

ASSEMBLY BILL NO. 4642

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 4642 with my recommendations for reconsideration.

This bill requires the Division of Children's System of Care ("CSOC") in the Department of Children and Families ("DCF") to permit the family or guardian of an individual up to the age of 21 with a developmental disability who has been authorized to receive respite care services to set aside any amount of unused agency-after school care service hours for use during holidays and weekends. The bill also adds a definition for "agency-after school care" to mean "social and recreational experiences provided by a community-based agency contracted with the Division of Children's System of Care to an individual up to the age of 21 with a developmental disability during after school hours and outside of the individual's home."

Under current law, families may receive no more than 90 hours of agency-hired or self-hired respite care services over a 90-day period. Although current law does not address a third type of respite care offered through CSOC -- agency-after school care -- or limit when a family may utilize its 90-hour allotment under this type of respite care, DCF's regulations and current practice limit utilization to after school hours on official school days.

Respite care provides a critical service for the primary caregivers of some of our most vulnerable New Jerseyans. Last year, I was proud to sign legislation codifying agency-hired and self-hired respite care and increasing the allotted hours from 60 to 90 hours over a 90-day period for both respite care services. I commend the bill's sponsors for their continued efforts to

support families of children with developmental disabilities by enshrining our respite care programs into law.

While I wholeheartedly endorse the goal of this bill, I am concerned that allowing families using agency-after school care respite to "mix" regular after school care with hours on weekends and holidays will result in an indeterminate number of different respite type combinations -- paid out at different rates - that will be programmatically difficult to budget for and administer. It will also significantly increase costs midway through the fiscal year without a corresponding appropriation.

To address these concerns, I am proposing a more modest expansion of the agency-after school care program that would extend the hours and days on which respite care services may be utilized to include before official school hours and on school closures during otherwise official school days. My proposed revisions will expand the agency-after school care program to cover periods when families are most in need of respite, particularly in the case of unexpected school closures that leave families with very little time to arrange for alternate care. I believe this strikes a practical compromise by making the program more flexible to better meet the needs of families without compromising DCF's ability to anticipate costs and administer the program.

In addition, my revisions extend the bill's effective date to give DCF 90 days to implement the new policy and make other technical changes.

Therefore, I herewith return Assembly Bill No. 4642 and recommend that it be amended as follows:

Page 2, Title, Line 2:

Delete "supplementing Title 30 of the Revised Statutes" and insert "amending P.L.2024, c.24"

Page 2, Section 1, Line 6:

Insert new section:

"1. Section 1 of P.L.2024, c.24 (C.30:4-25.24) is amended as follows:

1. a. The family of a child that is eligible to receive respite care services for the child, which services are funded through the Division of the Children's System of Care in the Department of Children and Families, shall be eligible to receive no more than 90 hours of respite care services, provided by either an agency-hired or self-hired respite worker, over a 90-day period, through funding provided by the department.

b. The Commissioner of Children and Families shall use available State and federal funds to effectuate the provisions of subsection a. of this section.

c. As used in this act:

"Agency-after school care" means social and recreational experiences provided at a facility by a community-based agency contracted with the Division of Children's System of Care to an individual up to the age of 21 with a developmental disability during after school hours and outside of the individual's home.

"Agency-hired respite worker" means a respite care worker who is recruited, trained, and employed by a qualified agency under contract with the Division of Children's System of Care in the Department of Children and Families.

"Respite care" means the provision of temporary, short-term care for, or the supervision of, an eligible child on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and

demands of caring for a child with a functional impairment. Respite care may be provided hourly or daily, may be provided by an agency-hired or self-hired respite worker, or by a volunteer, but may not exceed service and cost limitations as determined by the Commissioner of Children and Families.

"Self-hired respite worker" means a respite care worker who is recruited, trained, and paid directly by a family of a child that is eligible for respite care services.

(cf: P.L.2024, c.24, s.1)"

Page 2, Section 1, Line 7:

Delete "1. a." and insert "2."

Page 2, Section 1, Line 11:

Delete "agency" and insert "agency-after school program"

Page 2, Section 1, Line 13:

Delete "set aside" and insert "utilize"

Page 2, Section 1, Line 16:

After "use" insert "before official school hours and during official school closures provided that the closure occurs during an otherwise official school day"

Page 2, Section 1, Line 16:

Delete "holiday and weekend hours" and insert "the 90-day authorization period"

Page 2, Section 1, Lines 17-21:

Delete in their entirety

Page 2, Section 2, Line 23:

Delete "2." and insert "3."

Page 2, Section 3, Line 28:

Delete "3." and insert "4."

Page 2, Section 3, Line 28:

Delete "immediately" and insert "on the 90th day after enactment"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor