

LEGAL ALERT

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New Law Strengthens Protections for Adults with Developmental Disabilities in New Jersey

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The Stephen Komninos' Law, enacted in 2017, went into effect on May 1, 2018. The law was enacted to improve protections for adults with developmental disabilities who receive services through the New Jersey Department of Human Services (DHS). Its purpose is to better prevent and deal with incidents of abuse, neglect and exploitation.

Among other things, the law requires community residential and day program providers to notify guardians in person or by telephone of an injury as soon as possible but not later than two hours after the injury occurs. A DHS representative must verify the level of severity of the incident within 48 hours of receiving an identified incident report. Guardians must be notified that a DHS investigation has been initiated and must be provided an opportunity to observe the DHS' interview of the ward. DHS must also provide the guardian with a summary of the investigation.

The law also requires the DHS to conduct two unannounced site visits annually to each community based residential group home and supervised apartment as well as drug tests to be administered to direct care staff before hiring and when a provider has reason to suspect drug abuse. All staff are required to immediately report to the New Jersey Division of Developmental Disabilities all incidents or allegations of abuse, neglect and exploitation pursuant to their facility, agency or program reporting policies.

If you have any questions or request additional information, please contact any member of Schenck, Price, Smith & King's Elder and Special Needs Law Practice Group: Shirley B. Whitenack, Regina M. Spielberg, Gary Mazart, Meredith L. Grocott, Crystal West Edwards and Lauren Mechaly.

DISCLAIMER: This Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client.

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