

CHAPTER 172

AN ACT establishing the Office of the Veteran Advocate and establishing ombudsman for the Department of Military and Veterans Affairs, supplementing Title 38A of the New Jersey Statutes, and making an appropriation.

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

C.38A:21A-1 Office of the Veteran Advocate established.

1. There is established the Office of the Veteran Advocate in the Executive Branch of the State Government. For purposes of complying with Article V, Section IV, paragraph 1 of the New Jersey Constitution, the office is allocated within the Department of Military and Veterans Affairs, but notwithstanding the allocation, the office shall be independent of any supervision or control by the department, or a division, office, or officer thereof, in the performance of its duties. If there is established a Department of Veterans Affairs separate from the Department of Military and Veterans Affairs, the Office of the Veteran Advocate shall be established in the Department of Veterans Affairs. If the Department of Veterans Affairs is established after the effective date of this act, then the Office of the Veteran Advocate shall be transferred to be in, but not of, the Department of Veterans Affairs, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). All references in this act to the department shall mean the Department of Military and Veterans Affairs. If there is established a Department of Veterans Affairs, all references to the department in this act shall thereafter mean the Department of Veterans Affairs.

C.38A:21A-2 Veteran Advocate, salary, term, background.

2. a. The administrator and chief executive officer of the office shall be the Veteran Advocate. The Veteran Advocate shall be appointed by the Governor, with the advice and consent of the Senate. Any person appointed to the position of Veteran Advocate shall be a veteran. The Veteran Advocate shall be selected without regard to political affiliation and on the basis of integrity. The qualifications of the person selected may include, but need not be limited to, a demonstrated ability in veteran welfare and justice, auditing, law, health care, management analysis, public administration and investigation, or criminal justice administration. Preference may be given to a candidate who is an attorney-at-law of this State, who has experience in veterans' services or has experience in long-term care services.

b. The salary of the Veteran Advocate shall not be less than \$150,000 per year.

c. The term of office of the Veteran Advocate shall be five years, but the Veteran Advocate shall serve until the appointment and qualification of the successor. No person shall be appointed as Veteran Advocate for more than two full terms. The Veteran Advocate may appoint, subject to appropriation, such other personnel as the Veteran Advocate deems necessary for the efficient management of the office.

d. The entire professional time of the Veteran Advocate shall be devoted to the duties of the position. A vacancy occurring in the position of Veteran Advocate shall be filled in the same manner as the original appointment, except that if the Veteran Advocate dies, resigns, or is removed from office, the Governor shall appoint an acting Veteran Advocate who shall serve until the appointment and qualification of the successor.

The Veteran Advocate may be removed from office for cause by the Governor. Such cause may include, but is not limited to, substantial neglect of duty, gross misconduct, or conviction of a crime.

C.38A:21A-3 Veteran Advocate, duties, responsibilities.

3. a. The Veteran Advocate shall:

- (1) administer the work of the Office of the Veteran Advocate;
- (2) appoint and remove such legal counsel, officers, investigators, stenographic, and clerical assistants, and other personnel, in the career or unclassified service, as may be required for the conduct of the office, subject to the provisions of Title 11A of the New Jersey Statutes, and other applicable statutes and federal regulations, except as provided otherwise herein;
- (3) formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the office, its officers, and employees, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.);
- (4) institute or cause to be instituted such legal proceedings or processes consistent with the provisions of this act and the Rules Governing the Courts of New Jersey as may be necessary to properly enforce and give effect to any of the powers or duties of the Veteran Advocate, except that in any matter where the facts alleged indicate potential criminal activity, the Veteran Advocate shall notify the appropriate law enforcement agency and delay such proceedings until the body responsible for the investigation or prosecution of the criminal activity has concluded the investigation or prosecution or has indicated no objection to the commencement of such legal proceedings by the Veteran Advocate;
- (5) ensure that veterans in the care of or receiving services under the supervision of the department receive treatment in accordance with the applicable State and federal statutes and regulations at all times, with full respect for the veterans’ personal dignity and right to privacy, regardless of whether or not the veteran resides in a veterans’ facility, as defined by section 4 of P.L.2025, c.172 (C.38A:21A-4);
- (6) ensure that veterans in the care of or receiving services under the supervision of the department receive timely, safe, and effective services, as outlined in the applicable State and federal statutes and regulations, regardless of whether or not the veteran resides in a veterans’ facility, as defined by section 4 of P.L.2025, c.172 (C.38A:21A-4);
- (7) aid and coordinate with local veterans service officers to ensure veterans receive all available State and federal benefits;
- (8) examine, on a system-wide basis, the care and services that the department provides veterans;
- (9) advise the public and those at the highest levels of State government about how the department may improve its services to and for veterans and their families;
- (10) develop internal procedures appropriate for the effective performance of the office’s duties;
- (11) act as a liaison to the department to ensure each veteran receives the necessary services and care mandated by the applicable State and federal statutes and regulations;
- (12) provide input to the department in developing procedures for the executive agencies to best serve the veteran community;
- (13) act as a liaison to the United States Department of Veterans Affairs and all other relevant federal agencies to advocate on behalf of the veterans of the State;
- (14) investigate incidents where a veteran suffered a fatality, near fatality, or serious bodily or emotional injury while receiving services from the department, or circumstances which result in a reasonable belief that the department failed in its duty to care for a veteran and, as a result, the veteran was at imminent risk of, or suffered serious bodily or emotional injury or death;
- (15) commence formal investigations on specific matters related to services provided by the department for which subpoenas, pursuant to subsection b. of this section, may be issued; and
- (16) meet regularly, as it may determine, with veteran advocacy groups.

b. Except as provided in subsection f. of this section, the Veteran Advocate may issue subpoenas to compel the attendance and testimony of witnesses or the production of books,

papers, and other documents, and administer oaths to witnesses in any matter under the formal investigation of the office pursuant to subparagraphs (14) and (15) of subsection a. of this section. If any person to whom such subpoena is issued fails to appear or, having appeared, refuses to give testimony, or fails to produce the books, papers, or other documents required, the Veteran Advocate may apply to the Superior Court, in accordance with the Rules Governing the Courts of the State of New Jersey, to order the person to appear and give testimony or produce the books, papers, or other documents, as applicable.

c. The Veteran Advocate shall disseminate information to the public on the objectives of the office, the services provided by the office, and the methods by which the office may be contacted.

d. The Veteran Advocate shall assist the Governor in proposing methods of achieving increased coordination and collaboration with the department to ensure maximum effectiveness and efficiency in the provision of services to veterans.

e. As used in this act, P.L.2025, c.172 (C.38A:21A-1 et al.), “State agency” means any principal department, division, board, bureau, office, commission, or other instrumentality within the Executive Branch of the State Government or created by a principal department; the Legislature of the State, any office, board, bureau, or commission within or created by the Legislative Branch; to the extent consistent with law, any interstate agency to which New Jersey is a party, any independent State authority, commission, instrumentality, or agency; and any political subdivision of the State. “Veteran” means any resident of the State now or hereafter who has been discharged honorably or under general honorable conditions in any branch of the Armed Forces of the United States, or a Reserve component thereof, including members of the National Guard who served on federal active duty.

f. The Veteran Advocate shall not institute or cause to be instituted any legal proceeding against, nor shall it issue any subpoena to, any State agency, except that the Veteran Advocate may institute a legal proceeding against the department for which the allegations are supported by probable cause, provided that in any matter in which the facts alleged indicate potential criminal activity, the Veteran Advocate shall notify the appropriate law enforcement agency and delay such proceedings until the body responsible for the investigation or prosecution of the criminal activity has concluded the investigation or prosecution or has indicated no objection to the commencement of such legal proceedings by the Veteran Advocate. Such legal proceedings shall be governed by the Rules of Court, including, but not limited to, for the production of any documentary evidence, interrogatories, and depositions. Nothing in this act, P.L.2025, c.172 (C.38A:21A-1 et al.) shall be construed as an express or implied waiver of any privileges or immunities.

g. The Veteran Advocate shall not be subject to suit by any party whose interests are represented by the Veteran Advocate. Any person whose interests would be represented by the Veteran Advocate may decline to have their interests represented by the Veteran Advocate.

C.38A:21A-4 Veteran Advocate, actions involving veterans’ facilities, other sites under supervision of department.

4. a. The Veteran Advocate may:

(1) inspect and review the operations, policies, and procedures of veterans’ facilities operated by the department;

(2) investigate, review, monitor, or evaluate department response to, or disposition of, an allegation of veteran abuse or neglect occurring within a veterans’ facility in this State;

(3) review, evaluate, report on, and make recommendations concerning the procedures established by the department;

(4) hold a public hearing on the subject of studies underway by the office and receive testimony from agency and program representatives, the public, and other interested parties, as the Veteran Advocate deems appropriate; and

(5) establish and maintain a 24-hour, toll-free telephone hotline to receive and respond to calls from members of the public referring individual and systemic concerns to the Veteran Advocate.

b. In exercising the authority provided in subsection a. of this section, the Veteran Advocate may conduct unannounced site visits to any institution or facility under the supervision of the department, if the Veteran Advocate, prior to conducting an unannounced site visit, has initiated a project or investigation into the response or disposition of an allegation of abuse or neglect and there is a reasonable basis to believe that an unannounced site visit is necessary to carry out the Veteran Advocate's responsibilities under this act, P.L.2025, c.172 (C.38A:21A-1 et al.), provided, however, that any unannounced site visit shall be conducted at a reasonable time and in a reasonable manner.

c. In exercising the authority provided under subsection a. of this section and section 5 of P.L.2025, c.172 (C.38A:21A-5) the Veteran Advocate may, as appropriate, consult with any appropriate State, county, or municipal agency, or a State-funded private entity providing services to veterans, and may request from any such entity, and the entity is hereby authorized and directed to provide, such cooperation and assistance as will enable the Office of the Veteran Advocate to properly perform its responsibilities under this act.

d. Notwithstanding the provisions of section 11 of P.L.1944, c.20 (C.52:17A-11) to the contrary, the Veteran Advocate may hire independent counsel on a case-by-case basis to provide competent representation in light of the nature of the case, the services to be performed, the experience of the particular attorney, and other relevant factors.

e. As used in this section, "veterans' facility" means any home, institution, hospital, or part thereof, the admission to which is under the jurisdiction of the department, including Veterans Haven North and Veterans Haven South.

C.38A:21A-5 Veteran Advocate, receiving, investigating complaints from veterans, family.

5. The Veteran Advocate shall serve as an ombudsman for veterans and their families by receiving and investigating complaints from veterans and family members of veterans in this State and issuing reports regarding issues with veteran's services provided by any State entity or any private entity that receives State funding for providing veteran's services regardless of whether or not the veteran resides in a veterans' facility, as defined by section 4 of P.L.2025, c.172 (C.38A:21A-4).

The Veteran Advocate shall review, monitor, and report on the performance of State entities and State-funded private entities charged with the care and supervision of veterans by conducting research audits or other studies of case records, policies, procedures, and protocols, as deemed necessary by the Veteran Advocate to assess the performance of the entities.

C.38A:21A-6 Veteran Advocate, redress of systemic issues.

6. a. If the Veteran Advocate identifies a systemic problem in how the department protects veterans, the Veteran Advocate shall meet with the department to provide a reasonable opportunity to discuss the problem and identify possible responses the agency may consider. Taking into account any information provided during the meeting and discussion, the Veteran Advocate shall provide its findings and recommendations in writing to the department and, except as provided in subsections b. and c. of section 11 of this act, P.L.2025, c.172 (C.38A:21A-11), make those findings and recommendations available to the public. The

recommendations made by the Veteran Advocate shall not conflict with or violate any State or federal statute or regulation, or court order.

b. Within 30 days of the receipt of the Veteran Advocate's findings and recommendations, the department shall develop a corrective action response that addresses the findings and recommendations of the Veteran Advocate and specifies what actions, if any, the department will take in response to the systemic problem identified by the Veteran Advocate, which response may be developed in conjunction with the Veteran Advocate. The corrective actions shall not conflict with or violate any State or federal statute or regulation or court order. If the department does not agree with the assessments made in the Veteran Advocate's findings and recommendations, the department may challenge the assessments within 30 days of the receipt of the findings and recommendations. The challenge made by the department shall be available to the public.

c. The department shall submit its corrective action response to the head of the department and simultaneously provide a copy to the Veteran Advocate.

d. The Veteran Advocate shall monitor the department's implementation of its corrective action response. The department shall provide the Veteran Advocate with periodic reports on the status of the actions taken by the facility pursuant to its corrective action response. The Veteran Advocate shall monitor the department's implementation of its corrective action response for a period of one year, during which time the department shall provide the Veteran Advocate with periodic reports, except that the Veteran Advocate may determine that the monitoring and periodic reports are required for a period of less than one year. The department's obligation to provide periodic reports on the implementation of its corrective action response may exceed a period of one year if the Veteran Advocate and the department jointly agree that an extended reporting period is appropriate. The Veteran Advocate and the department shall jointly develop criteria for the department to meet within one year, or another time period as appropriate, in order for the department to no longer be subject to monitoring by the Veteran Advocate. The criteria shall not conflict with or violate State or federal statute or regulation or court order.

e. The Veteran Advocate shall promulgate rules and regulations regarding a timeline for implementation of a corrective action response by the department at a facility and regarding actions the Veteran Advocate may take if the department fails to implement the corrective action response.

f. A department shall make public the corrective action responses and periodic status reports required by this section.

C.38A:21A-7 Collective bargaining agreement involving union employee in Office of the Veteran Advocate.

7. To the extent an investigation commenced by the Office of the Veteran Advocate involves a union employee, to the extent not inconsistent with State and federal law, the collective bargaining agreement shall govern the investigatory process and supersede the provisions of this act, P.L.2025, c.172 (C.38A:21A-1 et al.).

C.38A:21A-8 Veteran Advocate, additional powers, litigation, administrative proceedings.

8. a. In addition to the powers granted in section 4 of this act, the Veteran Advocate may:

(1) intervene in or institute litigation, including appearing in the capacity of an amicus curiae, as appropriate, on any matters within the jurisdiction of the Veteran Advocate set forth in P.L.2025, c.172 (C.38A:21A-1 et al.), and consistent with the provisions thereof, including, but not limited to, section 3 thereof, or

(2) intervene in or institute administrative proceedings before the department, assert the broad public interest of the State in the welfare of veterans, and protect and promote the rights of veterans. In taking such actions, the Veteran Advocate shall consider whether a veteran may be in need of assistance from the Veteran Advocate or whether there is a systemic issue in the department's provision of services to veterans that should be addressed. The Veteran Advocate shall make a good faith effort to resolve issues or problems and shall have the authority to commence negotiations, mediation, or alternative dispute resolution in its advocacy efforts prior to, or in lieu of, the initiation of any action brought pursuant to this section. The Veteran Advocate shall not have the authority to negotiate, mediate, or commence any other dispute resolution in matters when such engagement would conflict with any applicable collective bargaining agreements, State contracts, or any State or federal law or court order.

b. The Veteran Advocate shall have discretion to decide whether to intervene in any particular matter within the jurisdiction of the Veteran Advocate set forth in P.L.2025, c.172 (C.38A:21A-1 et al.), or to represent or refrain from representing the public interest in a proceeding pursuant to subsection a. of this section. The Veteran Advocate shall consider, in exercising the Veteran Advocate's discretion, the resources available, the importance and extent of the public interest involved, and whether that interest would be adequately represented without the action of the office.

C.38A:21A-9 Veteran Advocate to seek approval of certain parties to conduct investigation.

9. a. The Veteran Advocate shall seek the approval of a veteran, the veteran's estate, or adult guardian, as applicable, or obtain the approval of a court of competent jurisdiction, to conduct an investigation authorized under the provisions of this act, P.L.2025, c.172 (C.38A:21A-1 et al.).

b. If court approval is sought, the court, in reviewing an application for approval, shall consider the investigative needs of the Veteran Advocate. Upon consideration of the factors in this subsection, the court may order any alternative methods for obtaining the required information.

C.38A:21A-10 Annual report, Governor, Legislature.

10. The Veteran Advocate shall report annually to the Governor, the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and the head of the department on: the activities of the office; priorities for veteran's services provided by the department that have been identified by the Veteran Advocate; and recommendations for improvement or necessary changes concerning the provision of services by the department. The annual report shall be made available to the public and posted on the department's website.

C.38A:21A-11 Veteran Advocate, findings made public, limitations.

11. a. The Veteran Advocate shall make public its significant findings of investigation reports or other studies undertaken by the office, including its significant investigatory findings to complaints received pursuant to section 4 of this act, P.L.2025, c.172 (C.38A:21A-4) and shall forward any publicly reported findings to the Governor, the Legislature, and the head of the department. The department shall be permitted to respond to investigation reports and other studies undertaken by the office and the response shall be made public.

b. The Veteran Advocate shall not disclose:

(1) any information that would likely endanger the life, safety, or physical or emotional well-being of a veteran, or the life or safety of a person who filed a complaint or a department employee, or which may compromise the integrity of a State or county department or agency investigation, civil or criminal investigation, or judicial or administrative proceeding; and

(2) the name of or any other information identifying the person who filed a complaint with, or otherwise provided information to, the office without the written consent of that person. The information subject to the provisions of this subsection shall not be considered a public record pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.).

c. The Veteran Advocate shall not disclose any information that may be deemed confidential by State or federal law or by a court order.

12. The Veteran Advocate and the department may adopt any rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act, P.L.2025, c.172 (C.38A:21A-1 et al.).

C.38A:21A-12 Funds appropriated from General Fund to Office of the Veteran Advocate.

13. a. There is appropriated from the General Fund to the Office of the Veteran Advocate established pursuant to section 1 of P.L.2025, c.172 (C.38A:21A-1) such funds as shall be necessary for the implementation of this act.

b. Any monies obtained by the Veteran Advocate pursuant to any action brought by the Veteran Advocate pursuant to the provisions of this act, which monies are not for distribution to any claimant or other party or person whose interests are being represented by the Veteran Advocate, shall be deposited into the General Fund.

14. This act shall take effect immediately.

Approved December 19, 2025.