danger and could be in mortal jeopardy if left unattended. My wife and I are working to make our daughter as independent as possible, yet in spite of intensive early intervention therapy and a strong school program, it does not appear that Lisa will ever be able to develop the skills required to live independently.

We believe it is our responsibility as parents to care for her until we are no longer able. We accept that responsibility without question; however, the day will come when we will be physically or mentally unable to provide for her care, and that brings us great worry, because in spite of her mental handicap, our daughter is physically healthy and should outlive us by many years.

What will become of her? Where will she live? How will she be supported, and who will see to her basic needs? We know that our daughter does not have an immediate need for group housing -- she will not need a placement for 16 years or

maybe more -- yet we are as deeply concerned as families who are currently waiting. With a waiting list of over 4000 names, what lies in the future?

As parents with a disabled child, we have struggled with so much. We work so hard to prepare our children to live in this world as best they can. Let us all give them a home where they will be able to live their lives in dignity to the fullest extent possible. That's their right and our social responsibility.

Thank you for your time.

ASSEMBLYMAN FRELINGHUYSEN: Thank you, Mr. Bartolotta, for your testimony -- for being here.

Ms. Diane Pilewski, from Blairstown. Is she here?
(no response)

Marshall Bord, Community Access.

M A R S H A L L B O R D: I will not then reintroduce myself, in order to save time.

Thank you. Thank you for what you're doing here today, particularly in the middle of the summer.

Let me cut to the chase, to use the vernacular. I am very much in favor of the bond issue, and I think that in no uncertain terms, it should be used to leverage other funding. Whatever the percentage may be, it should be less than 100 percent of the bond funding going in to provide full cost of the purchases made for clients in the various divisions.

Community Access has done this. We've used HUD money. We've used McKinney funding. We've used DCA Neighborhood Preservation/Balanced Housing. We've used low-income housing tax credits. We've used something called Program Related Investments, which are low interest or no interest grants or loans from foundations. We've used our own capital from a capital campaign. There are many other sources of funding that are available as well. They should all be used to share the cost of the housing, along with the bond issue.

We have not, I am proud to say, taken a dollar from any of the housing bond acts that have passed in the State of New Jersey. We've used these other sources of funding and whatever expertise we've developed, and we are primarily a social service/human service agency. We did not start out with housing as a goal, other than renting housing to provide a safe place to live for people with developmental disabilities.

The pressures of the market forced us to change. Housing was deteriorating, so in 1986 we began to -- we entered into a capital campaign and then looked for ways to leverage funding. If we can do it -- and we did do it, and we're ready to share whatever expertise we may have with whoever else wants it -- if we can do it, then it can and should be done, I think, by others. We're not particularly exceptional along that line, and if we can do it, then I think everybody else can.

I don't know what the percentage should be -- 20 percent, 25 percent, 30 percent? But whatever piece we put into there, whatever requirement the enabling legislation puts out as to be raised by those receiving bond money, several things will happen, I think. One, obviously, the bond funds will be extended to provide greater service. I think what may also happen, and I am, I suppose, reluctant to admit it, is that those of us who are out there purchasing housing or developing housing for people with a full range of handicapping conditions, may well opt then to be a little more careful, because we are going to have to be spending some of our own money. I would not be a bit surprised if some of the prices that we paid were dropped, thereby further extending the funding and availability.

I think, too, that I would hope that the revolving fund that one of my predecessors at the table spoke about would be incorporated into this. If you apply for and get a Federal grant -- a McKinney Grant -- or are in the process of selling low-income housing tax credits, or are awaiting a DCA

Neighborhood Preservation/Balanced Housing Grant, from the time you receive word that you are going to get it and the time the check arrives may well be six months to a year later -- and perhaps in some cases even longer. A loan fund, if you will, out of the bond money that would enable the housing acquisition, the rehabilitation, the development, the purchase to proceed in a timely and appropriate fashion, without having to wait for the check to come through the mail from the Feds or whomever, would probably help to expedite housing in a very real way.

By the way, I left out another major source of funding, and that's the good old Community Reinvestment Act, otherwise known as CRAs, where the banks throughout the State of New Jersey are more or less required to come up with low-income -- low cost, hopefully below market, but not always -- mortgages for housing.

And then, too, someone earlier alluded to the fact that, through previous bond issues, there exists in the State of New Jersey a very large source of equity which we have yet to tap into. That, too, could become a source for additional housing dollars.

I would like to take this opportunity to indicate my concern about the way the divisions, or the Department does business. The lines between and among the divisions have hardened over time, so that the poor client of the Department who doesn't have the good sense to have a single disability may well find himself or herself in the unenviable position of being batted back and forth between and among divisions, everybody agreeing that he or she needs help, but that the other division should provide it because that client has some developmental disability, some mental illness, whatever.

Perhaps the existence of this bond issue can be used to begin to break down some of these lines, not only between and among divisions within the Department, but perhaps between

departments, as well. While rolling around on my bed last night, about 2:00 in the morning, I remembered an article that appeared in The Star-Ledger about three to four weeks ago. It mentioned the flow of Federal money, I think, from the Federal Department of Labor to the State Department of Labor, in order to facilitate the transition from school to work for youngsters who are in special education or learning disabled. Is it possible, for example, that that money -- and it went into the millions of dollars-- Could that money in part be used to help provide services -- support services -- to some of the people that we're talking about in this room today? One possibility.

In 1991, I attended a conference at Duke University -- I might add, at my own expense -- and at that conference there were some 14 states represented, all working on the community care waiver. Now, before I say anything further, I would like to commend the Division of Developmental Disabilities in general, and Claire Mahon in particular, for doing a damn good job in pulling in some Federal funds that otherwise the State would not have. A lot of that money has been used to provide support services for people on the waiting list, and in some cases for people coming out of the developmental centers.

But I think the community care waiver is far too important to leave solely in the hands of the Department of Human Services and its divisions. The other states that were present in 1991 at this conference clearly indicated that there were a number of ways to acquire the waiver of funds that the State of New Jersey was simply not using, whether it was for juvenile services, whether it was for the private sector, whether it was for case management. And whenever these issues were broached to the Department or to the Division, we were put off to the side, saying, "Don't worry about it. We're doing the best we can. We're maximizing." But I'm not so sure that we are.

I think the community care waiver has become a club, a weapon, a resource -- let me be more polite -- a resource that the divisions and the Department simply don't want to let go of. They want to control it. It may be that what is being done now is in the Department's best interest. I'm not so sure that what is being done is in the clients' best interest, and that is much more my concern.

On that somewhat-- On that diatribe note, I think I will perhaps call a halt. I don't pretend to be an expert on the community care waiver, but I do know that a variety of other states were doing a whole lot of other things, and what is essential is, that whatever is being done is part of the State Plan. The State Plan is drawn up by the Department of Human Services, so what they put in can go; what they don't put in can't go.

Thank you for your time.

ASSEMBLYMAN FRELINGHUYSEN: Thank you, Mr. Bord. A little praise and damnation never hurt. Thank you very much.

Ellie Stone, representing, perhaps, the State Board of Human Services. Are you representing them and the Association of Jewish Federations in New Jersey, wearing two hats?

E L E A N O R S T O N E: Yes, I am. Two hats. I was out getting this testimony xeroxed.

ASSEMBLYMAN FRELINGHUYSEN: Ellie is going to be followed by Ethel Carson, President of LIFE, Inc.; and Marlin Carson.

MS. STONE: I thank you for the opportunity to be here before the Committee, Mr. Chairman and distinguished members of the Committee.

I am the Director of Government Relations for the Association of Jewish Federations of New Jersey, and I am testifying today as a member of the State Board of Human Services. Following Michael is always a challenge. It raises

all of the issues that we raise at the State Board all of the time. I'm not going to read the testimony. I'm just going to talk with you for a moment or two.

ASSEMBLYMAN FRELINGHUYSEN: Who are you following, Marshall or Michael?

MS. STONE: Marshall, I mean.

ASSEMBLYMAN FRELINGHUYSEN: He probably goes under a few aliases. I don't know.

MS. STONE: Maybe, but I did misspeak.

I really feel that it is very important for me to just tell you that the State Board and its members are most supportive of this initiative, most recognizing the fact that a 4000-person waiting list needs to be served, that the Divisions of Mental Health and Juvenile Justice need service, and we recognize that you have gone out on a limb and have taken leadership roles in this State to say that services need to be provided; that you're willing to speak of dollars that need to be provided for these services.

The Jewish community currently has three homes for the developmentally disabled, and we have applied for 15 others and have not been able to secure them, although it's a recognized need. The reason we couldn't secure them, of course, was lack of funding and lack of available funds. Therefore, both in my role with the State Board and representing the Jewish community, the needs are recognized and we want to offer our support to be there with you and for you as you begin the campaign to get this both through the Governor's Office, through the Legislature, and on the ballot.

We offer our good services, and the members of the Board wish to extend their heartfelt thanks to you for what you have provided. Thank you.

ASSEMBLYMAN FRELINGHUYSEN: Thank you, Ms. Stone, for your testimony.

Ethel Carson and Marlin Carson, representing LIFE Inc., Living Facilities for the Mentally Disabled.

Is there someone else here from LIFE Inc., that you would like to have sit with you? Do you know Arthur Collins? Is he here?

ETHEL CARSON: Yes, Arthur Collins.

ASSEMBLYMAN FRELINGHUYSEN: Come on up, if you wish, Mr. Collins. I didn't mean to separate you.

MS. CARSON: My name is Ethel Carson. I live in Cumberland County, New Jersey, and I'm President of LIFE Incorporated. LIFE Incorporated is an acronym for Living in Faith Every Day. It is a nonprofit organization for the purpose of providing community living for the retarded citizens of Cumberland County.

There are many older retarded people living in Cumberland County who have lived in their homes all their lives. There are often situations that cause concern about their future. Many of these people have aging parents, one parent, or no parents at all. In addition, the physical condition of the parents often makes it difficult or impossible to care for the needs of these handicapped individuals. The question arises with these handicapped, what is going to happen to these people of our community? They will need supervision, a place to live, and help with their daily home life, and their parents are getting concerned about these while they are still alive.

They don't belong in institutions because they have lived in the community all of their lives, and at the same time, they should be encouraged to be the best that they can be, which is the model that LIFE is working toward.

By allowing them to have alternate living styles while their loved ones are still here, they will be able to adjust to the new lifestyle and be able to enjoy their new adventures in living while they still have the family support.

Our corporation was formed by a group of concerned parents, relatives, and friends. Professional people, clergy, and businesspersons are working with us to help provide those

kind of services. We've been incorporated since 1987, and have been working diligently to raise funds. Our problem is that we have not been very successful in obtaining any major help from the Department of Human Services. We have had a very successful time making ourselves known in the community, and as a result, have many more of our parents deciding, for once, that this was something that they should worry about.

With me today, I have one of our members who is the father of a son. I'll let you -- let Art talk to you and tell you about his own personal situation.

ASSEMBLYMAN FRELINGHUYSEN: Mr. Collins, good afternoon. Thank you for being here.

ARTHUR COLLINS: Thank you. It's a pleasure to be here. I'm Arthur Collins. I'm the parent of a 27-year-old young man named David, who has Down's syndrome. David has lived with us since birth. He has been our responsibility and not the responsibility of the State. We have provided his needs.

However, as has been the repeated theme throughout this afternoon -- which I was glad finally got aired -- there are aging parents of people who are disabled in one way or another, who are very, very concerned about what is going to happen to them after they are gone from this world, or are no longer physically or mentally able to care for them.

So, it's why we're here. We believe it's very important that funding be available for group homes. We come from a part of the State where homes are very sparse, indeed. I urge support and passage of these three bills for these reasons.

Thank you very much.

MS. CARSON: I'd like to make one addition. When I heard about this S-484 -- no, the bill, S-848 -- it was just one of the greatest things that I've heard about, and I'm just so enthusiastic, and you can be sure that we down -- that the members of LIFE will be working to see that it is passed.

Thank you very much.

ASSEMBLYMAN FRELINGHUYSEN: Good. Thank you, both, very much.

Regina Purcell, New Jersey Catholic Conference, to be followed by Paul Petito, Arc of New Jersey.

R E G I N A P U R C E L L: Good afternoon. I'm Regina Purcell, the Associate Director for the New Jersey Catholic Conference. I would just like to state, simply, that the Catholic bishops support this legislation. The Catholic social service agencies, our developmental centers -- centers for the developmentally disabled -- and parishes, statewide, that minister to people with disabilities and their families, witness daily the desperate need for community residences and additional services for people with disabilities.

It's clear that an immediate response to the needs of thousands of vulnerable people who are disabled and awaiting services is necessary. This legislation will allow the State to meet that challenge. We urge the Committee to release this legislation with a favorable recommendation.

Thank you.

ASSEMBLYMAN FRELINGHUYSEN: Thank you. I was so surprised-- Thank you, Ms. Purcell, for your comments.

Paul Petito, representing the Arc of New Jersey.

P A U L P E T I T O: Mr. Chairman, if you don't have prepared testimony based on what the parents of the Arc and other parents have said today, there is nothing more that I could add to that. If I could call for the vote, as a private citizen, I would do that. But there is nothing more I can add to their very fine, very emotional testimony this morning.

ASSEMBLYMAN FRELINGHUYSEN: Thank you for seeing that we have had excellent testimony, and thank you for your help prior to this meeting, with some very good ideas. I'm sure you'll be an active participant in the enabling legislation. I can guarantee it.

ASSEMBLYMAN KAVANAUGH: Mr. Chairman.

ASSEMBLYMAN FRELINGHUYSEN: Wait a second. I just want to find out before we have any precipitous action, whether there is anybody else out there who has signed up to testify who has slipped through the cracks.

Is there anybody else who has waited all afternoon?
(no response)

Then what I would like to do, I'd like to terminate the formal public proceedings on the bond issue, and return to the regular meeting of the Appropriations Committee.

(HEARING CONCLUDED)

APPENDIX

TESTIMONY

I work with people suffering from mental illness, I am the Executive Director of Project Hope, Inc., a residential program from Morris County. I am also a specialist in the treatment of MICA (Mentally Ill Chemical Abuser) and presently the President of AMICA (The Association for the Mentally Ill Chemical Abuser).

Every State and County needs assessment conducted within the past three years has housing for the mentally ill as one of their top priorities. However, there has been no significant development of housing for the mentally ill except for the 450 Plan. The mentally ill just give up waiting for housing ultimately becoming homeless, psychotic or both and end up in psychiatric hospitals, forever caught in a vicious cycle. If we do not provide housing for the mentally ill soon the problem will hit us and society in the face.

Housing for the mentally ill who also have an alcohol or drug problem is even worse. There is absolutely no housing for this type of person in Northern New Jersey and very few in the rest of New Jersey.

Housing with programming breaks the cycle of multiple admissions into the hospital system, thus saving all of us millions of dollars. Joanne, an anonymous name, came to Project Hope from Greystone Park Psychiatric Hospital with a 15 year history of mental illness and 4 hospitalizations. Today she lives in her own apartment, is a leader in mental health consumer advocacy work, gives back to the community through a 20 hour volunteer job and has not returned to the Greystone Park Psychiatric Hospital since.

Peter D'Sonzen

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James A. Mangin
105 William Street
Kearny, New Jersey 07032
August 15, 1994

Members of the Appropriations Committee:

My name is Jim Mangin and I live at 105 William Street in Kearny. I am perhaps one of the most fortunate people you will ever hear testimony from. I am the father of an autistic boy, my son Kyle, who will turn five next week. The reason I consider myself fortunate needs some explanation.

You see it was just over two years ago that my wife and I first learned about autism when Kyle was diagnosed. We wanted desperately to find out why, but no one really knows why. We wanted to know what we could do to cure him, but no one really knows that either. The statement we heard over and over again was that autism is a severe lifelong developmental disability with no known cause and no known cure. The pediatric neurologist that diagnosed Kyle told us bluntly that our best course of action now would be to learn as much about autism as possible. He said, and he was quite correct, that our lives were about to change drastically and so we should start preparing now. Medically, there wasn't much that could be done for Kyle.

We started reading everything we could find about autism, but the way we did it was out of desperation. Initially we didn't read to learn about autism, we wanted to know where it came from and how to emerge from it. We read about a great many different techniques to conquer autism, and all were complete with stories of thankful parents that seemed sincere. Although the odds of any of these various therapies "curing" our son indicated longshots at best, we were haunted by the nagging thought that maybe the next therapy will be the one, the one that cures our son and allows him to behave as any normal three year old. We were praying that one of these cures would work and we would become just like these "fortunate" parents.

With each different therapy we learned more and more about autism. Eventually we learned the most important aspect of this disorder - we learned that we were losing valuable time trying to cure him. What was needed was for us to concentrate on dealing with his autism, not ending it. It was also at this time that his behaviors started getting more difficult to handle. We turned to the educational professionals for

help.

They seemed content to place Kyle in an in-district Pre-School for the Handicapped program. They seemed sincere and they were the professionals, so blindly we followed their advice. His behavior at home got harder and harder to control as he grew. At a parent conference with the school we were told that he was making progress. We honestly had hopes of a great deal more progress than he had made and we decided to take a more active role in his education. At this point in time we were still far from fortunate.

Our first step was to join COSAC, the Center for Outreach Services for the Autistic Community and we immediately signed up for their extensive Parent Training Program. Here we learned different techniques to deal with Kyle's problem behaviors at home. We also were exposed to the vast literature available about all aspects of autism.

During one session we were shown a type of Behavior Modification called discrete trial intervention. The next day my wife sent me and my oldest son out of the house so she could try the methods we had just been taught. When I arrived home she told me that she was able get him to sit down when told. Prior to this Kyle never responded to any request or even acknowledged my wife or myself when we talked to him. To teach him this simple request in one session told us a lot. We now knew that he could learn, he had the physical capability to learn. We now knew that he knew his own name. Up to this point not only did we not have an indication that he knew his name, we were almost convinced that he was hearing-impaired - despite the fact his hearing was checked several times. In short, from this one session we learned there was hope. During the course of the next week my wife was able to almost 100% toilet train him using this method. We were excited, to be sure, but we were still far from fortunate.

We spent the entire next year working with this information. We checked out fifteen schools for autistic children that taught using this method and decided on the three best. We were able to convince the school district that this was what he needed and they finally agreed. In just the last few months we have added a home program to increase the amount of discrete trial intervention he receives. Kyle now makes more progress toward his annual goals in a week than he did in nine months of the in-district program.

Kyle's tremendous progress is the result of a lot of hard work and an extraordinary amount of planning. My wife and I each have separate but equally important roles in planning for Kyle's education and we leave nothing to chance, as the stakes are incredibly high.

There is one area that we have not planned out, nor do we have any idea how to plan for. That is, what would happen to Kyle if we weren't around. Several months ago the Star-Ledger did a series on handicapped children and what happened to them when they lost their parents. The trend of deinstitutionalization and the shrinking number of group homes and supervised residences have left us wondering what to do. We have spent the last year working and planning for Kyle to someday enjoy what I'm sure all of you, and me up to two years ago, have taken for granted - to be able to live, learn and play like any other child. All that work and all that hope can be wiped out at any minute.

We need your help. Through our efforts we are convinced that Kyle will never become a public charge. In time, we hope, he will no longer even need special education. We do need the safety net you are now considering to make sure that Kyle will be provided for if disaster struck our family. Up until reading that series of articles in the Star-ledger, I really considered myself one of the luckiest persons in the world. Now I'm not as sure. I'm not as fortunate as I thought I was.

We have done everything we can. The rest is up to you.

Good luck.



Assembly Appropriates Committee

August 15, 1994

Testing Submitted By: Marshall Bord on
Senate, No. 848

New Jersey State Library

The demand for housing for people with special needs served by The Department of Human Services (DHS) has been well documented. This bond issue should help to meet that demand.

In the past, bond funds have been used to provide the entire cost of purchase of any residential property acquired by a provider agency. Given the large and growing need for housing for DHS's clients, Community Access strongly recommends that funds from this bond issue must be met with matching funds from the private provider. A wide range of funding streams are available. This includes but is not limited to HUD Funds, DCA Grants, Low Income Housing Tax Credits, Program Related Investments from Foundations, the applicants own funds (equity in existing housing and/or from capital campaign), and Community Reinvestment Act (CRA) Loans from banks.

The Non-Profit Affordable Housing Network of New Jersey is prepared to offer skilled technical assistance to those agencies in need of assistance in pursuing some of these sources.

Community Access is prepared to provide, at no cost to the applicant, help needed to acquire and sell Low Income Housing Tax Credits. Other sources of support are also available.

Some portion of the bond money should be set aside as a revolving loan fund. Several sources of alternative funding listed above often leave large gaps of time before the check arrives. This loan fund would enable the purchase or rehabilitation to proceed in a timely fashion.

The often rigid walls among the divisions in DHS often prevent services being offered to those who are in dire need. DYFS youngsters upon reaching the magic age of majority are usually cut off from support. At the very least, we should find some way to allow this bond issue to provide a safe roof over the heads of these "aging out" youngsters.

**Assembly Appropriations Committee
Public Hearing
Assembly Bill No. 1599
Assembly Bill No. 431
Senate Bill No. 848
August 15, 1994**

**Eleanor Stone
State Board of Human Services**

Mr. Chairman and distinguished members of the committee. Thank you for the opportunity to appear before you today.

My name is Eleanor Stone and I am the Director of Government Relations for the Association of Jewish Federations of New Jersey. I am testifying today as a member of the State Board of Human Services.

The nine-member State Board advises the Commissioner of Human Services on the operation of the department's institutions and agencies and makes long range planning recommendations.

New Jersey State Library

The board is comprised of public and private sector volunteers, appointed by the Governor and confirmed by the Senate. The Board appoints, and the Governor confirms, members of the Institutional and Agency Boards of trustees. There are 19 such boards under our jurisdiction.

I am here today to express the Board's support for the legislation before you. This legislation will authorize the sale of bonds for \$160 million for community-based facilities and programs. These facilities and programs will go a long way toward providing services for people with developmental disabilities and toward enhancing and expanding services to people served by the Divisions of Youth and Family Services, Juvenile Services, and Mental Health and Hospitals.

Mr. Chairman, I have been involved in human services for many years. During this time I have seen the horizons broaden for people who are mentally ill, developmentally disabled, or emotionally disturbed. I have seen a heightened awareness of the need for child care and domestic violence programs. And I have seen a recognition that we must reach youngsters involved in the juvenile justice system—before it's too late.

All of my experience tells me that we must provide high quality services for all of these individuals—in the community.

I am very pleased that this legislation is broad-based and covers the needs of so many vulnerable populations. And it does so in the context of community-based services.

In the last decade, the focus on community-based services has directed a ray of new hope into what was once a shadowy world of isolation for too many of our citizens.

Today, citizens with developmental disabilities are no longer forced to live in institutions, shut out of the public eye and concern, condemned to endure a life apart from their families and friends. With access to new technologies and services they can live and work in their own community and be part of everyday community life.

Today, families of persons with developmental disabilities are no longer left to fend for themselves as they cope with caring for their loved ones. We're offering them respite care and we're setting up new community day programs to ease their burden.

Today, New Jersey communities are reaching out more than ever before to care for their own—not just those with developmental disabilities, but those who are mentally ill, emotionally disturbed, or involved with the juvenile justice system.

To its credit, the Department of Human Services long ago joined the effort of community groups and concerned citizens to support enhanced community programs and services.

The State Board strongly supports the Department in this effort and believes that the citizens of New Jersey also will support the Department through passage of this bond issue.

We believe that the voters of New Jersey will reinforce, through the ballot, the approach New Jersey has followed for almost 20 years—a deliberate approach of providing services in least restrictive, most clinically appropriate environment.

For more than 20 years we've recognized that—with reasonable supports and services—a great majority of people with mental illness and developmental disabilities can leave our institutions.

We've also recognized that children in need of residential services need quality services—inside, not outside, of New Jersey. And we've recognized that young people in our juvenile justice system can benefit greatly from programs that direct them away from repeat offenses.

Economically, community-based programs make good economic sense. On average, a community program costs 25 percent less a year than an institutional program.

Socially, these programs make good sense as well, because no matter how good an institution is, it isn't a home. People who benefit from community programs can contribute to society in a way that isn't possible within institutional walls.

We can offer New Jersey's citizens in need of human services something better. We can offer them quality community services and programs regardless of the extent of their need—to ensure that they live with dignity and the greatest independence possible.

We owe it to them to provide a larger world of service in our communities. This bond issue will move us forward in this effort and I am pleased that Commissioner Waldman has spoken of using new investment strategies to maximize these bond funds.

The State Board applauds this important legislation and looks forward to its affirmation by the Governor and the voters.

Thank you for the opportunity to testify today.

New Jersey Catholic Conference

211 North Warren Street • Trenton, New Jersey 08618-4894
(609) 599-2110

Most Rev. Theodore E. McCarrick
Archbishop of Newark
President

William F. Bolan, Jr., Esq.
Executive Director

August 15, 1994

TO: Members, Assembly Appropriations Committee

FROM: Regina Purcell *RP*
Associate Director for Social Concerns

RE: S848/A1599

The New Jersey Catholic Conference supports S848/A1599 which authorizes the sale of state bonds for institutional and community projects served by the Department of Human Services. A significant portion of the funds generated by the sale of bonds would be dedicated to expanding the number of group homes and supervised apartments for persons with developmental disabilities most urgently in need of residential placement in the community.

The Catholic social service agencies and parishes statewide which minister to people with disabilities and their families witness daily the desperate need for community residences. There has been an explosion in the list of clients of the Division of Developmental Disabilities waiting for community placement. In 1985, the list stood at 650 people. Today, over 3,000 people are awaiting placement. Urgently in need of services are those in life threatening situations or who are homeless. This is an untenable situation for those with disabilities and for their families with growing anxiety about the future care, health and safety of their loved ones.

It is clear that an immediate response to the needs of thousands of vulnerable people who are disabled and awaiting services is necessary. S848/A1599 will allow the state to meet that challenge. We urge the committee to release this legislation with a favorable recommendation.

RP:me

*Representing the Archdiocese of Newark, Diocese of Camden, Diocese of Metuchen,
Diocese of Paterson, Diocese of Trenton and Byzantine Catholic Diocese of Passaic*

13x



UNITED
CEREBRAL PALSY
ASSOCIATIONS
OF NEW JERSEY, INC.

354 South Broad Street, Trenton, New Jersey 08608 (609) 392-4004 • Voice (609) 392-7044 • TTY (609) 392-3505 • Fax

Vincent Amico, *President*

Myra Ryan, M.B.A., *Executive Director*

Hi, my name is Darlene la Rue. I live in Hunterdon County. I have wroked in a training center for six years, volunteered at a local hospital, and worked at York luggage for six years. Currently I work at UCPA/NJ and do the mailing for the ADA Department.

About four years ago, I wanted to move into my own apartment. I asked DDD to help me find a place. They looked and looked, but there was nothing in Hunterdon. I put an ad in the newspapers. One day, I got a phone call. A man called and said he built a one room apartment onto his house. My DDD counselor and I went to look at it and I fell in love with it. I have been there for four years now. My family was really upset about me moving out at first, but now they are happy about it. They knew I was right to want to be independent.

I take different types of buses to get back and forth. I just want to say that all people deserve a chance to be independent.

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ucp.
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Vincent Amico, *President*

Myra Ryan, M.B.A., *Executive Director*

I would like to speak in favor of Senate Bill S-848 which authorizes the State to issue \$160 million in Bonds to be used for State and community based human services facilities, including the creation and expansion of community residences for clients of the Division of Developmental Disabilities.

The Mission Statement of United Cerebral Palsy Associations of New Jersey (UCPA/NJ) favors the inclusion and integration of all people with disabilities into all aspects of life. As strong supporters particularly of inclusive education for children, the question we often face is: what opportunities are there for people with disabilities to be included in living and working situations after aging out of school? The current answer is all too often a lifetime of living and working in segregated settings, away from the mainstream of situations that other people enjoy, and spending all of their time living at home, in institutions, and/or working in workshops only for those with disabilities.

Currently there are approximately 4,000 citizens of New Jersey who are registered with the Division of Developmental Disabilities and who are also on a waiting list for some type of community residential placement through the Division. We feel that this bill would be a significant step in expanding the range and availability of living arrangements in the community for adults with disabilities. Community residences have been described as those which reflect to the maximum extent possible, residences which are typical of those in which people who are not disabled reside. We strongly favor this language and approach which will allow people with disabilities to continue to be included in all aspects of society and to live in residences that are similar to those of their nondisabled peers. We, therefore, strongly encourage that the members of the legislature and those in the Department of Human Services recognize that community residences do not necessarily mean only group homes. There are a number of other living arrangements that can make it possible for people with disabilities to live in as close to natural settings as are available to people without disabilities. Options could include supervised apartments, supportive living arrangements, renovations to on-campus and off-campus housing to accommodate college students with disabilities, and renovations to their family's home to allow the person with disability to continue to live at home.

We strongly support the open planning process which is to be used to develop these community residences across the state,

particularly because the process is supposed to include participation of potential consumers and families of potential consumers of community residences. People with disabilities can make meaningful contributions to this dialogue and it is only through their involvement that we can guarantee that the master plan recognizes our true wants and needs. We encourage the legislators to position themselves as overseers to ensure that a significant number of people with disabilities are included as actual decision makers in this master planning process and are not simply asked to share input from time to time.

Another part of the Mission Statment of UCPA/NJ, in keeping with the idea of integration into the community, is to work to move people with disabilities out of institutions and into less restrictive settings. Because we understand that this goal of moving all people out of institutions cannot happen immediately and will in fact take a considerable redirecting of resources and attitudes, we reluctantly agree that some money from this Bond Act should be spend on necessary capital improvements at the various insitutions, particularly if those expenditures will abate hazards to clinets and staff at these facilities, and accreditations projects that will improve living conditions for the clients there. We would ask, however, that these expenditures on institutions be seen by the legislature as a temporary measure designed to make the institutions more livable for those who must reside there at this time, but that all future expenditures of funds shall be made in such a way that community residences receive virtually all of the support. This can only happen if our elected officials understand and commit themselves to the idea that people with disabilities do not have to live in dehumanizing insitutions but can and should live in smaller settings such as apartments where they can grow and live out their dreams, the same opportunity that is available to everyone in New Jersey.

On behalf of the United Cerebral Palsy Associations of New Jersey, I thank you for your time and consideration to this Bond Act, and for your actions that improve the quality of life for all people with disabilities in our state.

Darlene LaRue

Mr Chairman, Ladies and Gentlemen of the Committee:

Thank you for the opportunity to testify on this important piece of legislation, Senate Bill 848. Officially, I am here today representing the New Jersey Association of Community Providers, in my role as a member of the Board of Directors and as chair of the Government Affairs committee. For those of you not familiar with NJACP, it is comprised of most of the organizations providing services in the Developmental Disabilities system.

However, I must note that I am also here on a personal level as an advocate -- involved with the human services system for over 25 years, working in the developmental disabilities system for over a decade. Some of the points I hope to make today are not always popular with all of the members of our Association. But for most of them, dedicated to the provision of quality services for people with disabilities and their families, it is time for bold changes to move us into the 21st century.

S-848 is not just a bond issue. It is an attempt to deal with a serious problem that has plagued us for years and threatens to

overwhelm the progress that has been made over the past decade. You are all aware of the gravity of need embodied in the DDD Waiting List and I need not repeat those concerns. Consumers, advocates, providers, public officials have all struggled with the enormity of this problem. A bond issue that follows the course of past bond issues for this purpose will NOT solve this problem. The time has come for a fundamental change in the way we serve people with disabilities, and other consumers of human services in New Jersey. While this bill cannot of itself address this problem, it can be the catalyst for change.

A first step was made with the addition of language broadening the scope of housing that can be obtained or developed with these funds. But that can be made meaningless by volumes of existing regulations and antiquated processes that guide the utilization of the money. And if what most think of in regard to housing for people with disabilities is "group home", it cannot be done for all in need with this amount of money. This bill cannot be changed at this late stage to address these problems without losing the opportunity for this years election. For that reason we ask the committee to follow this bill with enabling legislation that will set the stage for a revolution in the way we do the business of providing human services.

Several years ago I was part of a large coalition promoting an affordable housing bond issue. While that failed to pass on Election day it gave us several essential ideas that should be incorporated in our planning for the bond issue. Among these are the reservation of parts of the total as a revolving fund with low or zero interest loans that can be used to leverage many other sources of funds from HUD, DCA, NJMHFA, NJHCFA, EDA or even private investment dollars through the use of tax credits.

The use of collaborative processes must be encouraged so that the technical expertise is available to develop or obtain housing without every service provider having to become experts in real estate, finance, and law. Unnecessary red tape needs to be eliminated to encourage creative approaches to development, such as using the hundreds of millions of dollars in equity in existing group homes, offices, and other program locations owned by the state and in some cases private providers to further leverage new money into the system.

New approaches have been tried. One of our association members has developed over ninety units of housing without using any capital funds from the Department of Human Services, by using tax credits, balanced housing and other sources. Another, I recently heard, found a way to use the capital funds from the department

to leverage other funds. Most of our members have hit stonewalls even suggesting such usage. Another used FmHA funds to purchase homes, which I discovered can be done in at least eight counties. In the last bond issue a small amount was set aside by the Division of Mental Health to do creative financing of housing. Many of our members have worked with HUD but the dwindling resources and the enormity of the process are prohibitive, another example of where joining those with housing expertise to service providers could bear fruit. To make these succeed on a large scale requires a more conducive environment; something which properly crafted enabling legislation, comprehensive planning and the desire to be creative can provide.

Even the concern about "operating dollars" is not insurmountable. Many who need housing assistance don't need comprehensive services. Many in existing housing could do well in more independent living with less services. The kind of efficiency and collaboration that I suggested around housing development can be done for administrative support and program service costs, by the kind of sharing suggested for municipalities and school boards. A different approach to the use of Medicaid funds which now support much of the community service system will yield further opportunity. The use of a fair and equitable, practical method of

collecting fees must be considered. We must encourage not-for-profit businesses to operate like the real businesses they are. The "catalyst for change" should also include the re-organization the Governor and the Commissioner seek for the Department which will promote cooperation between the constituencies of the various Divisions.

The enormous cost of the state's mental hospitals and developmental centers must be balanced in the equation. While we often hear of the problems in closing such facilities, we are committed to this goal as articulated by the Developmental Disabilities Council, and believe that none of the barriers are insurmountable even the cost factors. While the bill is focused on the people on the community waiting list, those living in the institutions must be considered in the planning process.

Finally, and undoubtedly most important, we must focus on the consumers and their families in this process. S-848 touches on the role of consumers and families in the planning process, and

states that choice and control be afforded in where and with whom people live. The process must empower people economically to make that a reality. This means providers, public officials and the consumers must face the reality of limited resources. Consumers live with that reality now -- they just don't get to make the choices.

I thank you for this opportunity. We look forward to working with you in crafting "the catalyst for change".

Walter X. Kalman

THANK YOU FOR THE OPPORTUNITY TO ASK YOU TO SUPPORT THE LEGISLATION AUTHORIZING THE ISSUANCE OF BONDS OF THE STATE FOR THE PURPOSE OF CAPITAL FINANCING FOR RESIDENCES FOR DDD AND OTHER HUMAN SERVICE NEEDS.

THE NEED FOR BASICS FOR PEOPLE WHO ARE EXPERIENCING MENTAL ILLNESS, IS A MAJOR FACTOR THAT RETURN PEOPLE TO THE HOSPITAL. INADEQUATE OR NO HOUSING INCREASES STRESS ON PEOPLE WHO ARE VULNERABLE. WHEN THERE IS NOT ADEQUATE HOUSING AVAILABLE, IT IS DIFFICULT TO IMPLEMENT ANY TREATMENT PLANS THAT WOULD ENSURE MAXIMIZING THE POTENTIAL OF THIS PEOPLE.

AS CHAIR OF THE CHILDRENS' COORDINATING COUNCIL, WE ARE CONCERNED WITH THE LACK OF APPROPRIATE HOUSING AVAILABLE FOR YOUTH WHO CANNOT BE MAINTAINED AT HOME. JUST BUILDING A BUILDING IS NOT THE ANSWER, THE GAPS OCCUR WITH THE ABILITY TO PROVIDE THE INTENSITY OF INTERVENTION NEEDED TO MAINTAIN THE YOUTH IN HOUSING. RECENTLY A SURVEY WAS DONE WITH YOUTH THAT WERE IN A PROGRAM IN SOUTHERN REGION, AND THE LARGEST NEED WAS SAFE HOUSING. FOR THE MOST PART, WE ARE REFERRING TO YOUTH BETWEEN THE AGES OF 16 AND 23 WHO FALL IN THE CRACKS. TRANSITIONING FROM THE CHILDRENS' SYSTEM TO THE ADULT SYSTEM. HOUSING AND APPROPRIATE SHELTER ARE A PROBLEM NATIONWIDE FOR THIS AGE GROUP. ALTHOUGH TODAY, WE ARE ASKING YOUR SUPPORT FOR THE BOND ISSUE, I WOULD BE REMISS IF I DID NOT TELL YOU, THAT HOUSING ALONE IS NOT THE ISSUE, AND YOU CAN NOT TAKE A YOUTH FROM A RESIDENTIAL FACILITY, A HOSPITAL, OR JAMESBURG, AND PUT THEM IN A HOUSE. PROGRAMMATIC MONEY NEEDS TO SUPPORT THIS YOUTH IN THE HOUSE. SKILLS NEED TO BE PROVIDED AND ENHANCED SO THEY LEARN THE RESPONSIBILITIES OF LIVING IN A COMMUNITY. BUT WITHOUT HOUSING WE HAVE NOTHING.

WE HAVE A PROBLEM NOW, WITH YOUTH THAT NEED SUPPORTIVE, CLINICAL PROGRAMS THAT INCLUDE HOUSING WHO HAVE BEEN STABILIZED IN A CHILDRENS CRISIS HOSPITAL UNIT, BUT NEED FURTHER STABILIZATION BEFORE RETURNING HOME, THIS IS NOT AVAILABLE AND YOUTH ARE AT RISK. I AM CO-CHAIR OF THE TRANSITION TO THE COMMUNITY SUB COMMITTEE OF THE ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND ONE OF THE MAJOR NEEDS FOR THE YOUTH IS A PLACE TO LAY.

IT IS HARD TO IMAGINE WHAT IT MUST FEEL LIKE NOT TO HAVE A PLACE TO LIVE, IT IS HARD TO IMAGINE HOW YOU CAN GO TO SCHOOL OR WORK, OR NOT GET ANGRY IF YOU HAVE NO PLACE TO LIVE. IT IS HARD TO IMAGINE WHY WE HAVE TO BE HERE TO ASK YOU TO VOTE YES TO PUTTING A BOND ISSUE ON THE BALLOT FOR THESE AT RISK, VULNERABLE PEOPLE FOR THE MOST BASIC NEED--HOUSING. AND IN ADDITION TO REMIND YOU THAT HOUSING FOR THIS POPULATION IS NOT THE ONLY NEED, BUT THE ABILITY TO PROVIDE QUALITY PROGRAMMING TO SUPPORT THE PERSON REMAINING IN THE COMMUNITY. NEEDS FOR YOUTH, DDD, DMHH, DYFS, JUVENILE SERVICES ARE GREAT CREATING A VARIETY OF HOUSING CONFIGURATIONS TO MEET THE MANY NEEDS IS PRIMARY WHEN WE ARE COMMITTED TO SERVING YOUTH IN THE MOST APPROPRIATE SETTING, AND MAXIMIZING THEIR POTENTIAL, AND MOVING THEM TO BECOME MORE INDEPENDENT.

GROUP HOMES, SUPPORTED HOUSING SHOULD BE THE KEY IN DELIVERING SERVICES IN THE COMMUNITY AND REDUCING INSTITUTIONAL CARE. WHEN WE REDUCE POPULATIONS IN

INSTITUTIONS WE SHOULD BE ABLE TO USE THE MONEYS SAVED IN DEVELOPING COMMUNITY PROGRAMS THAT WILL BE EFFECTIVE. AT PRESENT MONEYS THAT WERE SAVED FROM REDUCING INSTITUTIONAL CARE FOR CHILDREN IN AND OUT OF THE STATE, WERE NOT ALL RETURNED FOR COMMUNITY CARE.

THE BOTTOM LINE, IS THAT WE NEED YOUR SUPPORT IN HAVING THE QUESTION OF THE BOND ISSUE FOR CAPITAL FINANCING PUT ON THE BALLOT IN NOVEMBER.

THANK YOU

JOAN MECHLIN, RN, MA
CHAIR

NEW JERSEY MULTI-SERVICE COORDINATING COUNCIL FOR YOUTH
WITH SERIOUS EMOTIONAL NEEDS (CCC)

Assembly Appropriations Committee
Testimony on A-431, A-1599 & S-848
August 15, 1994

Thank you Chairman Frelinghuysen and members of the Committee for providing an opportunity to speak on this issue. My name is Arnold Cohen and I am the Policy Coordinator for the Affordable Housing Network of New Jersey. The Network is a statewide association of over 180 non-profit housing development corporations, individuals and other organizations who are directly involved in the production of affordable housing in cities and towns throughout New Jersey.

Clearly New Jersey is facing a significant housing crisis, with nearly one-third of the state's households either paying more than they can afford for housing, or living in substandard or overcrowded conditions. The opportunities for people with disabilities to live in housing that is both affordable and in a community setting are even more limited. While the three bills before the committee today differ in some respects, they all recognize the need for additional funding to address this growing need.

The Network has a number of members that are working to develop various types of affordable housing combined with services for disabled people. A major constraint to increasing the supply of appropriate housing for the disabled is the lack of funding to construct new units.

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The Network strongly supports the placement of a bond issue on the November ballot to provide increased access to funding for this purpose. Such funding would lead to the production of a significant number of new units for the disabled, especially if bond funds are used to leverage additional funding from other sources.

We urge you to release a bill from committee today that will help make the dream of disabled persons to live in a community-based residence of their choice into a reality.

25 X (i)

Collaborative Support Programs of New Jersey, Inc.
CSP-NJ
30 Broad Street
Freehold, New Jersey 07728
(908) 780-1175
Fax: (908) 780-8977

Tom Griffith
Board President

Jacob P. Bucher
Executive Director

Margaret Duthie
Associate Director

August 15, 1994

To: Assemblyman Frelinghuysen and members of the Assembly
Appropriations Committee

From: William J. Butler, Housing Coordinator, CSP-NJ

Subject: Rule 140 of the General Assembly on Assembly Bill
431, Assembly Bill 1599, and Senate Bill 848

Assemblyman Frelinghuysen and members of the Assembly
Appropriations Committee: I am very grateful to have the
opportunity to comment on the aforementioned bills; chiefly,
the possibilities for leveraging funding to address
affordable housing for a population which has been classified
as 'special needs.'

Indeed, if we were to just merely utilize this funding until
completion, all of us would be in need for Capitol Funding in
just a few short years.

Through a three and a half year funding grant at
Collaborative Support Programs of New Jersey, through the
National Institute of Mental Health, we have learned to
utilize Not for Profit Housing Developers for the express
purpose of developing housing based on Consumer Preference
for Permanent Housing with Support.

With the Affordable Housing Network of New Jersey, our agency
has helped to direct the intelligible understanding for
housing with special needs, particularly with the concept of
developing housing with supports. To be certain, housing
development is a certain catalyst to the economy in New
Jersey.

26X

August 15, 1994

Assembly Appropriations Committee Testimony
William J. Butler, CSP-NJ
Page Two

Housing Expertise, in conjunction with the Department of Community Affairs, and HOME, Hope 3, and Supportive Housing Programs of the Department of Housing and Urban Development will direct the housing innovations that will direct State Policy into the Twenty-First Century.

Development means new construction, moderate rehabilitation, access to Resolution Trust Properties, ownership and the necessity of the Department of Human Services to commit service dollars to support new residents.

In a presentation to both the Commissioners of Health and Human Services, a common theme was discussed: "A key of Our Own." In the State of New Jersey, where fiscal responsibility is the top priority, I would like to thank you for introducing the funding to further direct a paradigm shift in housing, which is our top priority.

Mutually, these two priorities, when realized, produce the type of housing that is preferred by consumers of all divisions within DHS, and will further strengthen the communities, in which we live and mutually support.



Testimony
Senate, No. 848

I am Barbara Price, Executive Director of the New Jersey Coalition for Battered Women. I am here to testify in support of S. 848 to authorize the issuance of bonds of the State for construction, improvement and expansion of community residents for clients of community-based human service facilities, specifically victims of domestic violence and their children.

There has been a great deal of attention to the issue of domestic violence in the media and in state government, including the recent amendments to the NJ Prevention of Domestic Violence Act which were signed into law by Governor Whitman last week. While this has raised community awareness, it has also caused more victims to come forward seeking services. Two weeks ago, the service demand reached crisis proportions when 17 of the 22 domestic violence shelters in the state were full. This prompted the Division of Family Development to issue an urgent plea to County Welfare Agencies and CEAS Committees to work with the local domestic violence programs to process emergency grants as quickly as possible allowing victims to be housed in motels as a temporary solution.

In 1993, the Coalition experienced a 7% increase in the number of women and children sheltered (4,832) with the average length of stay being 25 days, an increase of four days over 1992. In addition we turned away 2,311 for insufficient space, a 44% increase over 1992. This occurred in spite of completing the network of shelters with the opening of facilities in Cape May and Cumberland Counties. The goal of a shelter in every county was jointly established by the Coalition and the Division of Youth and Family Services in 1985.

One of the reasons for the longer length of stay is the lack of affordable housing in New Jersey. There is no Section 8 housing subsidies available in any part of the state, and there are 24,000 on the waiting list. In fact the state is no longer accepting applications. This greatly affects battered women many of whom are forced to return to the batterer because they have no place to go. Some of this could be alleviated by the establishment of more transitional housing for battered women to give them time to find suitable housing after leaving the shelter. Shelters were only meant to provide safety in a crisis, but some of our programs have women staying as long as 40 to 90 days.

New Jersey
Coalition
for Battered
W o m e n

2620 Whitehorse-
Hamilton Square Road
Trenton, New Jersey 08690
609-584-8107

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Another problem that has occurred for some of the shelter programs is compliance with the Americans With Disabilities Act. Some of the older shelters would require extensive renovation and/or expansion which might not be possible given their location. One such program was told by their county review team that it would be better to tear the whole place down and start over again.

These capital dollars would allow relocation of this facility and possible construction of transitional housing. It would also provide funds to correct any emergency life and safety problems which frequently occur in older facilities. Current funding for victim services are limited. While there have been no cuts in the Human Services Budget, changes in administrative policies and budget cuts in other departments which provide additional funding for domestic violence programs have resulted in funding cuts to these programs at a time when the demand for services and public awareness of the issue is at an all time high. This means any plans for expansion, relocation, or construction of additional facilities is out of the question without specific funding such as the capital bond.

I urge the committee to approve this bond proposal to provide the ongoing services needed to protect the victims of domestic violence and their children. While we address the gaps in the law, we must not forget the victims of this horrendous crime which destroys families and repeats through generations. They need help in putting their lives back together and the assurance that there is a safe place they can go. We should not turn them away because there is no space, and they should not be forced to return to the battering situation because there is no place else to go.

ASSEMBLY APPROPRIATIONS COMMITTEE

Public Hearing

Assembly Bill No. 1599

Assembly Bill No. 431

Senate Bill No. 848

August 15, 1994

Leonard S. Altamura

State Human Services Advisory Council

Mr. Chairman. Members of the Appropriations Committee.

My name is Len Altamura and I am the Executive Director of the New Jersey Association of Mental Health Agencies. I am also a member of the Executive Committee of the State Human Services Advisory Council and I am testifying today on behalf of the Council.

Since 1985, the Council has advised the Commissioner of the Department of Human Services on a myriad of issues related to human services in New Jersey.

Our membership consists of at-large representatives from New Jersey's human services community, members of division constituent groups - which advise the department's divisions on the specific issues and problems facing people served by those divisions - and directors of county human services departments.

We also have representatives from every County Human Services Advisory Committee, which work under contract with the department to develop plans for county social services and help allocate federal and state human services funds to meet local needs.

We are very pleased to support this critical piece of legislation for New Jersey - the Human Services Facilities Bond Issue. The funds from this bond issue - \$160 million - will allow the Department of Human Services to develop and expand community programs for people served by its largest divisions: Youth and Family Services, Mental Health, Juvenile Services, and Developmental Disabilities.

The State Human Services Advisory Council commends you, Mr. Chairman, the members of this committee, and your counterparts in the Senate for sponsoring such important legislation.

In 1991, I was involved in a group that created a methodology for leveraging the 1989 bond issue funds to create a greater impact for mental health programs. Through this public/private partnership, the first of its kind in New Jersey, we were able to leverage \$3,000,000 of 1989 State bond funds into an \$8,000,000 Capital investment.

In less than 25 years, this program will:

1. Return the full \$3,000,000 back to state;
2. Save the State approximately \$7,000,000 in rental costs; and
3. The agencies who participated will own their buildings outright rather than still be paying rent.

I know, from my participation on that group, how important it is to plan for effective use of bond issue funds. Only through a comprehensive planning process can we expect to get the maximum use of the dollars this 1994 bond issue will authorize.

I believe that we will have that kind of process - for many reasons. Let me mention a few.

First, we've come very far since 1989. We have a stronger commitment today to using community-based programs and to moving people from institutions to community programs.

Second, we have a deeper understanding in 1994 of the stresses on a family which must care for a family member with a developmental disability - when that family member would be best served by a community residence or service.

Third, we have more experience today than in 1989 with how we must go about the task of setting up community programs and services that can meet the special needs of adults and children who otherwise might be placed in an institution. And our experience shows that we need to have those programs firmly in place before we move people out of institutions.

Fourth, we have a much improved process of community involvement in human services' decision-making. The Department's Open Budget Review Process and its Contracting Task Force have opened up whole new vistas for community agencies and individuals to take an active role in deciding how precious human services dollars should be spent.

With these strides since 1989, Mr. Chairman, the State Human Services Advisory Council believes that we are well positioned to use the 1994 bond issue funds wisely and to the maximum effect.

Commissioner Waldman has also conveyed in his testimony his deep commitment to continuing an open public planning process for these new funds. This process, which will result in a Master Plan for using the bond allocation, will solidify that public process. It will place a needed emphasis on clients who are not receiving services at this time and those who are awaiting community placements.

With your support, with the Commissioner's continued guidance, and with a Master Plan for using bond funds, the State Human Services Advisory Council believes that we will reach new heights in serving those who are mentally ill, developmentally disabled, emotionally disturbed or involved in the juvenile justice system.

I appreciate the opportunity to share the Council's support in this hearing.

Thank you.

My daughter, Cheryl, is 22 years old chronologically and she functions at a 2-3 year old level. She is a big girl, about the same height as I am and she weighs around 160 lbs. She is very loveable and very strong and it takes a lot of strength to get her to do what she is supposed to especially when she becomes stubborn.

At the present time Cheryl's care is between my husband, who is 64, and myself. My children are all grown and married and they have lives of their own. They shouldn't have to worry about their sister; but I am sure they all wonder as to who will take care of Cheryl when we are gone.

Cheryl needs total care. This involves giving her a shower brushing her teeth changing her diapers and even remembering how much time has passed since she used the bathroom. Do you know how difficult it is to change a young adult like my daughter? Do you know how many diapers a week I have to change? It is about 5 a day and 2 at night (that's if I am lucky enough and don't have to change her in the middle of the night). If you are good in math that's 2,555 diaper changes a year!!!! THAT'S A LOT OF DIAPERS!!!!!!!

Cheryl cannot decide what she wants to eat, what she wants to wear or even how she prefers to wear her hair. She has to have one of us brush her teeth, and that is a fight since she hates to have them brushed due to the fact she has periodontal disease and brushing causes more pain. Cheryl has no speech so when she is sick it is a challenge to find a doctor who is compassionate enough to take the time to find out what's bothering her. It has been difficult to convince a doctor she is truly in pain or where she is hurting since her reactions to sickness are not the way others may act.

We are very much concerned about Cheryl's future. As you can see my daughter needs TOTAL care and will for the rest of her life. To find a group home or even a skilled home who is willing to commit to such a job is very difficult; even if the funds were available.

The 4,000+ waiting list in New Jersey is an atrocity!!! New Jersey should be ashamed to tell parents like us there is nothing available for our children unless we were to die NOW. Cheryl has just recently been placed on Category I since she was home for seven months and I became more disabled then. It was from polio and numerous back surgeries.

This Category I for residential placement means nothing unless funds are released soon. If we could realize our dream of helping with the transition from our home into an appropriate home before we die would be wonderful for her and

her future caregivers. Why can't we see the dreams we have for Cheryl come true? Is this too much to ask of our state? If we do not get additional funds then Category I means nothing.

I would like to thank each and everyone of you for giving up from your busy schedules and arranging to come and listen to the plights of the parents and friends of the Developmentally Disabled. I sincerely hope you can go away from here feeling the desperation we all on the waiting list feel. This is a crisis which I sincerely hope many of you will be able to remedy.

Again thank you for your time.

Mrs. Kathryn J. Fisler

Mrs. Kathryn J. Fisler, mother of Cheryl
14 Heathermeade Place
Cranford, New Jersey 07016
August 15, 1994

35x (i)



New Jersey Association of Children's Residential Facilities
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TESTIMONY ON S 848
ASSEMBLY APPROPRIATIONS COMMITTEE
AUGUST 15, 1994

I am Julie Turner, Executive Director of the New Jersey Association of Children's Residential Facilities which represents over 80 private programs serving abused, neglected and troubled children placed by the Department of Human Services. Our Association supports the capital bond legislation. We particularly support section 5b (page 5) which clearly directs that the funds may be used to maintain and improve existing facilities as well the requirements for a master plan which would be updated annually. With the leadership of the Legislature--and or this committee, this bond has the potential of providing the needed catalyst for innovation, accountability and change.

THE 1989 CAPITAL BOND: While DDD and DMHH utilized the bond to develop new programs, the decrease (20% cut between 1992 and 1995; loss of over \$10 million; see attached) in operating funds for residential treatment and group homes for DYFS funded children did not permit DYFS to develop much needed new programs; attached is information on the DYFS use of the 1989 capital bond for substitute care programs. 36 programs with 612 beds benefitted from the \$1.4 million in repair and renovation funding; only two new programs, with 22 beds, were developed. Lacking adequate operating funds, DYFS has been unable to use almost \$3 million of the 1989 bond in spite of the needs for treatment programs for children.

NEED: Legislators are well aware of the needs of the DDD and DMHH adult populations. Not only are The Department, DDD and DMHH willing and able to identify and articulate client needs, multiple strong provider and advocacy groups as well as concerned families speak eloquently on behalf of the mentally ill and developmentally disabled. Abused, neglected and troubled children are both voiceless and powerless. That the Department has not been willing to assess or acknowledge the needs of the many troubled children and adolescents requiring residential treatment in no way minimizes the actual critical needs identified by report after report:

New Jersey Reporter (September, 1993) found "deeply entrenched emotional problems" in older children entering foster care; New Jersey's foster care is "failing to meet the needs of foster children already in its care, wholly unsuited and unprepared for those of a new and more deeply troubled generation headed its way." **"There are not enough facilities or services to care for severely disturbed children [in state]...by DYFS' own admission."**

Stolen Futures: (Association for Children of New Jersey; April 1994) found that almost all of the older children entering foster placement had "extensive histories with DYFS." By the time placement was considered, "many of the children needed treatment for severe emotional

problems." DYFS staff said there are "too few services, either day treatment or residential, for acting out adolescents; the lack of services for males, in particular makes involvement in the juvenile justice system almost inevitable." "Workers viewed the CART/CIACC process as not helpful in developing new services for children; in many cases it was seen as delaying needed placement until it became even more difficult to treat the child."

Judges' Resolution: The New Jersey Council of Juvenile and Family Court Judges' resolution cited the crisis in the juvenile justice system "resulting from an absence of dispositional and residential alternatives." Noting that, in the past there had been placements available to the court through DYFS and DOC programs, "these alternatives and divisionary programs are now severely limited and virtually non-existent for children who have special needs or are mentally ill, emotionally disturbed or developmentally delayed..." Many judges have been highly critical of the CART process which they see as yet one more bureaucratic obstacle which delays or denies treatment.

Prosecutors: "New Jersey prosecutors say the primary need of the state's ailing juvenile justice system is more rehabilitation programs." (The Record; 4/4/94)

Jamesberg Report: The consultants found that in June of this year, more than 80 youth at Jamesberg were waiting for placement in a Department of Human Services program. They recommend "upgrading, expanding and diversifying the quality, availability and quantity its program options for delinquent youth."

NJACRF's study found that increasing numbers of children are forced to fail in placements inadequate to meet their needs. That almost half of the adolescents have at least five placements is an indictment of a "system" which refuses to acknowledge or respond to their needs. The story of "Mitchell" (see attached) is unfortunately typical of the many children for whom DYFS does not provide "placement on demand".

	Pre-	Adolescent		Adolescent	
# placements	1990	1993		1990	1993
one-two	52 %	18 %		28 %	18 %
five or more	28 %	45 %		37 %	48 %

Mental Health: CCIS providers have been concerned about increasingly troubled children who enter and re-enter the short term CCIS units as a result of a lack of residential and other treatment programs. Since Brisbane redefined its mission, many children needing intermediate care are denied needed treatment.

Sex offenders: Recent tragedies have focused attention on sex offenders; however, little attention has been given to providing early appropriate treatment to sexually abused children and to adolescent sex offenders to prevent their becoming adult predators. According to the Juvenile Delinquency Commission, there were over 700 adolescents arrested for sex-related

crimes (236 rape; 481 for sex offenses other than rape and prostitution). According to DYFS, in 1992, there were 4,065 allegations of child sexual abuse; of these 1,561 were substantiated. In spite of the need, there is a paucity of DYFS or corrections programs for this population.

Decrease in treatment placements/increase in correctional placements: Between 1989 and 1994, the number of children in DYFS treatment placements **decreased** by 25%. Between 1987 and 1994 corrections/detention placements **increased** by 16%. (See attached tables.) The former director of the Division of Juvenile Services noted that over half the delinquents entering Corrections and Juvenile Services had been known to DYFS; The growth in the juvenile and adult corrections populations and the fact that New Jersey is now ranked fourth in the rate of juvenile violent crime is a predictable consequence of a flawed philosophy which denies children timely and appropriate treatment and which forces children to fail repeatedly. The so called "successful efforts" to reduce the number of children in residential treatment centers has resulted in the increase in placements in the most restrictive and abusive correctional settings.

No cross-system needs assessment/no plan: Report after report clearly show the critical need for a spectrum of additional residential treatment services for children and adolescents. Several New Jersey Departments and Divisions run residential programs; five Divisions of the Department of Human Services and the Department of Health contract with private providers for residential services, and license and monitor these programs. Several Departments, Divisions, local school districts, and the courts place children in both public and private facilities. Counties run shelter and detention programs. (See Attachment) **However, there has been no needs assessment and no coordinated plan within or between Divisions or Departments for providing adequate residential treatment for the care of children who cannot be served in their own homes and whose needs cannot be met by foster family homes.** Let me repeat: that the Department has not been willing to assess, to identify or to acknowledge the needs of the many troubled children and adolescents in no way minimizes the actual critical needs identified by those on the line.

The Legislature's role: I began my testimony noting that, **with the leadership of the Legislature**, this bond has the **potential** of providing the needed catalyst innovation, accountability and change. I would urge this committee to consider the following as it develops the enabling legislation:

1. Significant differences between the adult DDD/DMHH and the DYFS systems impact on capital needs. Attached is a paper which discusses some of these differences.

2. A stated Departmental priority has been the "preservation and enhancement" of the existing infrastructure. Given the inadequate and inequitable funding for many DYFS funded programs, we would urge that a considerable portion of the funds be devoted to repairs, renovations and facility enhancements. Without additional operating funds, developing new DYFS programs requires closing or further undermining existing ones. **Consideration should be given to devoting some portion of the remaining \$3 million from the 1989 bond for repairs/renovations/enhancements of existing facilities.**

3. While there may be potential sources for new operating funds, prior state policies and actions have given DYFS a disincentive to pursue such funds. For instance, when a residential treatment center became JCAHO accredited bringing in \$1.3 million annually, DYFS's budget

was cut by \$2 million twice; thus by bringing in \$1.3 million in federal funds, DYFS was "rewarded" by having its budget cut by \$4 million. In spite of a commitment to redirect funds resulting from savings from the downsizing of Brisbane to community programs, these promised funds were diverted back to Treasury. **I would urge this Committee to work with the Administration to insure that new operating funds be used to enhance and expand community programs.** I would also suggest that this committee encourage the Department to work with the provider community and legislators to explore new or expanded funding sources.

4. For over seven years, this Association has called for a comprehensive plan for children's services based on a cross-system needs assessment. A reorganization of the Department does not address the reality that the needs and services for children cross Departmental lines. Several "plans" have or are being developed: the children's mental health plan; the BOCHA plan; the Family Support and Preservation plan; the Juvenile Justice plan. The Governor has established a committee to study privatization. What appears to be lacking is a "master plan" for services for the most troubled children. **I would urge this Committee to require a comprehensive plan, based on a needs assessment, within and between Divisions or Departments for providing adequate residential treatment for the care of children who cannot be served in their own or foster homes.**

5. The current process for obtaining capital funds is the antithesis of "user-friendly"; not only are there significant delays in obtaining funds, funds cannot be made available for emergencies. Requirements are similar for a \$2,000 repair and a \$300,000 grant. **I would urge the Department to work with the provider communities to review and revise the CAFU process.**

I very much appreciate being given the opportunity to share our concerns with this committee and to support this capital bond legislation. I look forward to working with you to make its potential innovation, accountability and change a reality. Thank you.

Julie Turner
Executive Director

RESIDENTIAL/GROUP HOME GRANTS IN AID 1992-1995

	1992 adjusted appropriation	1993 adjusted appropriation	1994 adjusted appropriation	1995 recom. appropriation
Residential/ Group Home	\$65,188,000	\$51,688,000	\$52,938,000	\$50,938,000
Portion of Substitute Care line for Resid.	\$2,728,000	n.a.	n.a.	n.a.
Other Residential	n.a.	\$10,291,000	\$11,030,000	\$11,030,000
Total	\$67,916,000	\$61,979,000	\$63,968,000	\$61,968,000
Anticipated total without cuts		\$69,953,000	\$72,052,000	\$72,052,000
DIFFERENCE		-\$7,974,000	-\$8,084,000	-\$10,084,000

In 1992, \$67.9 million was appropriated for Grants in Aid for residential/group home, independent living, shelter, and teaching family, with amounts being listed on the Residential/Group Home and (a portion of) the Substitute Care line. By 1993, this was revised. "Anticipated Total" is based on the \$67.9 million in grants-in-aid in 1992, assuming a flat caseload growth, and factoring in the 3% COLA. These figures do not include the additional \$6.5 million transferred to DDD in 1991 when DDD assumed responsibility for autistic children.

NUMBER OF DYFS CHILDREN IN TREATMENT PLACEMENTS 1989-1994

	1989	1994	Change	% Change
Residential Treatment Centers	1,186	734	-452	-38%
Group/Treatment Homes; Teach. Family	488	529	+41	+8%
Total Treatment Placements	1,674	1,225	-411	-25%

The impact of cutting residential treatment services on the juvenile justice system is clear:

Type of Placement	1987	1994	inc./dec.	% change
DYFS adol. boy rtc*	606	389	-217	-36%
Corrections	964	628		
DJS		435		
Total DOC/DJS	964	1068	+104	+11%
Detention	550	695	+145	+26%
Total Corr. placements	1514	1763	+249	+16%

DYFS estimates that boys are 70% of those in residential treatment centers and 76% are thirteen or older. Based on that, 53% of the total are adolescent males.

DYFS PROGRAMS WHICH BENEFITTED FROM 1989 CAPITAL BOND

PROGRAM	# CHILDREN	MUNICIPALITY
TRIS	12	HAMMONTOWN
RANCH HOPE	55	ALLOWAY
GROUP HOMES OF CAMDEN-BETA HOUSE	14	CAMDEN
DELTA HOUSE	9	CAMDEN
DRENK-GATEWAY	9	BURLINGTON
FLORENCE KLEMMER	8	MT. LAUREL
CHILDREN'S HOME OF BURLINGTON	41	MT. HOLLY
CROSSROADS-TRANSITIONAL LIVING	11	LUMBERTON
CAPABLE ADOLESCENT MOTHERS	12	BURLINGTON
SAFE HAVEN	12	FARMINGDALE
TRIAD	12	TRENTON
SOMERSET YOUTH SHELTER	16	BRIDGEWATER
BONNIE BRAE	55	MILLINGTON
RENAISSANCE HOUSE	12	PLAINFIELD
CATHOLIC CHARITIES-NAZARETH HOUSE	9	PERTH AMBOY
DEVEREUX DEERHAVEN	62	CHESTER
PLAID HOUSE	11	MORRISTOWN
EASTLEA	12	EAST ORANGE
KILBARCHAN	24	PATERSON
O'NEILL CENTER	5	PATERSON
LIBERTY HOUSE	12	ENGLEWOOD
HOLLY CENTER	55	HACKENSACK
PATH I	8	PARAMUS
PATH II	8	BOGOTA
WOODLEA GROUP HOME	12	RIDGEWOOD
ST. CLARE'S NEPTUNE	5	NEPTUNE
ST. CLARE'S-ELIZABETH	5	ELIZABETH
ST. CLARE'S-JERSEY CITY	5	JERSEY CITY
YWCA OF TRENTON	12	TRENTON
LA CASA DE DON PEDRO	12	NEWARK
TOGETHER	12	GLASSBORO
CROSS COUNTER-ST TIMOTHY	12	ORANGE
TILLMES HOUSE	12	EAST ORANGE
IEP-ORCHARD HOUSE	5	FREEHOLD
NEW HOPE	24	MARLBORO
ANCHOR HOUSE	12	TRENTON
*HUDSON CRADLE	10	JERSEY CITY
*YCS NEW BRUNSWICK GROUP HOME	12	NEW BRUNSWICK
38 PROGRAMS SERVING	634 CHILDREN IN 31 MUNICIPALITIES	

(*New Programs)

?MORRIS COUNTY YOUTH SHELTER	10	MORRISTOWN
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MITCHELL

The Record described a family's odyssey to obtain treatment for their mentally ill 15 year old, Mitchell. Adopted at age 5, little was known of him except that his biological parents were drug abusers. As a child, he had violent outbursts, had troubled learning, and lied and stole. Despite reading on a second grade level, he graduated from a middle school. In the summer of 1992, then 14 year old Mitchell deteriorated rapidly. He repeatedly lied, carved obscene references into furniture, and stole his siblings' money. He was truant from school, ignored curfews, broke windows, and drew pornographic pictures. More and more he swung his fists in anger. He set fires in the back yard. His mother found a knife, food and matches hidden in his room. She worried that he was a threat sexually to his younger sister. In the fall of 1992, Alice went to a group meeting for parents of troubled children and began to seek help from the police and school; the school's child study team said his "unruliness" was not severe enough to warrant help. In January 1993, after Mitchell had so deteriorated that doctors had him spend five weeks in a psychiatric hospital, the school classified him emotionally disturbed after the hospital warned that Mitchell needed immediate help. When his behavior worsened, in February, 1993, his mother called DYFS. Although she sought residential treatment, she was told there "was no room" at any of the facilities. The DYFS worker promised to provide some community services. In April 1993, he tried to choke his 24 year old sister who filed assault and harassment charges against him. He was hospitalized for two weeks. Only with a hospital social worker's assistance was Mitchell enrolled in the after school program the DYFS worker had promised. However, he continued to deteriorate, missed school and grew even more violent. In June, he choked his 5 year old sibling, fled from a social worker who rushed to the home, and was, for the third time in six months, hospitalized.

Out of fear, Alice refused to take him home. He was placed in a shelter where he began to use narcotics. He landed in juvenile court after he swung a baseball bat across a caseworker's leg. After the first arrest in April, the judge had sent Mitchell to the CART; it took more than a month for the CART to hear the case, though he fled the shelter twice, tested positive for drugs, and was getting in trouble with the law. Despite three psychiatric hospital commitments that pre-dated his drug use, the CART called for inpatient drug counseling in spite of the mother's recognition that her son had a psychiatric problem. By November, he was kicked out of the program after threatening to harm a staff person. He was sent to another program.

Only then--after three hospitalizations, two arrests, a string of assaults, more drug abuse, repeated appearances in court, four after-school or residential programs, did DYFS decided to place 16 year old Mitchell in a therapeutic treatment center in December, 1993. He has remained trouble-free since.

AGENCY	Public	Private in-state	Private out-of-state	Other/Unknown	Total
DYFS ¹ rtc	96	515	123		734
DYFS gr. home		278			278
DYFS treat home	86 ²	165			251
DYFS other		134 ³			134
DYFS total	182	1092	123		1397
DMHH	40	80/203 ⁴			120
DDD	64	358 ⁵	39		461
DJS comm res.	370	65			435
CBVI				13	13
DOC (6/94)	628				628
DOE	138			120	258
DOH		155			155
TOTAL/STATE	1422	1797/203	163	133	3467
County shelter ⁶	192	77			269
County detention ⁷	609 (695)				609

¹All DYFS figures are the average census January-June, 1994

²Total of DYFs run group homes and teaching family/alternate care homes

³Independent living; transitional; infant/HIV + group homes

⁴38 5-10 beds; 42 post 28 day beds; Psychiatric hospital beds: 155 CCIS beds; 48 intermediate beds

⁵DDD places 461 children in residential, skill development, DYFS foster homes, corrections. rtc's.

⁶Approximate number of beds; The average daily population of the county "juvenile family crisis shelters" was 160; in addition, the children's shelters (DYFS funded) had an average daily population of 74

⁷609 is the approved capacity; average census between 8/93 and 1/94 was 695; the range was 654 to 756



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CAPITAL BOND DDD/DMHH AND DYFS

DIFFERENCES IN DDD/DMHH AND DYFS CAPITAL NEEDS: Significant differences between the adult DDD/DMHH and the DYFS systems impact on capital needs. The DDD and DMHH provider communities have a strong interest in the development of new programs; since, in spite of the great need for children's residential treatment programs, there has been a 20% cut (\$10 million) in state grants-in-aid in the DYFS residential/group home line in the last three fiscal years, the children's provider community has less interest in the development of new programs. Indeed, unlike the other Divisions, **DYFS has not been able to use almost \$3 million** from the 1987 capital bond as this was planned for new programs since there were no new operating monies. While the DYFS private residential provider community advocated for using a portion of the capital bond for repairs, renovations and facility enhancements, the Department opposed this.

DDD/DMHH: Both DDD and DMHH have large institutional populations; state institutions have a defined role of serving clients who 1) can not be served appropriately in the community or 2) are awaiting community placement. For the most part, these institutions' mission is to serve a different population from that served by the private sector. Both Divisions have guidelines which define eligibility. Their populations are seen as relatively chronic (DDD, the more so) in need of long term care. They are able to identify and articulate client needs: DDD has a triaged waiting list; DMHH has the Individual Client Assessment. Private residential programs are valued and supported by the Department as positive alternatives to state institutions. Funding for operating costs is relatively (certainly in comparison to DYFS) adequate and does not have the arbitrary historical inequitable rate structure. Multiple and strong DDD and DMHH provider and advocacy groups as well as the middle class, non-minority families of the mentally ill or developmentally disabled provide vocal and effective advocacy. A downsizing in the institutional population is clearly tied to the development of community residential programs. Given relatively adequate funding to maintain the current programs and infrastructure and the full use of the 1987 capital bond funds, DDD and DMHH providers advocate strongly for the development of additional community programs. Thus there is a documented need, potential funding (from institutional closing), and strong Departmental and community support for capital bond funds to develop additional residential programs.

DYFS: In contrast, DYFS does not have or use large institutions comparable to those of DDD/DMHH. The four DYFS residential treatment centers serve similar populations to those served by the private sector; rather than providing a "back-up" or serving an unique population, they compete for similar children in spite of considerably higher operating costs. DYFS does not have guidelines which define eligibility; various Divisions and Departments serve children. There is no needs assessment, no inter-Divisional/Departmental plan for children's residential services, and no prioritization of client needs. Since, theoretically, DYFS can not have a waiting list, it does not maintain one (children do wait in detention, shelters, and fail repeatedly in inappropriate placements). While a DDD placement is viewed as a life-time commitment,

DYFS residential (includes all out-of-home placements for treatment purposes) placements average 18 months. Residential is not valued or supported by the Department and is viewed as a treatment of last resort. Although funding is generally well below that given to DDD and DMHH providers (and considerably below that of the DYFS run programs), the Department criticizes residential as being "too costly" and has set up a situation in which residential and non-residential programs compete for scarce funds. In the past three years, there has been a decrease of \$10 million in state grants-in-aid for residential (\$5.1 million was cannibalized to fund adult DDD programs). Although DHS and DYFS have long acknowledged (and **their own** consultant documented) that funding is inequitable and inadequate, the deficiencies have not been addressed or rectified. The vast majority of the children are poor, minority, and abused/neglected; there are few strong advocacy groups for children generally, and fewer for abused/neglected children requiring out-of-home treatment. Families are rarely strong advocates for this population. Given that funding is inadequate to maintain the current programs, there is little support from the private providers for additional residential programs. Most providers feel strongly that the Department should adequately maintain existing programs before creating new programs. DYFS has been unable to use almost \$3 million of the 1989 capital bond funds since their four year old "plan" assumed the availability of new operating monies. Thus in contrast to DDD and DMHH, needs are not assessed, documented or acknowledged; not only is there not potential new funding, funding has been cut substantially; and there is not strong Departmental, provider or community support for additional residential programs.

DJS: While 85% of DYFS children in residential are served by the private sector, the vast majority of DJS programs are state-operated. There is not an identified private provider/advocacy group which relates to DJS or advocates for the clients it serves. As part of the Department of Corrections, its programs were the neglected step-child of an adult driven Department, and it (and the other Corrections' juvenile programs) were relatively isolated from public involvement and scrutiny. While many in the community were aware of problems in these program, relatively little public attention was focused on them (until The Record series). OLS, in its analysis of the DHS budget, identified several programmatic and physical plant problems with the DJS facilities; in terms of physical plant issues, they found that: **Client Space.** "With the exception of one residential program, the amount of bed space available per child did not meet DYFS standards." **Physical Condition of Plant:** "Only one residential program was in a good physical plant with no obvious physical problems; one program was located in a building that probably should be condemned. Most programs had poor space and other physical plant and equipment problems." There are many questions about the future of DJS programs--and its capital needs. The Departmental location and relationship of DJS and Jamesberg/Bordentown are unknown. Newspapers have reported that there is interest in privatizing many of the programs. It would make sense to develop a coordinated plan for the DYFS, DMHH (children), DJS, and DOC (children) residential programs.

DOC: The Jamesberg physical plant is grossly inadequate and dangerous. I do not know what, if any, plans have been made to address the multiple physical plant and programmatic problems, nor how these plans fit in with other children's residential services.

Julie Turner
Executive Director

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COMPARISON DYFS/DDD-DMHH

<u>ISSUE</u>	<u>DYFS</u>	<u>DDD/DMHH</u>
Documented need	No documentation No needs assessment	yes
Waiting list	None maintained	yes
Available new program funding	Cuts in past three year	Downsizing of institutions
Current adequate and equitable operating funds	No	Relatively, yes
Large state institutions serving as a back-up or for specialized populations	No	Yes
Middle-class "no-fault" clients	No	Yes
Strong advocacy groups	No	Yes
Department support	No	Yes
Clearly defined eligibility criteria	No	Yes
Clients served primarily by one Division	No	Yes
Coordinated planning	No	Yes??

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TESTIMONY OF FRED R. PATTERSON

**NEW JERSEY ASSEMBLY
APPROPRIATIONS COMMITTEE**

**\$160 MILLION BOND ISSUE-
COMMUNITY RESIDENTIAL PROJECTS
FOR DEVELOPMENTALLY DISABLED**

AUGUST 15, 1994 10 AM

STATE CAPITAL ROOM 319

**FRED R. PATTERSON
(908) 725-6322**

**CHAIRMAN, The Arc OF NJ, "KEY OF
OUR OWN CAMPAIGN"
IMMEDIATE PAST PRESIDENT, The
Arc OF NJ
CHAIR, GOVERNOR'S COUNCIL ON
PREVENTION OF M/R AND D/D
CHAIR, The Arc OF UNITED STATES
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PEOPLE WITH DISABILITY AND CHAIR
OF THE COMMUNICATION'S COMMITTEE**

**14 Timberline Drive,
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TESTIMONY OF FRED R. PATTERSON BEFORE THE NJ ASSEMBLY,

APPROPRIATIONS COMMITTEE-AUGUST 15, 1994

...\$160 Million Bond Issue-Community Residential Projects

I and The Arc of New Jersey and it's county chapters, the state's largest agency for people with developmental disabilities, commenced "The Key of Our Own Campaign", 1/1/94 in support of dramatically reducing the 4,000 family waiting list in New Jersey for appropriate community placement in Group Homes, Apartments and other appropriate sites. This is a crisis of such proportions, in the eyes of these families, that we appear before you today in total desperation. Over 1,000 families on this list are classified as emergency placements. Every major newspaper has both adopted and editorialized this campaign and the seriousness of the cause. The four thousand families have united into the greatest and most emotional letter writing campaign in our organizations history. I have appeared on TV shows and PSA's across this state and held parent hearings that have not just

brought tears but sobs from legislator's over the amount of love and sacrifice exhibited by these families.

I come to you as someone who has 20 years of advocacy in this field that resulted in my receiving the first Governor's Pride Award in the field of Youth Advocacy. But more importantly, I also come today as a parent of 26 year old Kathy Patterson, profoundly retarded, non-verbal, non ambulatory, functioning at a 2 year old level who attends the Greenbrook Training Center.

Everyday my wife Roe demonstrates another page in the book by John F. Kennedy, Profiles Of Courage. Our only moments of normalcy are in-home respite Thursday evening and mid-day Saturday. We have been on the fringes of emotional despair for 26 years but sustained ourselves, that sacrificing much of our lives, would eventually result in the system being there when the ravishes of stress began to take it's eventual premature toll.

My heart gave out two years ago from the stress, but God, and cardiologists installed a pacemaker to get me through campaigns such as this. Unfortunately they have found no such devices for

my wife's legs or back. But then what did we expect from 46,500 diaper changes?

I know the dilemma the legislature, the governor and the public faces during a period of reducing taxes and balancing budgets. I have just retired from 30 years with Johnson & Johnson as Director of Corporate Relations. I am also the first cousin of Arthur Laffer, the founder of supply-side economics and the Laffer curve. I have been bred as a fiscal conservative but I must confess that this cause is such an emotional toll over 25, 30, 40 years that the historic role of government, that they must help those that are totally incapable of helping themselves, must happen this month.

I share with you and your colleagues in the legislature that these bond issue monies must be spent wisely. That the Division of Developmental Disabilities and Department of Human Services must participate in the "reinventing of government". While maintaining quality, we must in the 90's, deliver these services with more innovations and economy. These departments have done

a fine job of consulting agency advisory groups about the appropriate delivery of services. I would urge that you and the Governor form business advisory group(s) e.g. "Grace Commission" made up of fathers and mothers who have both children with developmental disabilities and major business experience. I would be happy to participate in that endeavor. As Chairman of the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities, I would start with the shifting of emphasis to the critical area of prevention. Shortly, I will be announcing a very major private sector New Jersey initiative in this area that will be a model for the nation.

Today, and on August 29th, the Legislature must address this critical need by passing the \$160 million bond issue, and our community must work with the Division of Developmental Disabilities to "reinvent government" through more economical-delivery of facilities and services and by increasing preventative programs in the 1990's. Together we can make New Jersey a model for the nation.

Fred R. Patterson

Chairman, The Arc of NJ "Key Of Our Own" Campaign

Immediate Past President, The Arc of NJ

Chairman, Governor's Council on Prevention of M/R and D/D

Chairman, The Arc of the United States Foundation

Executive Committee member, President's Committee on Employment
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Mental Health Association in New Jersey™

President
Joseph B. Young, Esq.

Executive Director
Carolyn Beauchamp, ACSW

Mr. Chairman and members of the Appropriations Committee, I am Carolyn Beauchamp, Executive Director of the Mental Health Association in New Jersey. We are a citizens advocacy association with affiliates and programs to help persons with mental illness in 14 New Jersey counties, and a membership base of thousands of citizens who are dedicated to promoting mental health in our state. We recruit and train citizen volunteers who work, person to person, with children who have special emotional needs, and their parents, as well as with adults who are mentally ill, and their families. It is these persons for whom I speak today in total support of The Human Services Facilities Construction Bond Act of 1994.

Mr. Chairman, men and women who are disabled want to live in the community, - they deserve to live in the community, and with our help, - they will live in the community, surrounded by friends and supportive, caring professionals who will encourage them to live up to their full potential, even if their ability to function is limited. However, central to this issue is the matter of housing. There is no better therapeutic environment for people with any disability than decent, affordable, and permanent housing. This housing can be available to hundreds of disabled persons in New Jersey by the creative use of funds from this Bond Act.

The Human Services Bond Act of 1989 was the first to signal, in capital spending, the shift in emphasis from institutional to community treatment. The designation of 70% of funds to community and 30% to institutions provided explicit financial support for a policy that had long outdistanced the budget process. We applaud this commitment as one

essential component needed to change our system of serving disabled populations. Now we have before us the 1994 bond act and again, it will provide much needed funding for housing and structural needs with the majority of the funding designated for community. The MHANJ believes that it is time to capitalize on the ability this bond act provides to change the system. We strongly recommend the following:

1) that these funds be leveraged to attract additional dollars so the maximum number of persons may benefit from them. The union of Bond Act funds, federal funds, and other private moneys would enhance their effectiveness, and the disabled will be well served.

For instance, if every project leveraged funds by 25% the 160m would expand to 200m.

2) that alternative housing options such as supportive housing be pursued.

Housing needs have always been a major issue for persons with mental illness. MHANJ strongly supports this effort to assist people in becoming more normal, independent members of community - to the extent of their abilities. We recognize that needs are severe across the human service community and we stand ready to participate in a planning effort that fairly addresses the needs of all of our human service populations.

Thank you Chairman and members of the Committee for your attention today.

