

CHAPTER 282

AN ACT concerning individuals with intellectual and developmental disabilities, supplementing Title 30 of the Revised Statutes, and making an appropriation.

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

1. a. There is established in the Department of Human Services the “Disability Mortality and Abuse Prevention Advisory Committee.” The purpose of the advisory committee shall be to:

(1) critically review select cases of adults over the age of 18 with intellectual and developmental disabilities, who were survivors of abuse, neglect, or exploitation, and adults with intellectual and developmental disabilities who have passed away;

(2) evaluate government systems’ responses to cases of abuse, neglect, or exploitation involving individuals with intellectual and developmental disabilities who resided in a variety of settings, including private homes, congregate settings, and State-funded placement;

(3) identify areas for improvement in preventing abuse, neglect, and exploitation against adults with intellectual and developmental disabilities;

(4) explore methods to enhance accountability concerning cases of abuse, neglect, or exploitation among State-funded disability services providers; and

(5) suggest measures to fortify the reporting and investigatory process concerning cases of abuse, neglect, or exploitation involving adults with intellectual and developmental disabilities and to improve the experience for disability services clients and their families.

b. The advisory committee shall be composed of 13 members to be appointed by the Commissioner of Human Services, as follows:

(1) a licensed physician with experience providing services to individuals with intellectual and developmental disabilities;

(2) a representative from the Bureau of Guardianship Services in the Department of Human Services;

(3) a representative from Adult Protective Services in the Division of Aging Services in the Department of Human Services;

(4) an individual with an intellectual or developmental disability;

(5) two family members of an individual with an intellectual or developmental disability;

(6) a representative from the Division of Developmental Disabilities in the Department of Human Services;

(7) a representative from the Department of Children and Families;

(8) a professional with experience in child abuse investigations in New Jersey;

(9) a representative from the Office of Program Integrity and Accountability in the Department of Human Services;

(10) a representative from a Department of Children and Families-contracted or funded residential provider agency serving individuals with intellectual and developmental disabilities who are 18 years of age or older; (11) a representative from a Division of Developmental Disabilities-licensed residential provider agency serving individuals with intellectual and developmental disabilities who are 21 years of age or older; and

(12) a representative from Disability Rights New Jersey.

c. The Commissioner of Human Services shall designate a chairperson from among the members of the advisory committee.

d. The advisory committee shall have the duty and responsibility to:

(1) develop and implement protocols and procedures that allow the advisory committee to operate in accordance with applicable State and federal laws, including developing and

implementing processes for identifying cases of abuse, neglect, exploitation, and death involving individuals with intellectual and developmental disabilities for review, and establishing meeting structure;

(2) within two years of the effective date of this act, identify, and conduct a review of, select cases of deceased adults with intellectual and developmental disabilities and adults with intellectual and developmental disabilities who are survivors of abuse, neglect, or exploitation. The review shall include, but not be limited to:

(a) consideration of each individual's points of contact with health care systems, social services, State-funded services to support individuals with intellectual and developmental disabilities, educational institutions, child and family services, the criminal justice system, and any other systems with which the individual had contact prior to death or any incident of abuse, neglect, or exploitation;

(b) identification of the specific factors and social determinants of health that put the individual at risk; and

(c) identification of policies and practices at the provider or State level that may have contributed to the death, abuse, neglect, or exploitation;

(3) collect, analyze, and interpret data and information obtained from the selected cases reviewed pursuant to paragraph (2) of this subsection, which data and information shall be maintained by the advisory committee in accordance with all appropriate and industry-standard controls necessary to protect the privacy and security of the data and information;

(4) assess the effectiveness of government systems in responding to, and identifying, instances of abuse, neglect, and exploitation of adults with intellectual and developmental disabilities while receiving services from State-funded or State-licensed agencies, and identify practices that help maintain the health and safety of individuals with disabilities. Such assessments shall:

(a) include an analysis of the three standards for investigative conclusions for civil investigations: substantiated, unsubstantiated, or no findings;

(b) consider whether those conclusions effectively describe and summarize the findings of the selected cases; and

(c) consider whether new standards for carrying out and concluding investigations should be implemented based on best practices in the social services and health care fields;

(5) assess the effectiveness of government systems in responding to and assessing instances of alleged abuse, neglect, or exploitation of adults with intellectual and developmental disabilities. Such assessments shall:

(a) identify strengths and weaknesses in current government responses;

(b) recommend improvements to governmental responses, including actions to improve accountability for State-funded or State-licensed providers; and

(c) identify opportunities to improve the complaint and investigatory experience for all parties involved in alleged incidents of abuse, neglect, and exploitation, including complainants, alleged victims, staff, service providers, and families; and

(6) submit the advisory committee's findings and recommendations to the Departments of Human Services and Children and Families, which findings and recommendations shall be considered confidential and not subject to release under P.L.1963, c.73 (C.47:1A-1 et seq.), known as the open public records act, or the common law right of access.

e. The Department of Human Services may contract with a consultant, who has demonstrable experience in providing technical assistance relevant to the purpose of the committee, to support the advisory committee through project management, research, and

technical expertise to assist the advisory committee in fulfilling its duties and responsibilities pursuant to subsection d. of this section.

2. a. The Departments of Human Services and Children and Families shall be authorized to provide confidential client information and records to the Disability Mortality and Abuse Prevention Advisory Committee pursuant to the protocols and procedures established in subsection d. of section 1 of this act.

b. The advisory committee shall record the name, age, date of birth, place of death or pronouncement of death, date and time of death, as applicable, and circumstances surrounding the incident or death in a confidential master file. The file shall serve as the minimum record of the case, be the only file that contains the name of the individual, and not be subject to discovery, but may be used by the chairperson of the advisory committee to refer an individual case, including the committee's deliberations and findings, to the extent necessary for an appropriate agency to investigate or to provide services.

c. The deliberations, findings, and recommendations of the committee shall not supersede or replace the conclusions or opinions of the agencies that contribute information from their own records.

d. All proceedings and activities of the advisory committee, all opinions of the members of the advisory committee, which are formed as a result of the advisory committee's proceedings and activities, and all records obtained, created, or maintained by the committee shall be confidential, and shall not be subject to public inspection, discovery, subpoena, or introduction into evidence in any civil, criminal, legislative, or other proceeding.

e. In no case shall the advisory committee disclose any personally identifiable information to the public. The department may establish civil penalties for the negligent or knowing and willful disclosure of confidential information by members of the advisory committee.

f. Members of the advisory committee shall not be questioned in any civil, criminal, legislative, or other proceeding regarding information that has been presented in, or opinions that have been formed as a result of, a meeting or communication of the advisory committee.

g. A member of the advisory committee shall not be liable for any civil damages as a result of providing in good faith any reports, records, opinions, or recommendations pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.).

3. a. No later than 27 months after the effective date of this act, the Commissioner of Human Services shall review the advisory committee's findings and recommendations received pursuant to paragraph (6) of subsection d. of section 1 of this act and prepare and submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, which report shall:

- (1) summarize the advisory committee's findings and recommendations;
- (2) detail the strengths of current procedures concerning the provision of services to individuals with intellectual and developmental disabilities in the State; and
- (3) compare the State's current process for providing services to individuals with intellectual and developmental disabilities with other states in the country.

b. The report submitted pursuant to this section shall not contain any identifying or confidential information with regard to any individual or circumstances around specific instances of abuse, neglect, exploitation, or death.

4. There is appropriated from the General Fund to the Department of Human Services such sums as are necessary to implement the provisions of this act.

5. This act shall take effect 90 days after the date of enactment, except that the Commissioners of Human Services and Children and Families may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act. This act shall expire upon submission of the report pursuant to section 3 of this act.

Approved January 18, 2026.