

CHAPTER 130**STANDARDS FOR SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE****Authority**

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

Source and Effective Date

R.2011 d.100, effective March 3, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 130, Standards for Shelters for Victims of Domestic Violence, expires on March 3, 2018.
See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 130, Manual of Standards for Children's Shelters, was adopted as R.1980 d.446, effective March 1, 1981. See: 12 N.J.R. 39(b), 12 N.J.R. 664(a).

Chapter 130, Manual of Standards for Children's Shelters, was recodified to N.J.A.C. 10:124 by R.1982 d.222, effective July 19, 1982, operative September 1, 1982. See: 14 N.J.R. 125(a), 14 N.J.R. 761(a).

Chapter 130, Standards for Shelters for Victims of Domestic Violence, was adopted as new rules by R.1982 d.138, effective May 3, 1982.
See: 14 N.J.R. 197(a), 14 N.J.R. 429(a).

Subchapter 3, Maintaining and Establishing Shelters for Victims of Domestic Violence Through Marriage License Fees, was adopted as R.1983 d.399, effective September 19, 1983. See: 15 N.J.R. 1169(a), 15 N.J.R. 1603(a).

Pursuant to Executive Order No. 66(1978), Chapter 130, Standards for Shelters for Victims of Domestic Violence, expired on September 19, 1988.

Chapter 130, Standards for Shelters for Victims of Domestic Violence, was adopted as new rules as R.1990 d.328, effective July 2, 1990.
See: 22 N.J.R. 767(a), 22 N.J.R. 2019(a).

Pursuant to Executive Order No. 66(1978), Chapter 130, Standards for Shelters for Victims of Domestic Violence, was readopted as R.1995 d.311, effective May 24, 1995. See: 27 N.J.R. 1126(a), 27 N.J.R. 2487(a).

Pursuant to Executive Order No. 66(1978), Chapter 130, Standards for Shelters for Victims of Domestic Violence, was readopted as R.2000 d.244, effective May 16, 2000. See: 32 N.J.R. 9(a), 32 N.J.R. 2242(a).

Chapter 130, Standards for Shelters for Victims of Domestic Violence, was readopted as R.2005 d.333, effective September 6, 2005. See: 37 N.J.R. 862(a), 37 N.J.R. 3833(a).

Chapter 130, Standards for Shelters for Victims of Domestic Violence, was readopted as R.2011 d.100, effective March 3, 2011. As a part of R.2011 d.100, Subchapter 3, Maintaining and Establishing Shelters for Victims of Domestic Violence Through Marriage License Fees, was renamed Establishing and Maintaining Shelters for Victims of Domestic Violence Through Marriage License Fees, effective April 4, 2011. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS FOR SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE**10:130-1.1 Purpose**

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

10:130-1.2 Scope; applicability

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

10:130-1.3 Legal authority of chapter

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

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SUBCHAPTER 2. STANDARDS FOR SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE
10:130-2.1 Client access to shelter

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

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

10:130-2.2 Shelter site

A shelter shall provide a residential area, which provides safe refuge for victims of domestic violence. A shelter shall also offer non-residential services, including supportive counseling programs. These services may be located at the shelter site or in a separate facility, which can assist victims of domestic violence who have not made a decision to leave their home, or who have found other shelter but who nevertheless have a need for other domestic violence supportive services provided by the shelter.

Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

Inserted a comma following "area", substituted "offer non-residential services, including supportive counseling programs. These services may be" for "provide a day program or drop-in center," and inserted "supportive".

10:130-2.3 Physical plant

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

(b) A shelter shall be certified as lead free and maintained in accordance with the lead-safe maintenance requirements established in N.J.A.C. 5:15, Rules Governing Emergency Shelters for the Homeless.

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

Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

Added new (b); and recodified former (b) as (c).

10:130-2.4 Staff requirements

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

(b) To the extent feasible and in an effort to accommodate victims from diverse communities, one or more of the shelter personnel shall be fluent in the language(s) of the non-English speaking population of the shelter.

Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

In (a), inserted "and prospective volunteers" and "or volunteer"; and in (b), inserted "and in an effort to accommodate victims from diverse communities", substituted "language(s)" for "language", and deleted the last sentence.

10:130-2.5 Domestic violence shelter services

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

1. Twenty-four-hour shelter entry;
2. Twenty-four-hour hotline and information referral;
3. Legal, financial and housing advocacy services;
4. Supportive counseling;
5. Community education, training and awareness;
6. Community networking; and
7. Children's services.

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

1. Emergency medical care;
2. Emergency legal assistance;
3. Emergency psychological support and counseling; and
4. Information regarding education, welfare and other available social services.

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

(d) A shelter shall have an ongoing individual and group counseling programs.

(e) Shelters shall assure that nutritionally adequate meals are available to all shelter residents and accommodate special religious or medically indicated dietary needs.

(f) Shelters shall provide supportive recreational programs for sheltered children.

(g) Shelter programs shall foster positive, non-violent, parenting skills.

Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

Section was "Shelter services". Rewrote the section.

10:130-2.6 Educational services

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

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

10:130-2.7 Release of a minor

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

10:130-2.8 Confidentiality

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

Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

Substituted the first occurrence of "that" for "which"; and inserted the last sentence.

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

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

Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

Rewrote the section.

10:130-2.10 House rules

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

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

10:130-3.1 Legal authority of subchapter

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

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

Amended by R.2004 d.124, effective April 5, 2004.
See: 35 N.J.R. 4205(a), 36 N.J.R. 1778(c).

Rewrote the section.

Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

In (a) and (b), substituted "c. 195" for "c.195"; in (a), inserted a comma following "et seq." and inserted "of Children and Families"; and in (b), substituted "Children and Families" for "Human Services".

10:130-3.2 Delegation of responsibility to the Department of Children and Families

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

Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

Section was "Delegation of responsibility to the Division of Youth and Family Services". Deleted "by the Department of Human Services" following "delegated", and substituted "Department of Children and Families" for "Division of Youth and Family Services".

10:130-3.3 Purpose of subchapter

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

Amended by R.2004 d.124, effective April 5, 2004.
See: 35 N.J.R. 4205(a), 36 N.J.R. 1778(c).
Inserted "and P.L. 2001, c.195" following the N.J.S.A. reference.

10:130-3.4 Scope of subchapter

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

Amended by R.2004 d.124, effective April 5, 2004.
See: 35 N.J.R. 4205(a), 36 N.J.R. 1778(c).
Inserted "and P.L. 2001, c.195" following the N.J.S.A. reference.

10:130-3.5 Funding priorities for marriage license fees

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

Amended by R.2004 d.124, effective April 5, 2004.
See: 35 N.J.R. 4205(a), 36 N.J.R. 1778(c).
Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).
Rewrote the section.

10:130-3.6 Funding priorities for the Domestic Violence Victims' Fund

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

(b) Funding for these programs shall be subject to the following conditions:

1. Allowable expenditures shall be limited to the provision of domestic violence core services, including:
 - i. Twenty-four hour hotline and emergency response capability;
 - ii. Twenty-four hour shelter entry;
 - iii. Legal, financial and housing advocacy services;
 - iv. Counseling for victims, children and perpetrators of abuse;
 - v. Community networking;
 - vi. Community education, training and awareness; and
 - vii. Children's services.
2. First consideration for funding shall be to ensure compliance with N.J.A.C. 5:15, Rules Governing Emer-

gency Shelters for the Homeless, which require that a minimum of two trained staff be on site in the shelter facility at all times.

3. Programs that meet the licensing requirements regarding staff coverage shall have the discretion to use these funds in any manner designed to maximize existing resources and to ensure the availability of a full array of core services. For example, these funds may be used to offset the costs of shelter operations, staffing expenditures related to the provision of core services and related assistance, and/or any necessary shelter equipment, furnishings and supply purchases that directly or indirectly benefit clients.

4. Annual allotments from the Domestic Violence Victims' Fund shall be made available to programs as set forth herein. The specific funding amounts shall be determined each year by dividing the total amount collected in the Domestic Violence Victims' Fund by the number of eligible recipients. Subsequent allocations shall be made each year as described herein.

New Rule, R.2004 d.124, effective April 5, 2004.
See: 35 N.J.R. 4205(a), 36 N.J.R. 1778(c).

Former N.J.A.C. 10:130-3.6, Program fiscal responsibility, recodified to N.J.A.C. 10:130-3.7.
Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

In (a), substituted "Department of Children and Families' designated" for "Division of Youth and Family Services' "; in (b)liv, inserted "of abuse"; and in (b)lvi, inserted ", training" and the second occurrence of "and"; in (b)lvii, substituted a period for "; and" at the end; and deleted (b)lviii.

10:130-3.7 Program fiscal responsibility

(a) Funding for shelter programs is contingent on the ability of programs to meet the fiscal and programmatic practices required by the agency's contract with the Department of Children and Families.

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

(c) All emergency residential shelter programs applying for or receiving funding under the provisions of this subchapter shall comply with the provisions of this chapter, Standards for Shelters Serving Victims of Domestic Violence, N.J.A.C. 10:130 and with the provisions of N.J.A.C. 5:15, Rules Governing Emergency Shelters for the Homeless.

Recodified from N.J.A.C. 10:130-3.6 by R.2004 d.124, effective April 5, 2004.

See: 35 N.J.R. 4205(a), 36 N.J.R. 1778(c).
Amended by R.2011 d.100, effective April 4, 2011.
See: 42 N.J.R. 2364(a), 43 N.J.R. 877(b).

In (a) and (b), substituted "Department of Children and Families" for "Division of Youth and Family Services"; and in (b), substituted the second occurrence of "Department" for the second occurrence of "Division".