

CHAPTER 17

SOCIAL SERVICES

Authority

N.J.S.A. 30:1B-6 and 30:1B-10.

Source and Effective Date

R.1998 d.367, effective July 20, 1998.
See: 30 N.J.R. 1720(a), 30 N.J.R. 2619(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 17, Social Services, expires on January 16, 2004. See: 35 N.J.R. 2780(a).

Chapter Historical Note

Chapter 17, Social Services, became effective with Subchapter 9, Referral of Handicapped Children for Adult Educational Services, as R.1986 d.480, effective December 15, 1986. See: 18 N.J.R. 2102(a), 18 N.J.R. 2457(b).

Subchapter 2, Volunteer Service Program, Subchapter 5, Religion, and Subchapter 6, Institutional Chaplaincy, were adopted as R.1988 d.241, effective June 6, 1988. See: 20 N.J.R. 167(a), 20 N.J.R. 1224(b).

Subchapter 8, Recreation and Leisure Time Activities, was adopted as R.1989 d.470, effective September 5, 1989. See: 21 N.J.R. 665(a), 21 N.J.R. 2793(a).

Subchapter 3, Volunteers in Parole Program (V.I.P.P.), was adopted as R.1990 d.488, effective October 1, 1990 (operative October 15, 1990). See: 22 N.J.R. 1981(a), 22 N.J.R. 3149(b).

Pursuant to Executive Order No. 66(1978), Chapter 17, Social Services, expired on December 15, 1991 and was adopted as new rules by R.1992 d.49, effective February 3, 1992. See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Subchapter 7, Inmate Marriage, was adopted as R.1992 d.55, effective February 3, 1992. See: 23 N.J.R. 3422(a), 24 N.J.R. 469(a).

Pursuant to Executive Order No. 66(1978), Chapter 17, Social Services, expired on February 3, 1997.

Chapter 17, Social Services, was adopted as new rules by R.1998 d.367, effective July 20, 1998. See: Source and Effective Date.

N.J.A.C. 10A:17-3.3 through 3.16 were repealed and recodified as 10A:72-9.1 through 9.14 by administrative change. See: 34 N.J.R. 1918(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10A:17-1.1 Purpose
- 10A:17-1.2 Scope
- 10A:17-1.3 Definitions
- 10A:17-1.4 Forms

SUBCHAPTER 2. VOLUNTEER SERVICE PROGRAM

- 10A:17-2.1 Supervisor of Volunteers
- 10A:17-2.2 Recruiting volunteers
- 10A:17-2.3 Eligibility for Volunteer Service Program
- 10A:17-2.4 Volunteer application
- 10A:17-2.5 Screening process
- 10A:17-2.6 Volunteer Handbook
- 10A:17-2.7 Orientation and training of volunteers
- 10A:17-2.8 Volunteer assignments

- 10A:17-2.9 Scheduling
- 10A:17-2.10 Volunteer identification cards
- 10A:17-2.11 Correctional facility identification card
- 10A:17-2.12 Supervision of volunteers
- 10A:17-2.13 Performance evaluation
- 10A:17-2.14 Volunteer service recognition
- 10A:17-2.15 Curtailing, suspending or discontinuing the services of a volunteer
- 10A:17-2.16 Inmate violation of Volunteer Service Program rules
- 10A:17-2.17 Volunteer Service Program in community residential facilities
- 10A:17-2.18 Volunteer In Parole Program (V.I.P.P.)
- 10A:17-2.19 Records
- 10A:17-2.20 Reporting responsibilities
- 10A:17-2.21 Procedures and post orders

SUBCHAPTER 3. VOLUNTEERS IN PAROLE PROGRAM (V.I.P.P.)

- 10A:17-3.1 Eligibility for services provided
- 10A:17-3.2 Volunteer service assignments

SUBCHAPTER 4. SOCIAL WORK AND SERVICES

- 10A:17-4.1 Responsibilities of the Social Work Advisory Committee
- 10A:17-4.2 Composition of the Social Work Advisory Committee
- 10A:17-4.3 Provision of social services
- 10A:17-4.4 Caseload and staffing
- 10A:17-4.5 Staff training
- 10A:17-4.6 Social work manual
- 10A:17-4.7 Reports
- 10A:17-4.8 Records of information

SUBCHAPTER 5. RELIGION

- 10A:17-5.1 Freedom of religious affiliation and voluntary worship
- 10A:17-5.2 Religious proselytizing inmate
- 10A:17-5.3 Inmate attendance at community religious activities
- 10A:17-5.4 Physical facilities and equipment
- 10A:17-5.5 Inmate orientation
- 10A:17-5.6 Scheduling of religious activity
- 10A:17-5.7 Restrictions on congregate religious services
- 10A:17-5.8 Control of religious ritualistic elements
- 10A:17-5.9 Religious diets
- 10A:17-5.10 Request for placement on and removal from the religious vegetarian diet list
- 10A:17-5.11 Religious holidays
- 10A:17-5.12 Receiving and sending religious material
- 10A:17-5.13 Interfaith religious activity within the correctional facility
- 10A:17-5.14 Community volunteers for religious activities
- 10A:17-5.15 Chaplaincy services for inmates confined to the infirmary, hospital or Close Custody Units
- 10A:17-5.16 Chaplaincy services for inmates in satellite units
- 10A:17-5.17 Nontraditional religions
- 10A:17-5.18 Initiating religious groups within the correctional facility
- 10A:17-5.19 Ministerial services to the staff
- 10A:17-5.20 Clergy from the community
- 10A:17-5.21 Files and records
- 10A:17-5.22 Reports

SUBCHAPTER 6. CORRECTIONAL FACILITY CHAPLAINCY

- 10A:17-6.1 Coordinator, Chaplaincy Services
- 10A:17-6.2 Consultation with the Coordinator, Chaplaincy Services
- 10A:17-6.3 Coordination and supervision of religious activities
- 10A:17-6.4 Correctional facility Chaplains
- 10A:17-6.5 Recruiting chaplains
- 10A:17-6.6 Chaplaincy Consulting Committee
- 10A:17-6.7 Selecting chaplains
- 10A:17-6.8 Reports
- 10A:17-6.9 Files and records of the Coordinator, Chaplaincy Services

SUBCHAPTER 7. INMATE MARRIAGE

- 10A:17-7.1 Procedure for submitting a request to marry
- 10A:17-7.2 Decision on requests to marry
- 10A:17-7.3 Committee considerations
- 10A:17-7.4 Notification of decision
- 10A:17-7.5 Social Services Department
- 10A:17-7.6 Correctional facility chaplain
- 10A:17-7.7 Marriage ceremony
- 10A:17-7.8 Reception activities and consummation of the marriage
- 10A:17-7.9 Fees and costs

SUBCHAPTER 8. RECREATION AND LEISURE TIME ACTIVITIES

- 10A:17-8.1 Staff assigned to Recreation and Leisure Time Activities Program
- 10A:17-8.2 Inmate recreation aides or paraprofessionals
- 10A:17-8.3 Physical facilities utilized by the Recreation and Leisure Time Activities Program
- 10A:17-8.4 Recreational equipment
- 10A:17-8.5 Recreation and leisure time needs assessment
- 10A:17-8.6 Scheduling active and quiet recreation
- 10A:17-8.7 Instruction in athletic and other recreation skills
- 10A:17-8.8 Showers
- 10A:17-8.9 Arts and crafts programs
- 10A:17-8.10 Music
- 10A:17-8.11 Publications
- 10A:17-8.12 Films
- 10A:17-8.13 Clubs and special interest groups
- 10A:17-8.14 Entertainment within correctional facilities
- 10A:17-8.15 Community entertainment
- 10A:17-8.16 Staff reference area on recreation
- 10A:17-8.17 Budget requests
- 10A:17-8.18 Report of major recreation and leisure time activities
- 10A:17-8.19 Written procedures

SUBCHAPTER 9. REFERRAL OF HANDICAPPED CHILDREN FOR ADULT EDUCATIONAL SERVICES

- 10A:17-9.1 Definitions
- 10A:17-9.2 Referral process

SUBCHAPTER 1. GENERAL PROVISIONS**10A:17-1.1 Purpose**

(a) The purpose of this chapter is to establish policies and procedures for:

1. Volunteer service programs;
2. Social work and services;
3. Religion;
4. Correctional facility/unit chaplaincy services;
5. Inmate marriage;
6. Recreation and leisure time activities; and
7. The referral of handicapped children for adult educational services.

10A:17-1.2 Scope

This chapter shall be applicable to State correctional facilities and State sentenced inmates under the jurisdiction of the Department of Corrections.

10A:17-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Supervisor of Volunteers” means a staff member, within a correctional facility, who is responsible for coordinating and supervising the Volunteer Service Program of the correctional facility and its satellite unit(s).

“Volunteer” means a person who provides services which supplement the functions and activities of employees of the New Jersey Department of Corrections without receiving monetary remuneration or material gain.

10A:17-1.4 Forms

(a) The following forms related to social services shall be reproduced by each correctional facility from originals that are available by contacting the Administrative Rules Unit, New Jersey Department of Corrections:

1. 370-I Religious Vegetarian Diet; and
2. 450-I Volunteer Application;

(b) The following forms related to the Volunteers in Parole Program (V.I.P.P.) shall be obtained from the Bureau of Parole, New Jersey Department of Corrections:

1. 608.5 V.I.P.P. Volunteer Rules and Responsibilities;
2. 608.6 General Waiver; and
3. 608.7 Volunteer Performance Evaluation.

(c) The following forms related to the Volunteers in Parole Program (V.I.P.P.) shall be reproduced by each District Parole Office from originals that are available by contacting the Special Investigations Division, New Jersey Department of Corrections:

1. IAU-12 Request for Criminal History Record Information; and
2. DOC-345 Application for Clearance and Issuance of a Temporary Identification Card.

Administrative change.
See: 32 N.J.R. 303(a).
Administrative change.
See: 35 N.J.R. 1137(a).

SUBCHAPTER 2. VOLUNTEER SERVICE PROGRAM**Cross References**

Community volunteers, see N.J.A.C. 10A:17-5.14.

10A:17-2.1 Supervisor of Volunteers

(a) The Superintendent shall designate a correctional facility staff member to function as the Supervisor of Volunteers if there is no Supervisor of Volunteer Services position.

(b) The Supervisor of Volunteers shall be responsible for the coordination and supervision of the Volunteer Service Program of the correctional facility.

(c) The Supervisor of Volunteers shall:

1. Recruit volunteers;
2. Coordinate the screening, interviewing and approval of volunteers;
3. Develop, schedule and conduct volunteer orientation and training programs;
4. Assign volunteers to appropriate activities;
5. Coordinate and monitor the supervision of volunteers; and
6. Prepare monthly and annual reports of volunteer services pursuant to N.J.A.C. 10A:17-2.20.

10A:17-2.2 Recruiting volunteers

(a) Volunteers may be recruited by the Supervisor of Volunteers or by other interested individuals.

(b) When recruiting volunteers, emphasis shall be placed on the service to be provided and the following qualifications of the prospective volunteer:

1. Motivation;
2. Interest;
3. Background;
4. Training; and/or
5. Other qualifications appropriate for providing a needed service.

10A:17-2.3 Eligibility for Volunteer Service Program

(a) A volunteer must be at least 18 years old to be eligible to participate in the Volunteer Service Program of any correctional facility.

(b) A relative or a friend of an inmate shall not be permitted to participate in the Volunteer Service Program at the correctional facility where that inmate is housed.

(c) A person with an arrest history may participate in the Volunteer Service Program if his or her volunteer application is approved by the Supervisor of Volunteers, the Superintendent and the Office of the appropriate Assistant Commissioner.

(d) Each member of a group wishing to participate in the Volunteer Service Program shall submit an individual application pursuant to this subchapter. Group member applications shall be reviewed, approved or disapproved by the Supervisor of Volunteers.

10A:17-2.4 Volunteer application

(a) Any person desiring to serve as a volunteer may obtain from the Supervisor of Volunteers the following forms:

1. 450-I Volunteer Application;
2. 450-II Volunteer Rules and Responsibilities; and
3. IAU Form 12 Request for Criminal History Background Information.

(b) The applicant shall complete and sign forms in (a) above and return such forms to the Supervisor of Volunteers for review.

(c) Applicants offering volunteer services in specialized fields requiring licensure or certification shall submit copies of certified, current credentials for verification along with the application.

10A:17-2.5 Screening process

(a) Applicants shall be evaluated on the basis of the information provided at the interview, and the information entered on Form 450-I Volunteer Application.

(b) The Supervisor of Volunteers shall verify all pertinent information and approve or reject applicants after a thorough review has been made of the qualifications of the applicants and the needs of the correctional facility.

(c) The Supervisor of Volunteers shall notify all applicants, in writing, of whether they have been approved or disapproved for participation in the Volunteer Service Program.

10A:17-2.6 Volunteer Handbook

(a) Each correctional facility shall develop and publish a Volunteer Handbook which shall bear the date of publication on the cover or front page.

(b) Each volunteer shall receive a copy of the Volunteer Handbook prior to assignment of any correctional facility activity.

(c) The Volunteer Handbook shall be reviewed every two years and updated accordingly.

(d) Prior to publishing or republishing the Volunteer Handbook, the final draft shall be submitted to the Office of the appropriate Assistant Commissioner for review and written approval.

(e) When the approved Volunteer Handbook has been printed, the correctional facility shall submit a copy to the Office of the Commissioner or designee and to the appropriate Assistant Commissioner's office to be maintained on file.

(f) The Volunteer Handbook shall include, but is not limited to:

1. An introduction which summarizes the history, goals and objectives of the Department of Corrections and correctional facility;
2. A summary of correctional facility rules, regulations and useful practices including, but not limited to, notification that all volunteers, their belongings and vehicles are subject to searches while on the premises, or in a facility under the jurisdiction of the Department of Corrections in accordance with N.J.A.C. 10A:18-6, Visits;
3. The guidelines for interaction with inmates;
4. The responsibilities of volunteers;
5. A summary of services currently being provided by volunteers; and
6. An explanation of the volunteer performance evaluation.

Amended by R.2001 d.197, effective June 18, 2001.

See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

Rewrote (c); rewrote (f)2.

Amended by R.2002 d.65, effective March 4, 2002.

See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

In (e), substituted "Commissioner or designee" for "Chief of Staff".

10A:17-2.7 Orientation and training of volunteers

(a) Each correctional facility shall provide orientation and training sessions to all volunteers prior to assignment to any correctional facility service.

(b) Orientation and training sessions shall include, but are not limited to, the following topics:

1. Rules of the Department of Corrections;
2. Rules of the correctional facility;
3. Philosophy, goals, resources and programs of the correctional facility;
4. Duties and responsibilities of volunteers; and
5. Appropriate exercise of volunteer authority.

10A:17-2.8 Volunteer assignments

(a) Volunteers shall be assigned to correctional facility services in accordance with the volunteer's interests and capabilities and in accordance with the needs of the correctional facility. Services to which volunteers may be assigned shall include, but are not limited to:

1. Tutoring;
2. Crafts;
3. Recreation;
4. Vocational placement;
5. Group or individual counseling; and
6. Religious activities.

10A:17-2.9 Scheduling

(a) The services of the Volunteer Service Program shall be coordinated and scheduled by the Supervisor of Volunteers and approved, in writing, by the Superintendent or designee.

(b) The Supervisor of Volunteers shall post a schedule of current volunteer services on the bulletin board of each housing unit. The schedule of volunteer services shall indicate the following:

1. Kind of service provided;
2. Day(s) provided;
3. Time (beginning/ending);
4. Location; and
5. Individual or group(s) providing service.

(c) Any additions or changes in volunteer services shall be promptly posted on the bulletin board of each housing unit by the Supervisor of Volunteers.

(d) When time or space is limited, or when the delivery of volunteer services conflicts with the normal operation of the correctional facility, the Superintendent or designee shall determine whether volunteer services shall be limited, suspended or discounted.

10A:17-2.10 Volunteer identification cards

(a) A volunteer identification (I.D.) card shall be prepared for each volunteer.

(b) The volunteer I.D. card shall include:

1. A photograph of the volunteer;
2. The name and address of the volunteer;
3. The home and work telephone number of the volunteer;
4. The agency or group represented by the volunteer;

5. The volunteer service provided; and
6. The preparation date of volunteer I.D. card.

(c) The volunteer I.D. card shall be kept at the front entrance of the correctional facility, and shall be used only for identifying the volunteer by the person on duty at the front entrance. The volunteer I.D. card shall never be carried by the volunteer on or off the premises of the correctional facility. Upon verification of the volunteer identification, the person on duty at the front entrance shall issue a correctional facility I.D. card in accordance with N.J.A.C. 10A:17-2.11.

(d) The Supervisor of Volunteers shall retain all inactive volunteer I.D. cards for a maximum of two years, at which time all inactive volunteer I.D. cards shall be destroyed.

10A:17-2.11 Correctional facility identification card

(a) When entering the correctional facility, the volunteer shall obtain, at the front entrance, a correctional facility identification (I.D.) card in exchange for some form of personal identification, such as:

1. A driver's license;
2. An employment photo I.D. card; or
3. A passport.

(b) While in the correctional facility, the volunteer shall visibly wear a correctional facility I.D. card.

(c) When the volunteer leaves the correctional facility, the volunteer shall return the correctional facility I.D. card in exchange for his or her personal identification material.

(d) The staff member on duty at the front entrance of the correctional facility shall record the following:

1. Volunteer's name;
2. Date; and
3. Time volunteer entered and left the correctional facility.

10A:17-2.12 Supervision of volunteers

The Department head to whom the volunteer is assigned shall be considered the volunteer's supervisor.

10A:17-2.13 Performance evaluation

(a) The Supervisor of Volunteers, along with the volunteer's immediate supervisor, shall evaluate the performance of the volunteer after a trial period of four months using Form 450-III Volunteer Performance Evaluation.

(b) If the evaluation in (a) above is unsatisfactory, a consultation shall be scheduled between the volunteer, the Supervisor of Volunteers, the immediate supervisor and any other appropriate staff member(s).

(c) After the consultation with the volunteer in (b) above has been completed, the Supervisor of Volunteers shall recommend to the Superintendent the retention or termination of the volunteer.

10A:17-2.14 Volunteer service recognition

The Supervisor of Volunteers may, with approval from the Superintendent, schedule an annual event to acknowledge the contribution of volunteers.

10A:17-2.15 Curtailing, suspending or discontinuing the services of a volunteer

(a) The Superintendent may curtail, suspend or discontinue the services of a volunteer for reasons which include, but are not limited to:

1. Any breach of confidentiality;
2. Unlawful conduct or breach of correctional facility rules and regulations;
3. Physical or emotional illness;
4. Inability to cooperate with staff;
5. Erratic, unreliable attendance;
6. Violation(s) of the rules of the Volunteer Service Program;
7. Any prohibited conduct contained in the volunteer contract; and
8. Any conduct which threatens the order or security of the correctional facility or the safety of the volunteer.

10A:17-2.16 Inmate violation of Volunteer Service Program rules

(a) Inmates shall be advised, in writing, of the rules governing the Volunteer Service Program.

(b) Failure of the inmate to comply with the rules of the Volunteer Service Program may result in disciplinary action being taken against the inmate involved.

10A:17-2.17 Volunteer Service Program in community residential facilities

(a) Each community residential facility which uses the services of volunteers shall develop written policies and procedures which govern the following:

1. Recruiting, screening and selecting of volunteers;
2. Orientation and training of volunteers;
3. Supervision of the services provided by volunteers; and
4. Termination of volunteers.

(b) The policies and procedures outlined in (a) above shall be revised when necessary, and submitted to the office

of the appropriate Assistant Commissioner for review and written approval on or before September 30 of each year.

10A:17-2.18 Volunteer In Parole Program (V.I.P.P.)

This subchapter shall not apply to bona fide participants in the Volunteer In Parole Program (V.I.P.P.), Bureau of Parole, New Jersey Department of Corrections.

10A:17-2.19 Records

(a) The Supervisor of Volunteers shall maintain a current record of the following:

1. All volunteer services;
2. Names and photos of volunteers; and
3. Inmates receiving volunteer services.

10A:17-2.20 Reporting responsibilities

(a) The Supervisor of Volunteers shall prepare monthly and annual reports of volunteer services and submit the reports in accordance with N.J.A.C. 10A:21 Reports.

(b) A list of volunteer applicants who have been approved or rejected shall be included in the monthly report of the Supervisor of Volunteers.

(c) The Supervisor of Volunteers shall submit copies of his or her monthly and annual reports to the Superintendent and the Office of the appropriate Assistant Commissioner.

10A:17-2.21 Procedures and post orders

(a) Each correctional facility shall develop written procedures and post orders to govern the Volunteer Service Program.

1. The Superintendent shall review and sign the procedures and post orders at least annually. Each correctional facility shall update the procedures and post orders in (a) above as necessary.

(b) Each correctional facility shall submit a copy of the written procedures governing the Volunteer Service Program to the office of the appropriate Assistant Commissioner for review and approval on or before September 30 of each year.

SUBCHAPTER 3. VOLUNTEERS IN PAROLE PROGRAM (V.I.P.P.)

10A:17-3.1 Eligibility for services provided

All offenders being released from New Jersey State correctional facility shall be eligible for consideration to receive services from a community volunteer.

10A:17-3.2 Volunteer service assignments

(a) Volunteers shall be assigned to duties in accordance with their interests and capabilities. The volunteer's assignments may include, but are not limited to, work performed as:

1. A supervision aide;
2. A professional aide;
3. An administrative aide;
4. A clerical aide; and
5. A student intern.

10A:17-3.3 (Reserved)

Administrative change.
See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.3, Volunteers in Parole Program (V.I.P.P.) Supervisor, recodified to N.J.A.C. 10A:72-9.1.

10A:17-3.4 (Reserved)

Administrative change.
See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.4, District Volunteers in Parole Program (V.I.P.P.) Coordinator, recodified to N.J.A.C. 10A:72-9.2.

10A:17-3.5 (Reserved)

Administrative change.
See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.5, Recruiting Volunteers, recodified to N.J.A.C. 10A:72-9.3.

10A:17-3.6 (Reserved)

Administrative change.
See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.6, Eligibility for service as a volunteer, recodified to N.J.A.C. 10A:72-9.4.

10A:17-3.7 (Reserved)

Administrative change.
See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.7, Volunteer application, recodified to N.J.A.C. 10A:72-9.5.

10A:17-3.8 (Reserved)

Administrative change.
See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.8, Screening process, recodified to N.J.A.C. 10A:72-9.6.

10A:17-3.9 (Reserved)

Administrative change.
See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.9, Volunteer responsibilities, recodified to N.J.A.C. 10A:72-9.7.

10A:17-3.10 (Reserved)

Administrative change.
See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.10, Volunteer handbook, recodified to N.J.A.C. 10A:72-9.8.

10A:17-3.11 (Reserved)

Administrative change.

See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.11, Orientation and training of volunteers, recodified to N.J.A.C. 10A:72-9.9.

10A:17-3.12 (Reserved)

Administrative change.

See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.12, Supervision of volunteers, recodified to N.J.A.C. 10A:72-9.10.

10A:17-3.13 (Reserved)

Administrative change.

See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.13, Performance evaluation, recodified to N.J.A.C. 10A:72-9.11.

10A:17-3.14 (Reserved)

Administrative change.

See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.14, Recognition of volunteers, recodified to N.J.A.C. 10A:72-9.12.

10A:17-3.15 (Reserved)

Administrative change.

See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.15, Curtailing, suspending or discontinuing the services of a volunteer, recodified to N.J.A.C. 10A:72-9.13.

10A:17-3.16 (Reserved)

Administrative change.

See: 34 N.J.R. 1918(a).

Former N.J.A.C. 10A:17-3.16, Reporting responsibilities, recodified to N.J.A.C. 10A:72-9.14.

SUBCHAPTER 4. SOCIAL WORK AND SERVICES

10A:17-4.1 Responsibilities of the Social Work Advisory Committee

(a) A Central Office liaison appointed by the appropriate Assistant Commissioner shall establish a Social Work Advisory Committee to serve in an advisory capacity to the Department of Corrections Commissioner, or designee, correctional facility Superintendents and unit Administrators on matters related to social work and services.

(b) Correctional facility Superintendents/unit Administrators shall refer issues concerning personnel, training and other matters that are directly related to social work or services to the Social Work Advisory Committee.

(c) The Social Work Advisory Committee shall address social work program review, evaluation and planning. The evaluation of services shall include, but not be limited to, the consideration of the effectiveness of social work relative to:

1. The availability of professional and support personnel;
2. The costs associated with the provision of social services; and
3. The time necessary for social work staff to provide effective social services.

(d) The Social Work Advisory Committee, through the Central Office liaison, may make correctional facility/unit on-site visits to evaluate the provision of social services and to review monthly and annual reports.

(e) The Social Work Advisory Committee, through the Central Office liaison, shall submit recommendations for improvements in the provision of social services to inmates in correctional facilities/units to:

1. The Commissioner;
2. The appropriate Assistant Commissioner;
3. The Superintendent/unit Administrator; and
4. Any other Department of Corrections individual(s) responsible for the provision of social services.

10A:17-4.2 Composition of the Social Work Advisory Committee

(a) The Social Work Advisory Committee shall be composed of the following members:

1. The Central Office liaison;
2. The Social Work Supervisors or Assistant Supervisors from each correctional facility/unit; and
3. Departmental staff members other than those listed above who are designated by the Central Office liaison to serve as members or alternate members.

10A:17-4.3 Provision of social services

(a) The goal of providing social services in a correctional facility/unit shall be to respond to the social needs of the inmate and to the management needs of the correctional facility/unit by maintaining and delivering a diversified range of services. These services may include, but are not limited to:

1. Communication with outside agencies and individuals;
2. Information gathering;
3. Report writing;
4. Development of new programs;
5. Consultation with correctional facility/unit staff members concerning specific inmate issues;
6. Services directed toward assisting inmates cope with interpersonal problems of an emotional, behavioral or familial nature including, but not limited to:
 - i. Individual and group counseling;
 - ii. Emergency situations, such as a serious illness or death in the family;
 - iii. The deterioration or termination of a relationship with a loved one;
 - iv. Mental health issues;
 - v. Behavioral problems;
 - vi. Attempted suicide; or
 - vii. Any situation which presents or could result in a crisis;
7. Activities which support the development of a treatment plan and support classification activity including, but not limited to:
 - i. Participation in classification meetings in accordance with N.J.A.C. 10A:9, Classification Process;
 - ii. Intake, orientation and assessment interviews;
 - iii. Treatment plan development;
 - iv. Referral(s) for services; and
 - v. Progress and pre-parole report preparation;
8. Inmate orientation for newly received inmates; and
9. Activities related to situational problem-solving to include efforts to resolve problems through communication when there has been a failure in normal channels of resolution.

10A:17-4.4 Caseload and staffing

(a) Social work caseload ratios shall be designed to provide the social worker with sufficient opportunity for the delivery of services necessary for the effective maintenance of social services to each inmate.

(b) Caseloads shall be assigned at the discretion of the Social Work Supervisor. A lower staff/inmate ratio may be established for specific inmate populations such as those in Close Custody Units.

(c) Caseloads shall be assigned in a manner that shall eliminate duplication of work and help ensure consistent coverage.

10A:17-4.5 Staff training

(a) The Social Work Supervisor shall be responsible for providing information regarding training opportunities for the social work staff including, but not limited to, Departmental and outside agency training programs, workshops, seminars and conferences.

(b) In accordance with correctional facility/unit internal management procedures, all social work staff new to the correctional facility/unit shall receive general orientation to the policies, organizational structure, programs and regulations of the correctional facility/unit and the Department of Corrections.

(c) As needed, social work staff shall receive training in the following areas to include, but not be limited to:

1. Correctional facility/unit safety, security and orderly operation;
2. Counseling and treatment skills;
3. Communications;
4. Inmate rules and regulations;
5. Inmate rights and responsibilities;
6. Specific inmate group and population issues;
7. Fire and first-aid procedures;
8. Medical issues; and
9. Any other issues that are pertinent to the provision of social services.

(d) Training records shall be maintained by the correctional facility/unit Social Work Supervisor or designee regarding staff training and development.

10A:17-4.6 Social work manual

(a) The Social Work Supervisor in conjunction with the appropriate Assistant Superintendent and the social work staff shall develop a manual for the practice of social work and the maintenance and delivery of social service within the correctional facility/unit. This manual shall include, but is not limited to the:

1. Purposes, responsibilities and procedures for the operation of the Social Work Department;
2. Guidelines for establishing priorities for social work program activities;

3. Guidelines for handling referrals;

4. Guidelines for the management of specific populations within the correctional facility;

5. Caseload and staffing ratios;

6. Policies regarding staff training; and

7. Procedures for social work interaction and referrals to other departments or agencies.

(b) Copies of the Social Work Manual shall be distributed or made available to:

1. The appropriate Assistant Commissioner;
2. The Central Office liaison;
3. The Superintendent;
4. The appropriate Assistant Superintendent(s);
5. The Director of Custody Operations;
6. The correctional facility/unit administrative staff;
7. All Social Work Department staff; and
8. Any other correction facility/unit staff deemed necessary by the Superintendent or designee, or the Supervisor of the Social Services Department.

(c) The Social Work Manual shall be reviewed, amended as necessary and approved by the Superintendent or designee and a copy shall be submitted to the Social Work Advisory Committee by June 30 of each year. The Social Work Advisory Committee shall respond in writing to the Central Office liaison with recommendations.

10A:17-4.7 Reports

(a) Copies of monthly and annual Social Work Department reports shall be submitted to the correctional facility Superintendent or designee and the Central Office liaison who shall provide copies of these reports to the Social Work Advisory Committee.

(b) Reports of unusual incidents or events shall be handled in accordance with N.J.A.C. 10A:21, Reports.

10A:17-4.8 Records of information

(a) The Supervisor of Social Work shall ensure that confidential social service records are securely maintained and handled in accordance with N.J.A.C. 10A:22, Records.

(b) Information regarding inmates shall not be provided to, or discussed with, unauthorized persons. Inmate information shall be handled in accordance with N.J.A.C. 10A:19, Public Information.

(c) Access to records and information by social work students preparing for the professional field of social work or a closely related discipline shall be:

1. Handled in accordance with N.J.A.C. 10A:1-10, Research;
2. Handled in accordance with N.J.A.C. 10A:22, Records; and
3. Conducted under the supervision of the correctional facility/ unit Supervisor of Social Work or designee.

SUBCHAPTER 5. RELIGION

10A:17-5.1 Freedom of religious affiliation and voluntary worship

(a) Each inmate has the right to freedom of religious affiliation and voluntary religious worship while incarcerated, but the exercise of such right may be subject to reasonable restrictions.

(b) Inmates in the general population of a correctional facility who desire to participate in a religious service, meeting or activity that has been approved by the Superintendent or designee shall be permitted to do so unless there is a threat to the safe, secure or orderly operation of the correctional facility.

10A:17-5.2 Religious proselytizing inmate

(a) No person shall disparage an inmate's religious beliefs or deliberately seek to persuade an inmate to change his or her religious affiliation.

(b) While under the jurisdiction of the New Jersey Department of Corrections, an inmate shall not be prevented from voluntarily changing religious preference.

(c) An inmate may change religious affiliation by contacting the chaplain who represents the faith group to which the inmate is seeking affiliation.

10A:17-5.3 Inmate attendance at community religious activities

(a) Inmates with the Department of Corrections, including satellite units, except as established in (b) below, shall not be permitted to attend worship services and/or religious activities in the community.

(b) Worship service and/or religious activity attendance by inmates residing in community residential centers shall be governed by the contract between the New Jersey Department of Corrections and the provider, and the provisions of N.J.A.C. 10A:20.

10A:17-5.4 Physical facilities and equipment

(a) Dependent upon available resources and consistent with internal discipline, order, safety and security, the cor-

rectional facility shall provide adequate space and equipment so as to enable inmates to:

1. Participate in worship services or other religious rites;
2. Receive religious education; and
3. Receive religious counseling.

(b) During all phases of any religious program, the rules and policies related to the internal discipline, order, safety and security of the correctional facility shall be in effect.

10A:17-5.5 Inmate orientation

(a) During orientation, inmates shall be informed of the following:

1. Chaplaincy services;
2. Religious activities; and
3. Other aspects of the religious program.

10A:17-5.6 Scheduling of religious activity

(a) All religious services, activities or meetings shall be coordinated and scheduled by the Supervisor of Chaplaincy Service, Chaplain, or other designated staff person, subject to approval of the Superintendent or designee.

(b) Factors to be considered when scheduling religious activities shall include, but are not to be limited to:

1. Availability of staff;
2. Availability of space;
3. Availability of time; and
4. The maintenance of a secure and orderly operating correctional facility.

(c) The weekly schedule of religious services and activities shall be posted on each housing unit's bulletin area, and in conspicuous and accessible areas of the correctional facility. The schedule shall indicate the following:

1. Kind of religious service or activity being held;
2. Day(s) provided;
3. Time (beginning and ending);
4. Location; and
5. Person or group conducting activity.

(d) Any additions or changes in religious services and activity shall be promptly posted.

10A:17-5.7 Restrictions on congregate religious services

When, in the opinion of the Institutional Classification Committee (I.C.C.) and the Superintendent, there is substantial evidence that disruptive or illicit activity has occurred or is likely to occur, one or more inmates may have

their attendance at group worship restricted or denied, or a scheduled religious service, activity or meeting may be canceled or terminated.

10A:17-5.8 Control of religious ritualistic elements

(a) Religious ritualistic elements, including, but not limited to, sacramental wine, fragrance oil in approved containers and matzo, which are necessary as part of the religious service, may be brought into the correctional facility only by the Chaplain or a volunteer religious group leader from the community.

(b) The highest ranking custody supervisor on duty shall be responsible for the secure storage of religious ritualistic elements.

(c) When religious ritualistic elements are to be used, these elements shall be issued by the highest ranking custody supervisor on duty only to the Chaplain or a volunteer religious group leader from the community.

(d) The Chaplain or a volunteer religious group leader from the community shall be responsible for the use and return of any excess religious ritualistic elements to the highest ranking custody staff supervisor on duty for secure storage following the use of the elements at religious services.

10A:17-5.9 Religious diets

(a) An inmate who cannot eat the food served to the general population because of the inmate's religious beliefs may request a religious vegetarian diet. Upon review and approval of the request by the Chaplain of the correctional facility in accordance with this subchapter, nutritionally balanced vegetarian meals shall be provided to the inmate in place of the food served to the general population.

(b) A vegetarian entrée shall be provided at each of the three meals of the day (breakfast, lunch and dinner), seven days per week.

(c) All vegetarian diet meals, unless otherwise indicated, will be served as complete meals and not in supplement to, or as a choice between other dietary meals and regular meals.

Amended by R.1999 d.380, effective November 1, 1999.
See: 31 N.J.R. 2125(a), 31 N.J.R. 3338(a).
Rewrote (a) and (b).

10A:17-5.10 Request for placement on and removal from the religious vegetarian diet list

(a) In order to be considered for placement on the list of inmates approved for vegetarian diets, the inmate must complete Sections I and II of Form 370-I Religious Vegetarian Diet, which may be obtained on request from the housing unit Social Worker.

(b) The inmate shall forward Form 370-I Religious Vegetarian Diet, with Sections I and II completed, to the correctional facility Chaplain for review.

(c) The Chaplain may interview an inmate who has requested placement on the list of inmates approved for vegetarian diets if deemed necessary. In no case shall the interview be used to proselytize the inmate.

(d) The approved Form 370-I Religious Vegetarian Diet shall be forwarded by the Chaplain to the Institutional Classification Committee (I.C.C.) and the Chaplain shall notify the inmate.

(e) The Institutional Classification Committee shall submit the name of an inmate who has been approved for placement on a vegetarian diet to the Food Service Department.

(f) The disapproved Form 370-I Religious Vegetarian Diet shall be forwarded by the Chaplain to the Classification Department and the Chaplain shall notify the inmate. The Chaplain's decision is not subject to being overruled by the Institutional Classification Committee (I.C.C.).

(g) Disapproved requests for placement on a religious vegetarian diet may be appealed by the inmate in writing to the Administrator or designee. The Administrator or designee shall approve or disapprove the appeal within five business days and provide a written statement of reasons for the decision.

(h) Any inmate who wishes to be added or deleted from the list of inmates approved for vegetarian diets shall provide 30 calendar days written notice to the correctional facility Chaplain using Form 370-I Religious Vegetarian Diet.

(i) An inmate who is receiving a religious vegetarian diet is not permitted to possess, purchase from the commissary, or consume food that is prohibited by the inmate's religious dietary laws. Documentation of any violation of this provision shall result in removal of the inmate from the religious vegetarian diet list and the inmate shall not be eligible to reapply for 90 calendar days.

Amended by R.1999 d.380, effective November 1, 1999.
See: 31 N.J.R. 2125(a), 31 N.J.R. 3338(a).
Rewrote (g); and added (i).

10A:17-5.11 Religious holidays

(a) Religious holidays of recognized faith groups shall be acknowledged.

(b) Special religious services or activities may be scheduled for inmates of a particular faith so those inmates may observe their religious holidays. The scheduling of these special religious services and activities shall depend upon the following:

1. Availability of correctional facility space;
2. Availability of staff for supervision; and
3. Other essential operational considerations.

10A:17-5.12 Receiving and sending religious material

(a) Inmates shall be permitted to receive through the mail and retain religious literature and the indicia of religion, such as missals, prayer books, shawls and prayer rugs.

(b) Inmates shall be permitted to send out of the correctional facility religious literature or indicia of religion, such as missals, prayer books, shawls and prayer rugs.

(c) The receipt, retention or sending out of religious material is subject to the restrictions and procedures in N.J.A.C. 10A:3-6 Contraband and Disposition of Contraband, and N.J.A.C. 10A:18 Mail, Visits and Telephone.

10A:17-5.13 Interfaith religious activity within the correctional facility

(a) Although the Chaplain shall serve the correctional facility as a minister of the faith which he or she represents, the Chaplain shall not limit counseling, pastoral or other ministerial activities and/or responsibilities to inmates of the Chaplain's religious preference and affiliation.

(b) Where only one Chaplain serves the correctional facility, he or she shall cooperate with representatives of other faith groups that have been approved to minister to inmates in the correctional facility.

(c) Inmates of various religious preferences and affiliations shall be permitted to participate in the religious activities and services of other faith groups whenever it is feasible and appropriate.

(d) No person shall disparage the beliefs of an inmate participating in the authorized religious activities and/or services of other faith groups or deliberately seek to persuade an inmate to change religious affiliation.

(e) No chaplain(s) or religious volunteer(s) shall teach or interpret the beliefs or practices of a faith other than their own faith.

10A:17-5.14 Community volunteers for religious activities

(a) Community volunteers for religious activities shall be recruited, oriented, trained and evaluated in accordance with N.J.A.C. 10A:17-2 Volunteer Service Program.

(b) The Chaplain shall be the immediate supervisor of volunteers for religious activities, and shall familiarize the volunteers with the rules in this subchapter and any other rules pertaining to religious activities.

10A:17-5.15 Chaplaincy services for inmates confined to the infirmary, hospital or Close Custody Units

(a) The Chaplain may visit an inmate confined to a Close Custody Unit and/or the inmate may request and be provided religious counseling or pastoral services in compliance with N.J.A.C. 10A:5 and N.J.A.C. 10A:4-10.

(b) The Chaplain may visit inmates confined to the correctional facility infirmary or hospital and inmates may request religious counseling or pastoral services. These services shall be provided by the Chaplain or a volunteer religious group leader from the community.

(c) The correctional facility Chaplain may visit inmate who are patients in a community hospital and inmates may request religious counseling or other pastoral services.

(d) The procedure for requesting religious counseling or pastoral service shall be outlined in the Inmate Handbook published pursuant to N.J.A.C. 10A:8-3.

10A:17-5.16 Chaplaincy services for inmates in satellite units

Inmates assigned to satellite units may receive counseling or pastoral services provided by the Chaplain or a volunteer religious group leader from the community.

10A:17-5.17 Nontraditional religions

(a) Correctional facility Superintendents shall not be required to provide every religious sect or group with:

1. Outside clergy;
2. Space; and/or
3. Schedule time for religious activity.

(b) An inmate belonging to a nontraditional religion may be permitted to practice his or her religion if the Superintendent determines, after consultation with the Chaplain and the Coordinator, Chaplaincy Services, that the religion is entitled to official recognition within a correctional facility, and that the practice of this religion would not threaten or otherwise interfere with the internal discipline, safety, security or orderly operation of the correctional facility.

10A:17-5.18 Initiating religious groups within the correctional facility

(a) An inmate who wishes to organize a religious group which is not already officially recognized in the correctional facility shall submit a written request to the Superintendent which contains the following information:

1. The official name of religious organization or religion;
2. The names of all correctional facility members known to the inmate;
3. The name, address and affiliation of the person(s) who is to lead the religious service; and

who must be able to comply with the procedures established in N.J.A.C. 10A:17-2;

4. A description of religious beliefs or theology, including religious literature or scripture utilized;

5. A description of ritual practices, including time and manner of conducting religious services;

6. A description of any indicia of religion and religious ritualistic elements;

7. A statement of the group's religious goals and objectives; and

8. A list of the religious holidays, with explanations as to purpose of each

(b) The Superintendent shall, after consultation with the Chaplain and the Coordinator, Chaplaincy Services, consider all relevant factors which shall include, but are not limited to, the following:

1. Safety of inmates and staff;
2. Security and the orderly operation of the correctional facility; and
3. The availability of time and space.

(c) The Superintendent shall determine whether the religious group shall be granted official recognition within the correctional facility and shall provide a written notice of the decision to the following:

1. The Chaplain;
2. The Coordinator, Chaplaincy Services; and
3. The inmate(s) who submitted the request.

10A:17-5.19 Ministerial services to the staff

Upon request, the Chaplain shall provide pastoral services to the correctional facility staff, and shall be available for counseling especially in periods of bereavement, emergencies and other crisis situations.

10A:17-5.20 Clergy from the community

(a) Clergy from the community who wish to provide ministerial services to an inmate may be approved for a contact visit with an inmate in compliance with N.J.A.C. 10A:18-6.

(b) An inmate who wishes to receive visits during regularly scheduled visit times from clergy from the community shall submit to the person designated by the Superintendent the name of the clergy to be added to the inmate's visitor list as established in N.J.A.C. 10A:18-6.3.

(c) Special visits from clergy from the community must be authorized by the correctional facility Superintendent or designee in compliance with N.J.A.C. 10A:18-6.5.

10A:17-5.21 Files and records

(a) During reception into a correctional facility, each inmate's religious preference shall be recorded in his or her classification record.

(b) The inmate shall promptly notify the Classification Officer of any change in religious affiliation, which shall then be entered into the inmate's classification record.

(c) In accordance with the written procedures of the correctional facility, the Chaplain shall have access to records of inmate except medical, psychological and those records deemed "confidential" as established in N.J.A.C. 10A:22, Records. Medical, psychological or confidential records shall be released only when specifically authorized by a signed statement from the inmate. The Chaplain may enter into the records any information deemed pertinent to the treatment of inmates.

(d) The Coordinator, Chaplaincy Services or designee shall maintain a record of the following:

1. All religious denominations or groups which are represented in the correctional facility;
2. The names, addresses and religious affiliation of all part-time Chaplains;
3. Volunteer religious group leaders or groups from the community who are permitted to conduct religious activities in the correctional facility; and
4. Worship services and related activities that are scheduled weekly.

10A:17-5.22 Reports

(a) The Supervisor of Chaplaincy Services, Chaplain or other designated staff person shall submit monthly and annual reports of chaplaincy activities to the Superintendent or designee.

(b) Copies of monthly and annual reports shall be forwarded by the Supervisor of Chaplaincy Services, Chaplain or designated staff person to the Coordinator, Chaplaincy Services.

SUBCHAPTER 6. CORRECTIONAL FACILITY CHAPLAINCY

10A:17-6.1 Coordinator, Chaplaincy Services

(a) The Coordinator, Chaplaincy Services shall be responsible for the overall planning and implementation of religious programs within State correctional facilities.

(b) The Coordinator, Chaplaincy Services, shall provide consultation, support and coordination to all administrative units on matters related to chaplaincy services and religious activities.

(c) The Coordinator, Chaplaincy Services, shall monitor and evaluate chaplaincy services and religious activities.

10A:17-6.2 Consultation with the Coordinator, Chaplaincy Services

The Superintendent or designee shall consult with the Coordinator, Chaplaincy Services, on professional, technical and administrative matters related to correctional facility chaplaincy and religious activities.

10A:17-6.3 Coordination and supervision of religious activities

(a) The Supervisor of Chaplaincy Services, Chaplain or other designated staff person shall be responsible to the Superintendent or designee for coordinating and supervising the religious activities of the correctional facility and ensuring that the requirements of N.J.A.C. 10A:17-5, Religion, are fulfilled.

(b) If the correctional facility does not have a Supervisor of Chaplaincy Services, the Superintendent shall designate a staff person to be responsible for coordinating and supervising the religious activities of the correctional facility.

10A:17-6.4 Correctional facility Chaplains

(a) Each correctional facility Chaplain shall:

1. Serve as minister of the faith he or she represents;
2. Serve as liaison between correctional facility authorities, the inmates whose faiths are not represented in the correctional facility and the representatives of those faiths in the community;
3. Provide ministerial services to staff members when requested;
4. Represent the correctional facility in matters regarding religious activities in the community as they relate to the programs of the correctional facility; and
5. Serve as liaison to community clergy, to encourage their understanding of confined persons with special needs and to enlist the cooperation of community clergy in planning correctional facility religious activities.

(b) Each Chaplain shall keep informed of new developments and trends in correctional facility chaplaincy services.

(c) Each Chaplain shall remain in good standing with his or her denomination, and the Chaplain shall be permitted to attend meetings and conferences that are essential to his or her professional standing.

(d) The Supervisor of Chaplaincy Services or a staff person designated by the Superintendent shall prepare monthly and annual reports of the religious activities of the correctional facility pursuant to N.J.A.C. 10A:17-5.22 and 10A:17-6.8.

10A:17-6.5 Recruiting chaplains

(a) The Coordinator, Chaplaincy Services and the Chaplaincy Consulting Committee shall be responsible for re-

cruiting candidates for chaplaincy positions and for increasing the public awareness of the vital need for chaplaincy services in a correctional facility setting. Recruitment may be done on a personal basis and/or by advertising.

(b) The Coordinator, Chaplaincy Services may place advertisements for a vacant correctional facility chaplaincy position in interdenominational publications such as, but not limited to, newspapers and newsletters.

(c) When recruiting for a vacant correctional facility chaplaincy position, all documents obtained from the applicant(s), such as an application(s) and/or resume(s) shall be forwarded to the Coordinator, Chaplaincy Services for review, verification of credentials and filing pursuant to N.J.A.C. 10A:17-6.9.

(d) When recruiting candidates for correctional facility chaplaincy positions, emphasis shall be placed on the following:

1. Academic credentials;
2. Experience; and
3. Other qualifications needed to provide the services of the position.

10A:17-6.6 Chaplaincy Consulting Committee

(a) The purpose of the Chaplaincy Consulting Committee is to help ensure that:

1. Religious ministry is provided for persons while incarcerated in the correctional facilities of the Department of Corrections;
2. The concerns of the religious community are represented in the development and implementation of religious policies practiced in correctional facilities; and
3. Inmates are provided their right to freedom of religious affiliation(s) and voluntary worship in accordance with the rules established in this chapter.

(b) The Chaplaincy Consulting Committee shall be responsible for recruiting, interviewing and recommending candidates to fill correctional facility chaplaincy positions.

(c) The Chaplaincy Consulting Committee shall consist of the following:

1. Representatives from the religious community appointed as official representatives of their respective faith groups;
2. Representatives from the Department of Corrections and Human Services designated by their respective Commissioners;
3. Representatives from the New Jersey State Institutional Chaplains Association; and
4. The Coordinator, Chaplaincy Services.

10A:17-6.7 Selecting chaplains

(a) The Coordinator, Chaplaincy Services shall maintain a file of resumes of applicants for chaplaincy positions pursuant to N.J.A.C. 10A:17-6.9.

(b) When a vacancy in a chaplaincy position occurs at a correctional facility, the Superintendent or designee shall notify the Coordinator, Chaplaincy Services who shall be responsible for notifying the Chaplaincy Consulting Committee.

(c) The Chaplaincy Consulting Committee shall review all applications and arrange interviews for the applicants who meet the qualifications for the correctional facility chaplaincy position.

(d) Upon completion of the interviews, the Chaplaincy Consulting Committee shall recommend two or more candidates to the Superintendent. The Superintendent may request the names of additional candidates for consideration should the Superintendent deem such action necessary.

(e) The Superintendent shall select the applicant to fill the vacancy.

10A:17-6.8 Reports

(a) The Supervisor of Chaplaincy Services, Chaplain or a staff person designated by the Superintendent shall submit monthly and annual reports of chaplaincy activities to the Superintendent or designee.

(b) Copies of monthly and annual reports shall be forwarded by the Supervisor of Chaplaincy Services, Chaplain or a designated staff person to the Coordinator, Chaplaincy Services.

10A:17-6.9 Files and records of the Coordinator, Chaplaincy Services

(a) The Coordinator, Chaplaincy Services, shall maintain files containing up-to-date resumes and applications of qualified candidates who are interested in correctional facility chaplaincy positions.

(b) The Coordinator, Chaplaincy Services shall maintain copies of the monthly and annual reports of religious activities submitted to the Superintendent or designee.

SUBCHAPTER 7. INMATE MARRIAGE**10A:17-7.1 Procedure for submitting a request to marry**

(a) An inmate, who is 18 years of age or older and wishes to marry while serving a sentence at a State correctional facility, shall submit a written request to marry to the Superintendent of the correctional facility at which the inmate is currently assigned at least 90 days in advance of the proposed date of the wedding.

(b) An inmate may submit a request to marry outside of the correctional facility if the inmate is eligible for escorted or unescorted furlough, or the inmate may submit a request to marry within the correctional facility if the inmate is ineligible for furlough or prefers that the marriage ceremony be performed at the correctional facility.

(c) A request to marry shall not qualify an inmate for furlough who is otherwise ineligible for furlough.

(d) The request to marry shall include:

1. The name of the inmate;
2. The number of the inmate;
3. The name of the intended spouse;
4. The address of the intended spouse;
5. The ages of the intended spouse and the inmate;
6. The present marital status of the inmate and the intended spouse;
7. The proposed date of the ceremony, to include:
 - i. A request for approval to use the correctional facility chapel on the proposed date including the type of ceremony preferred such as civil or religious; or
 - ii. A request for a furlough to coincide with the proposed date of marriage including the address where the ceremony will be performed; and
8. A summary of the action, if any, the inmate has taken regarding compliance with the requirements for:
 - i. A marriage license; and
 - ii. Other provisions of State law;
9. A signed statement from the inmate indicating the inmate and/or intended spouse will pay in advance all expenses incurred including, but not limited to:
 - i. The marriage license;
 - ii. The provision of custody staff dependent on the inmate's custody classification (N.J.A.C. 10A:3-9);
 - iii. The fee per custody staff which is the maximum salary of a Senior correction officer at time and a half;
 - iv. The State vehicle mileage cost established by the Director, Division of Budget and Accounting;
 - v. The projected number of meals of the escorts and inmate based on the rate in the current State of New Jersey Travel Regulations; and
 - vi. The tolls and parking expenses;
10. A signed statement from the inmate indicating there are no legal restrictions which would prohibit the marriage under law; and

11. A signed statement from the inmate authorizing the release of information to the intended spouse which includes the inmate's custody status, the length and type of sentence and any active detainees. Medical information and any information deemed confidential shall be released to the intended spouse only when specifically authorized by a signed statement from the inmate.

Case Notes

Prison administrator's denial of inmate's request to marry a non-inmate violated inmate's constitutional right to marry. *Vazquez v. Dept. of Corrections*, 348 N.J.Super. 70, 791 A.2d 281.

10A:17-7.2 Decision on requests to marry

(a) The decision of approval or disapproval of an inmate's request to marry shall be made by the Superintendent who shall make use of a designated committee to assist in the decision making. The committee shall consist of:

1. The Social Work Supervisor;
2. A chaplain;
3. A custody staff person with the rank of Lieutenant or above; and
4. Any other staff member(s) designated by the Superintendent.

(b) Upon receipt of the inmate's request to marry, the Superintendent shall refer the request to the committee for an in-depth review.

10A:17-7.3 Committee considerations

(a) The committee shall consider all of the relevant factors pertaining to an inmate's request to marry and submit written recommendations for approval or disapproval to the Superintendent within 30 days of the request.

(b) Consideration by the committee shall not be construed as an assurance that an inmate's request to marry will be approved.

(c) An inmate's request to marry may be considered for approval if:

1. The inmate has made a satisfactory correctional facility adjustment;
2. The inmate's marriage would not present a risk to security or the orderly operation of the correctional facility;
3. The inmate's intended spouse is not presently incarcerated; and
4. The inmate is able to comply with all of the requirements of the State laws governing marriage.

(d) The committee may consider other factors such as:

1. The inmate's maturity;

2. The inmate's emotional stability;
3. The length and type of sentence;
4. The inmate's ability to make a rational, informed decision concerning entering the marriage relationship; and/or
5. Other factors deemed appropriate by the committee for consideration.

(e) The committee may request an updated psychological and/or psychiatric evaluation when such is deemed necessary to properly deliberate upon the inmate's maturity, emotional stability or ability to make a rational and informed decision concerning marriage.

(f) An inmate's request to marry may be considered and recommended for approval when the inmate can meet the criteria in (c) above and upon combination of such factors under (d) above and any evaluation under (e) above which the committee considers appropriate.

10A:17-7.4 Notification of decision

(a) The Superintendent or designee shall provide to the inmate written notification of approval or disapproval of the request to marry as soon as possible after receiving and reviewing the recommendation of the committee.

(b) The notification shall indicate:

1. Whether the inmate's request for a furlough to coincide with the proposed date of marriage has been approved; or
2. Whether the inmate's request for use of the correctional facility for the marriage ceremony on the proposed date is approved.

(c) If the correctional facility is to be used for the ceremony and the date requested by the inmate is in conflict with previously scheduled activities, the Superintendent may select an alternate date which is mutually convenient for the correctional facility and the inmate.

(d) The Superintendent or designee shall provide the following information to the intended spouse:

1. The time, date and place of the impending marriage;
2. The custody status of the inmate, the length and type of sentence, any active detainees; and
3. The requirement of a premarital conference in accordance with N.J.A.C. 10A:17-7.5.

(e) The Superintendent or designee shall notify the Social Services Supervisor and, if a correctional facility religious ceremony was requested, the correctional facility chaplain of the approval or disapproval of the request to marry.

10A:17-7.5 Social Services Department

(a) A staff member from the Social Services Department shall be assigned to act as an advisor to assist the inmate and the intended spouse.

(b) A premarital conference meeting with the inmate and the intended spouse shall be held at the correctional facility to clarify any social, legal or financial issues regarding the impending marriage.

(c) If there is to be a civil ceremony, the staff member of the Social Services Department shall review, arrange and coordinate plans for the ceremony, including the request to a civil official who will perform the ceremony (see N.J.S.A. 37:1-13 for persons authorized to solemnize marriages).

10A:17-7.6 Correctional facility chaplain

(a) If an inmate's request for a religious service is approved, the chaplain shall interview the inmate to determine the specific faith-group requirements which need to be met.

(b) The decision as to whether the chaplain shall perform a marriage is within the chaplain's sole discretion.

(c) The chaplain, clergy or other authorized religious leader scheduled to perform the ceremony shall be granted the opportunity to conduct premarital sessions, such as, counseling in preparation for the solemnization of the marriage. Such sessions shall be arranged in accordance with correctional facility internal management procedures to ensure the secure and orderly operation of the facility.

(d) The chaplain shall review, arrange or coordinate plans for the ceremony, including the notification of the officiating clergy person or authorized religious leader, if the ceremony is not to be performed by the chaplain.

10A:17-7.7 Marriage ceremony

(a) All aspects of the marriage ceremony shall be conducted in accordance with this subchapter and correctional facility internal management and operational procedures, such as, but not limited to, procedures related to visitors to ensure the secure and orderly operation of the facility.

(b) A marriage ceremony conducted within the correctional facility shall be private with no attendant publicity.

(c) The marriage ceremony may be performed by one of the following officiants who is authorized by law to perform marriages in the State of New Jersey:

1. The correctional facility chaplain;
2. A religious leader from the community who visits the correctional facility; or
3. A person from the community.

(d) Witnesses and immediate family members shall not exceed six in number, excluding the officiant. For those instances in which the inmate and the intended spouse have a large number of verified immediate family members as defined in N.J.A.C. 10A:17-1.3 who wish to attend, the Superintendent may authorize immediate family members in excess of six people to attend the marriage ceremony.

(e) Pursuant to N.J.A.C. 10A:18-6 and correctional facility internal management procedures regarding visits, the witnesses from the community must be on the inmate's approved visiting list or receive authorization from the Superintendent to attend the marriage ceremony.

(f) Inmates from the same correctional facility may attend the marriage ceremony but their attendance shall not increase the maximum total of six witnesses and/or immediate family members. The Superintendent may refuse to permit an inmate(s) and/or limit the number of inmates permitted to attend the marriage ceremony in order to maintain security and the orderly operation of the correctional facility.

(g) The Superintendent may authorize the use of flowers, musical instruments, electronic musical equipment, and/or the taking of pictures at the marriage ceremony in accordance with the secure and orderly operation of the correctional facility.

(h) Photographers and/or musical groups from the public shall not be permitted to attend the marriage ceremony under any circumstances.

10A:17-7.8 Reception activities and consummation of the marriage

(a) There shall be no reception activities after a marriage ceremony has been performed within a correctional facility.

(b) The correctional facility shall not provide accommodations for the consummation of the marriage following the marriage ceremony.

10A:17-7.9 Fees and costs

(a) The correctional facility shall not be responsible for any costs incurred by inmates who marry.

(b) Financial obligations for such items as marriage licenses and fees for the person officiating, other than a full or part-time staff member of the correctional facility, shall be assumed by the marriage partners.

SUBCHAPTER 8. RECREATION AND LEISURE TIME ACTIVITIES**10A:17-8.1 Staff assigned to Recreation and Leisure Time Activities Program**

(a) The Supervisor of Recreation shall be responsible for the direction and supervision of the Recreation and leisure time activities program of the correctional facility.

(b) Volunteers may be used to assist the recreation staff in designated Recreation and leisure time program activities (see N.J.A.C. 10A:17-2, Volunteer Service Program).

10A:17-8.2 Inmate recreation aides or paraprofessionals

(a) Inmates may be assigned to the Recreation and Leisure Time Activities Program to serve as inmate recreation aides or paraprofessionals.

(b) Inmate recreation aides or paraprofessionals may be utilized as:

1. Scorekeepers;
2. Demonstrators;
3. Projectionists;
4. Referees;
5. Officials;
6. Equipment managers;
7. Clerks;
8. Arts and crafts aides; and/or
9. Aides in other recreational related tasks.

(c) Inmate recreation aides or paraprofessionals shall be trained by the recreation staff and receive close supervision from a staff member.

(d) In instances when inmate participation in the Recreation and Leisure Time Activities Program constitutes a regular work assignment the inmate shall be paid as an inmate recreation aide or paraprofessional.

10A:17-8.3 Physical facilities utilized by the Recreation and Leisure Time Activities Program

(a) Each correctional facility may provide the following for the assemblage or recreational activities of general population inmates:

1. An auditorium, large area and/or gymnasium that may include a stage, a screen upon which films may be projected and other multipurpose equipment; and
2. An outdoor recreational area of sufficient size to accommodate athletic activities.

(b) These physical facilities shall contain only equipment that is appropriate for the safe and orderly operation of the correctional facility and complies with correctional facility internal management procedures regarding the assemblage of and recreation for general population inmates.

(c) Each correctional facility shall provide sufficient indoor and outdoor recreational areas for inmates in Close Custody Units.

(d) Each correctional facility shall establish policies and procedures for the provision of recreation and leisure time activities to inmates assigned to the satellite unit(s) under the jurisdiction of the correctional facility.

10A:17-8.4 Recreational equipment

(a) Regulation recreational equipment shall be used for all athletic activities.

(b) Inmates shall be instructed in the proper use and care of recreational equipment.

(c) Each correctional facility shall provide facilities for television viewing depending upon the availability of authorized operable equipment.

(d) Where appropriate for the housing unit, sufficient quiet games may be supplied.

(e) Inmates may be permitted to have only those personal electronic devices approved by the correctional facility Superintendent or designee. These devices shall be subject to restrictions established by the correctional facility Superintendent or designee based upon the following factors:

1. The maintenance of security;
2. The suppression of unnecessary noise;
3. The availability of space;
4. The capability of the electrical system; or
5. Other factors related to the secure and orderly operation of the correctional facility.

(f) Each correctional facility and satellite unit(s) may utilize film equipment of appropriate size to accommodate classroom or general inmate entertainment use.

10A:17-8.5 Recreation and leisure time needs assessment

As part of the orientation process, each correctional facility shall complete an assessment of the recreation and leisure time interests and skills of newly admitted inmates and provide the inmates with information related to the recreation and leisure time activities that are available at the correctional facility.

10A:17-8.6 Scheduling active and quiet recreation

(a) Planned recreation program activities shall be scheduled year round, and athletic activities shall be scheduled according to the season.

(b) Active recreation may include organized or unorganized athletics or other recreational activities.

(c) Inmates shall be given the opportunity to participate in a minimum of one hour of active recreation per day.

(d) Inmates shall also be given the opportunity to participate in a minimum of one hour of quiet recreation per day. Inmates may watch television, read, play quiet games, participate in some organized club, or work in arts and crafts.

(e) When weather permits, appropriate quiet activities may be moved to an outdoor area.

(f) When all scheduled activities and other assignments are completed, inmates may be permitted to do hobby work authorized by the Superintendent or designee in their housing units or other approved locations in the correctional facility unless such activity interferes with the maintenance of security or the orderly operation of the correctional facility.

(g) Recreation for inmates in Close Custody Units shall be provided in accordance with N.J.A.C. 10A:5 and 10A:4-10.

Case Notes

Failure to comply with requirement in consent judgment, that each inmate be given an opportunity for one hour of exercise; fine of \$20 per day per inmate. *Essex County Jail Inmates v. Amato*, D.N.J.1989, 726 F.Supp. 539.

10A:17-8.7 Instruction in athletic and other recreation skills

In order to encourage inmates to participate in a variety of recreational activities, instruction in the rules and skills required for participation may be provided.

10A:17-8.8 Showers

The opportunity to shower shall be available to inmates after participating in an active recreation program, unless such activity interferes with the maintenance of security or the orderly operation of the correctional facility.

10A:17-8.9 Arts and crafts programs

(a) An organized arts and crafts program authorized by the Superintendent or designee may be provided, when available, under the direction of an assigned instructor on a regular basis.

(b) Inmates may participate in arts and crafts activities authorized by the Superintendent or designee in classrooms, housing units or other approved locations in the correctional facility, unless such activity interferes with the maintenance of security or the orderly operation of the correctional facility.

(c) Hobby kits and materials for arts and crafts, that have been approved by the Superintendent, may be purchased at the canteen.

(d) Inmates shall not engage in the hobby of collecting any items that are redeemable, such as stamp collecting.

10A:17-8.10 Music

(a) The music program, when available, shall be directed by a qualified music instructor who shall adapt the music program to the needs of the inmates.

(b) A separate practice area, with sufficient storage space is desirable for the music program, so long as sufficient room is available.

(c) Inmate vocal groups, instrumental groups and soloists may perform for the inmate general population and for groups who visit the correctional facility.

(d) Appearances of guest artists from the general public may be prearranged when appropriate and authorized by the Superintendent or designee.

10A:17-8.11 Publications

(a) Appropriate publications, such as newsletters and pamphlets, written by inmates may be encouraged.

(b) A staff member shall be assigned to supervise the content and production of publications.

(c) Articles and materials that are written by inmates shall be reviewed for content by the Superintendent or designee and approved or disapproved prior to publication (see N.J.A.C. 10A:18-4.9).

10A:17-8.12 Films

Films authorized for showing by film license contracts for general entertainment may be shown to inmates in the general population as determined and approved by the Superintendent or designee. Films shall not be shown when such general entertainment interferes with the maintenance of security, the orderly operation of the correctional facility and/or when budgetary constraints do not allow.

10A:17-8.13 Clubs and special interest groups

(a) Clubs may be formed for inmates interested in specific games, such as, but not limited to, chess and bridge in accordance with N.J.A.C. 10A:12, Inmate Groups.

(b) Groups may be formed for inmates who are interested in current events, book discussions and other interests in accordance with N.J.A.C. 10A:12, Inmate Groups.

(c) All inmate clubs and groups shall be supervised by staff members and club/group activities shall be reported monthly to the Superintendent or designee.

10A:17-8.14 Entertainment within correctional facilities

(a) Entertainment, such as variety shows and choral groups, may be brought into the correctional facility from the community at the discretion of the Superintendent.

(b) Inmates may be permitted to utilize their talents by participating in dramatic skits, variety shows and other similar correctional facility activities that have been approved by the Superintendent or designee when such do not affect the maintenance of the secure and orderly operation of the correctional facility.

10A:17-8.15 Community entertainment

Inmates assigned to correctional facilities within the Department of Corrections shall not be permitted to participate in any community based trip.

10A:17-8.16 Staff reference area on recreation

(a) Each correctional facility may subscribe to several recreation and physical education journals and newsletters.

(b) Each correctional facility may provide a reference area where current books on recreation and physical education may be available for use by recreation staff members.

10A:17-8.17 Budget requests

The Supervisor of Recreation shall submit an annual budget request to the Superintendent or designee which specifies the resources necessary to purchase materials, equipment and supplies to conduct the Recreation and Leisure Time Activities Program.

10A:17-8.18 Report of major recreation and leisure time activities

The Supervisor of Recreation shall submit a monthly report to the Superintendent or designee which indicates all major recreation and leisure time activities conducted that month and the number of inmates who participated in each activity.

10A:17-8.19 Written procedures

Each correctional facility Superintendent or designee shall ensure that written procedures governing the Recreation and Leisure Time Activities Program are developed in accordance with this subchapter. These procedures shall be made available to all personnel involved and shall be reviewed at least annually and amended as necessary.

SUBCHAPTER 9. REFERRAL OF HANDICAPPED CHILDREN FOR ADULT EDUCATIONAL SERVICES

10A:17-9.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings.

"Multidisciplinary treatment team" means an evaluation team consisting of a psychologist, a learning disability teacher consultant, a social worker and any other professional who may be involved in the evaluation or treatment of a child in a State facility.

"Student" means a person up to the age of 21 years, residing in a State facility which is operated by, or under contract with the State, who have not received a high school

diploma and who have been determined eligible for special education.

"Age 21" means the attainment of the 21st birthday by June 30.

10A:17-9.2 Referral process

(a) The Multidisciplinary Team at a State facility shall provide written notice to the parent or legal guardian of a student who is placed in the facility when the student attains the age of 18, or, if the student is over the age of 18 when placed in the facility, that the student is not entitled to receive tuition free education services after the age of 21.

(b) Educationally handicapped pupils attaining age 21 during the school year shall be provided required services for the balance of that school year.

(c) Written notice shall describe in detail the parents' or guardians' opportunity to consent to having the student's name or other relevant information forwarded in a report to the Office of Educational Services and the Commissioner of the Department of Corrections for the purpose of determining whether the student will need educational services after the age of 21 and, if so, recommend possible adult educational services consistent with N.J.A.C. Titles 6 and 6A, Education.

(d) Upon the written consent of the parent or legal guardian, the Multidisciplinary Team shall forward the student's name and other relevant information in a report to the Office of Educational Services, Department of Corrections, for the development of a recommendation for adult educational services. A copy of this report shall be forwarded, by the Office of Educational Services to the Commissioner of the Department of Corrections and the Commissioner of the Department of Education.

(e) The report shall contain such information as defined in N.J.A.C. 6:28 which contributes to the evaluation of the student's handicapping condition, including but not limited to the:

1. Results of physical and psychological examinations;
2. Relevant information presented by the parent or legal guardian and teacher;
3. Most recent individualized education plan; and
4. Results of the most recent examinations and evaluations performed.

(f) The Multidisciplinary Team is not required to perform any examinations or evaluations not otherwise required by law.

(g) The Office of Educational Services, Department of Corrections, in consultation with the Commissioner of the Department of Education or designee, shall determine whether a student will need adult educational services and, if the need will exist, shall recommend appropriate educational programs operated or approved by the Departments of Corrections and Education which may be available when the student attains the age of 21.

(h) The Commissioner of the Department of Corrections may conduct an evaluation of the student to determine if adult educational services will be needed.

(i) The recommendation for all programs shall be made available to the parent or guardian of the student no later than six months before the student attains the age of 21.

(j) If the Commissioner of the Department of Corrections determines that the student will not require adult educational services, the Commissioner of the Department of Corrections or designee shall notify the student's parent or guardian in writing of the determination no later than six months before the student attains the age of 21.

(k) The Office of Educational Services, Department of Corrections, shall compile and submit an annual report, to the Departments of Corrections and Education on or before October 1 of each year, which shall not contain individually identifying information. The annual report shall contain:

1. The number of cases submitted to the Office of Educational Services;
2. The type and severity of the handicapping condition involved in each case; and
3. Any other necessary information.