

**CHAPTER 90**

**JUVENILE JUSTICE COMMISSION**

**Authority**

N.J.S.A. 52:17B-169, 52:17B-170(e)(22), 52:17B-171(a)(5), 52:17B-179(b)(1), and 52:17B-180(b)(1) and (2).

**Source and Effective Date**

R.1997 d.233, effective July 21, 1997.  
See: 29 N.J.R. 317(a), 29 N.J.R. 3261(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 90, Juvenile Justice Commission, expires on January 17, 2003. See: 34 N.J.R. 2954(a).

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**SUBCHAPTER 4. (RESERVED)**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**13:90-1.1 Purpose**

(a) The purpose of this chapter is to effectuate the mission of the Juvenile Justice Commission to reform the

juvenile justice system by promoting public safety, accountability and rehabilitation of juvenile offenders through the planning, implementation and administration of a comprehensive program of sanctions and services for juveniles adjudicated or charged as delinquent, and delinquency prevention programs.

**13:90-1.2 Organization**

(a) The Juvenile Justice Commission is an agency, in, but not of, the Department of Law and Public Safety and consists of an:

1. Executive Board;
2. Advisory Council;
3. Executive Director; and
4. Such subdivisions as are deemed necessary by the Executive Board to perform the work of the Commission.

(b) The Commission is responsible for the development and implementation of a State and local community-based comprehensive program of sanctions and services for juveniles adjudicated or charged as delinquent and for the development and implementation of delinquency prevention programs in order to protect the public, ensure accountability and foster rehabilitation of juvenile offenders.

(c) The Commission exercises the powers, duties and responsibilities set forth in N.J.S.A. 18A:17B-170 and such other powers as may be prescribed in other laws.

**13:90-1.3 Executive Board**

(a) The Executive Board consists of the Attorney General who serves as chair; the Commissioners of the Departments of Corrections and Human Services who serve as vice-chairs; the Commissioner of Education; two persons who sit as chairs of two county youth services commissions; the chair of the Juvenile Justice Commission Advisory Council; and, subject to the approval of the Supreme Court, the Administrative Director of the Courts.

(b) The Executive Board is responsible for:

1. Formulating policy and direction of the work of the Commission;
2. Approving the organization of the Commission, including the appointment of all deputy directors and superintendents of juvenile facilities;
3. Approving the State Juvenile Justice Master Plan;
4. Approving the budget of the Commission;
5. Promulgating rules and regulations;
6. Designating an acting executive director, as necessary;

7. Establishing education and training requirements for corrections officers;

8. Establishing a mechanism to coordinate juvenile justice matters with the Supreme Court; and

9. Performing such other duties as prescribed by law and this chapter.

(c) The Executive Board meets at least once on a quarterly basis and at such other times as may be designated by the Chair.

#### 13:90-1.4 Advisory Council

(a) The Advisory Council consists of: the Commissioners of Labor, Personnel, Health and Senior Services and Community Affairs, the Public Defender, a county prosecutor and three appointees each of the Governor, Speaker of the Assembly and President of the Senate, which appointees are qualified by knowledge, experience or interest in issues involved in the juvenile justice system.

(b) The Advisory Council is responsible for advising the Executive Director on the:

1. Implementation of recommendations of the Governor's Advisory Council on Juvenile Justice;

2. Implementation, coordination and collaboration of programs, services and sanctions for juveniles;

3. Actions to be taken to increase public awareness of the juvenile justice system and its needs; and

4. State Juvenile Justice Master Plan.

(c) The Advisory Council meets at least quarterly and at such other times as designated by the Executive Director or the Chair of the Advisory Council.

#### 13:90-1.5 Executive Director

(a) The Executive Director is the chief operating officer of the Commission.

(b) The Executive Director is responsible for:

1. Supervising and managing each juvenile facility and juvenile program operated by the Commission and designate the chief executive officer of each program;

2. Supervising the work of the Commission and the day-to-day exercise and performance of the functions, powers and duties of the Commission;

3. Appointing all deputy directors and superintendents, with the approval of the Executive Board; and

4. Performing such other duties as prescribed by law and this chapter.

#### 13:90-1.6 Definitions

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

"Advisory Council" means the Advisory Council of the Juvenile Justice Commission.

"Commission" means the Juvenile Justice Commission established pursuant to N.J.S.A. 52:17B-170.

"County youth services commission" or "commission" means the single county designated agency responsible for the planning, implementation, monitoring and evaluation of a community-based plan of sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs.

"Executive Board" means the Executive Board of the Juvenile Justice Commission.

"Executive Director" means the Executive Director of the Juvenile Justice Commission.

"Governor's Advisory Council on Juvenile Justice" means the Advisory Council established pursuant to Executive Order No. 10(1994) to examine the juvenile justice system and to make recommendations for its improvement.

"Partnership Program" or "Partnership" means the State/Community Partnership Grant Program established pursuant to N.J.S.A. 52:17B-179.

"Provider" means a person, group, unincorporated business, partnership, profit or nonprofit corporation, county agency or other entity with whom a county contracts to supply sanctions and services for juveniles adjudicated or charged as delinquent and/or delinquency prevention programs.

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## SUBCHAPTER 2. COUNTY YOUTH SERVICES COMMISSION

### 13:90-2.1 Purpose

This subchapter sets forth the rules that consolidate within a single county community agency the planning, implementation, monitoring and evaluation of the juvenile justice service system.

### 13:90-2.2 Scope

This subchapter establishes the organizational requirements for county youth services commissions and sets forth the duties and responsibilities of the commissions.

**13:90-2.3 Establishment**

(a) Each county shall establish a county youth services commission to identify, plan and oversee the implementa-

tion of community-based sanctions and services for juveniles charged or adjudged as delinquent, and delinquency prevention programs.

(b) Each county shall establish a county youth services commission to perform the duties and responsibilities set forth in this subchapter to satisfy the purpose identified in N.J.A.C. 13:90-2.1.

(c) Upon the approval of the Executive Director, a county may designate an agency other than a commission, which agency shall perform the duties and responsibilities of a commission and shall comply with all rules applicable to a commission. In order to secure the approval of the Executive Director, the county shall demonstrate that the members of the designated agency are sufficiently representative of persons and agencies interested in the juvenile justice system to satisfactorily perform the duties and responsibilities of a commission; are qualified to perform the duties and responsibilities of a commission; and that the county has delegated to the agency the authority and responsibility to carry out the duties and responsibilities of a commission.

(d) In order to qualify for funds from the Partnership Program, each county shall submit biennially and obtain Commission approval of a comprehensive plan of sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs which promote the goals of the Partnership Program and which satisfies all additional requirements set forth in N.J.S.A. 52:17B-180(a)(2).

(e) Each county shall designate adequate staff or organization to administer the duties and responsibilities set forth in this chapter.

**13:90-2.4 Membership**

(a) Each commission shall consist of no fewer than 21 members and shall include both voting and non-voting members.

(b) The membership of each commission shall include:

1. The Presiding Judge of the Family Part of the Superior Court of the vicinage within which the county is located;
2. The case manager of the Family Part of the Superior Court of the vicinage within which the county is located;
3. The chief probation officer of the county;
4. The highest elected official of county government;
5. The county prosecutor;
6. The regional public defender for the county;
7. The manager of the county district office of the Division of Youth and Family Services, Department of Human Services;
8. The county mental health administrator;
9. The county superintendent of schools;
10. The superintendent of the county vocational school;

11. The director of the county human services department or such other department of county government directly responsible for providing services to youth;

12. The director of the youth shelter located in the county;

13. The director of the detention center located in the county;

14. The director of the juvenile family crisis intervention unit established pursuant to N.J.S.A. 2A:4A-76;

15. The president of the juvenile officers association of the county or other law enforcement representative who works primarily with youth;

16. The county alcoholism and drug abuse director;

17. A representative of the regional workforce investment board (WIB), established under Executive Order No. 36 (July 12, 1995); and

18. A representative of the business community in the county.

(c) The members identified in this (b) above, may appoint designees to sit on the commission in their absence, provided that no more than one designee for any member may be appointed and further provided that the designee is qualified by knowledge and/or experience to perform the duties of a member of a commission. The names of designees are submitted to the commission chairperson annually.

(d) In addition to the members identified in (b) above, the membership of each commission shall include persons who represent a wide range of public and private community-based organizations, for example, representatives of schools, mental health, family counseling, child advocacy, domestic violence, and/or victims rights groups; parents; clergy; the Family Law practice section of the county bar association; the minority concerns vicinage advisory committee of the Administrative Office of the Courts; civic organizations; representatives of major urban areas within the county; youth representatives; municipal youth services commissions; and interested persons who deal with children.

(e) In addition to the members identified in (b) and (d) above, the membership of each commission may include as ex-officio members, Juvenile Justice Commission liaisons, regional representatives of the Department of Human Services, and its divisions, and representatives of the Departments of Labor, Education, Health and Senior Services and Community Affairs.

(f) Each member appointed pursuant to (b) and (c) above shall be a voting member.

(g) The membership of each commission shall reflect the racial, ethnic and cultural demographic make-up of the

county and the youth in the county served by the sanctions and services and the delinquency prevention programs planned, implemented, monitored and evaluated by the commission.

#### 13:90-2.5 Bylaws

Each commission shall adopt bylaws which shall be submitted to the Juvenile Justice Commission for its review, to assure compliance with applicable rules.

#### 13:90-2.6 Chairpersons and committees

(a) The Presiding Judge of the Family Part of the Superior Court and/or the highest elected official of the county, or their designees, shall serve as chair or co-chairs of each commission through the calendar year 1997. Thereafter, the Chair of the commission shall be determined by the membership of the commission.

(b) Each commission shall establish standing committees to consider issues relating to:

1. The development of a comprehensive youth services plan that includes a needs assessment of sanctions and services for juveniles adjudicated or charged as delinquent and of delinquency prevention programs;
2. The development of sanctions and services for juveniles adjudicated or charged as delinquent;
3. The development of delinquency prevention programs;
4. The review of proposals from providers seeking to provide sanctions and services and/or delinquency prevention programs;
5. Monitoring and evaluation of sanctions and services for juveniles adjudicated or charged as delinquent, and delinquency prevention programs;
6. Education, training and community awareness; and
7. Minority over-representation in the juvenile justice system.

(c) If permitted by the bylaws of a commission, non-members may be included on the committees established pursuant to (b) above.

#### 13:90-2.7 Meetings

(a) Each commission shall meet no less frequently than nine times annually, at such times and in such locations as to encourage maximum public attendance.

(b) Each commission shall comply with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(c) Upon the prior written approval of the Executive Director, each commission may satisfy the meeting requirement set forth in (a) above by alternating full commission meetings with committee meetings.

#### 13:90-2.8 Conflict of interest policy

Each commission shall adopt a written conflict of interest policy which shall be submitted to the Commission with a written statement by county counsel that the policy is in compliance with applicable law.

#### 13:90-2.9 Duties and responsibilities

(a) Each commission shall:

1. Coordinate and integrate existing sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs;
2. Assess and prioritize the needs of youth adjudicated or charged delinquent;
3. Assess existing delinquency prevention programs to determine whether such programs meet the needs of youth, are effective in meeting program goals and in ensuring financial accountability;
4. Determine, through the collection and maintenance of data, the breadth of juvenile offenses and problems in the county and identify the geographical regions within the county where such offenses and problems are most prevalent;
5. Identify gaps in the system of sanctions and services for youth adjudicated or charged as delinquent and develop and implement an appropriate plan for closing the gap;
6. Develop and implement delinquency prevention programs to meet the needs of youth in geographical regions within the county where existing programs do not satisfy the needs of the youth;
7. Seek to expand existing delinquency prevention programs to better meet the needs of the youth of the county and to ensure the maximum availability of service to the youth of the county;
8. Review, evaluate and monitor through at least one site visit annually, existing sanctions and services under the jurisdiction, control or proposed by the commission, for juveniles adjudicated or charged delinquent and existing delinquency prevention programs to determine effectiveness in meeting program goals and in ensuring financial accountability;
9. Cooperate with other State, county and municipal agencies in the planning of ongoing efforts relating to delinquency prevention programs;
10. Inform the public of the breadth of juvenile offenses, the needs of youth in the county and the availability of sanctions and services, and advocate for the needs of youth;
11. Serve as the advisory body of the county on issues relating to sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs;

12. Coordinate the efforts of municipal and regional youth services commissions and ensure their participation in the county planning process;

13. Appoint liaisons to participate in planning and related activities with appropriate county bodies, for example, the Human Services Advisory Council, the Mental Health Board, the local council on Alcohol and Drug Abuse, and the County Interagency Coordinating Council, as invited, to maximize efficient and effective use of Partnership funds;

14. Determine whether a need exists, and if so, sponsor the establishment of multi-disciplinary teams (MDT's) to plan specific sanctions and services to individual youth: as an alternative to detention for a juvenile charged as delinquent; as a recommendation for a disposition option for a judge of the Family Court upon an adjudication of delinquency; and, as a component of aftercare following the commitment of a juvenile to the Juvenile Justice Commission by a judge of the Family Court;

15. Coordinate the planning of aftercare sanctions and services for juveniles returning to the community following commitment to the Juvenile Justice Commission by a judge of the Family Court;

16. Comply with all applicable rules of the Commission;

17. Recommend to the county governing body, the approval or disapproval of contracts with providers seeking to participate in the Partnership;

18. Monitor the operations of programs of sanctions and services and delinquency prevention receiving Partnership funds with reference to compliance with rules established by the Commission; and

19. Monitor and evaluate the impact of programs of sanctions and services and delinquency prevention receiving Partnership funds and prepare annually, a written report with relevant documentation to the Commission as part of the biennial comprehensive plan and annual update.

**SUBCHAPTER 3. STATE/COMMUNITY PARTNERSHIP GRANT PROGRAM**

**13:90-3.1 Purpose**

This subchapter sets forth rules to implement the Partnership Program established for the purposes set forth in N.J.S.A. 52A:17B-179.

**13:90-3.2 Scope**

These rules address the criteria and procedures applicable to counties and youth services commissions as they relate to the application for, and the allocation, disbursement and monitoring and evaluation of grants through, the Partnership Program.

**13:90-3.3 Definitions**

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

“Accounting records” means records that adequately identify authorizations, obligations, unobligated balances, assets, liabilities, outlays, expenditures and income relating to contract awards funded by the Partnership.

“Budgetary control” means financial information related to performance or productivity data.

“Equipment” means an item with an original unit cost of \$1,000 or more and an expected useful life of three or more years.

“Financial reporting” means accurate, current and complete disclosure of financial results of contract activities.

“Internal control” means effective control and accountability of cash, real and personal property and other assets.

“Proposal” means a written document submitted by a provider in response to an RFP.

“Request for Proposal (RFP)” means a written solicitation that defines services and sanctions and/or delinquency prevention programs required by a county and which invites written competitive responses from qualified providers.

“Source documentation” means accounting records such as canceled checks, paid bills, payrolls, time and attendance records and contract documents.

**13:90-3.4 Participants**

(a) The State/Community Partnership Grant Program is established to support the facilities, sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs through the award of grants allocated to county youth services commissions.

(b) Each county may participate in the Partnership Program, provided that the county establishes a youth services commission or, in the alternative, receives approval from the Executive Director to designate another body to perform the duties and responsibilities of a youth services commission in accordance with the provisions of N.J.A.C. 13:90-2.3(c).

**13:90-3.5 Allocation and funding formula**

(a) Partnership funds are distributed to all participating counties in compliance with these rules, through the youth services commissions or other county designated body approved by the Executive Director to provide needed sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs. Each county shall seek support from all available Federal, State

and local sources to supplement the funding received through the Partnership.

(b) The Commission shall determine Partnership allocations by application of a formula which shall include the following elements:

1. A minimum base amount;
2. An amount calculated on the basis of a formula reflective of the scope of the juvenile justice problem in the county; and
3. An amount for program management, monitoring and administration.

(c) Program management funds are applied to salary and the reasonable administrative costs that support staff hired to administer Partnership funds and other sanctions and services undertaken by the county in implementing the county comprehensive plan. Upon the approval of the Executive Director, program management funds may be directed into sanctions and services for juveniles adjudicated or charged as delinquent and/or delinquency prevention programs. Approval is conditioned upon the demonstration by a county that adequate program management, monitoring and administration funds are available from sources other than the Partnership.

(d) Neither minimum base funds nor formula funds may be used for program management, monitoring and administration.

(e) The Commission allocates and expends, consistent with its Juvenile Justice Master Plan, the share of Partnership funding of any county that does not participate in the Partnership program.

### 13:90-3.6 Application and planning process

(a) The Juvenile Justice Commission annually determines the Statewide priorities for Partnership funding, and recognizes the priorities of the counties as determined through the county planning process, consistent with the statutory goals of the Partnership which include:

1. Encouraging the development of sanctions and services and delinquency prevention programs that protect the public, ensure accountability and foster rehabilitation;
2. Increasing the range of sanctions for juveniles adjudicated delinquent;
3. Reducing overcrowding in State juvenile institutions and other facilities to ensure adequate bed space for serious, violent and repetitive offenders;
4. Reducing overcrowding in county detention facilities;
5. Providing greater access to community-based sanctions and services for minority and female offenders;

6. Expanding programs designed to prevent delinquency; and

7. Promoting public safety by reducing recidivism.

(b) Each county shall submit biennially a comprehensive plan for needed sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs, or an annual update, as applicable. Each submission shall include:

1. A written report with relevant documentation, of the nature of the juveniles and juvenile offenders served by the sanctions and services and the juveniles served by the delinquency prevention programs;

2. A list of the membership of the county youth services commission or other approved county designated body, which list identifies the chair and the co-chair, and all staff, including the person responsible for the administration of Partnership funds;

3. Certification of compliance with all rules pertaining to county youth services commissions and the Partnership;

4. Efforts employed to ensure that sanctions and services are culturally appropriate; and

5. A written justification in support of a determination by a county to apply a portion of Partnership funding to hire additional county personnel to expand or implement county-operated sanctions and services. The justification shall demonstrate that county-operated sanctions and services provide the most efficient and expedient method to address a high priority of the Partnership and that the membership of the youth services commission or other approved county designated body has ratified the justification by a  $\frac{2}{3}$  vote. In no event shall a county allocate more than  $\frac{1}{3}$  of its Partnership funds for county-provided sanctions and services, unless such allocation results from a competitive RFP process in accordance with N.J.A.C. 13:90-3.9.

(c) The Executive Director reviews and, if appropriate under this chapter, approves the plan and the certification of compliance with this chapter.

### 13:90-3.7 County match

No cash or in-kind match by a county is required for Partnership funding.

### 13:90-3.8 Disbursement

(a) The Executive Director shall issue to each county a schedule for the disbursement of Partnership funding upon approval of the county plan and application.

(b) No county shall utilize Partnership funding to supplant or replace existing funds or other resources from Federal, State or county government for existing juvenile justice related programs or for capital construction or renovation.

**13:90-3.9 Contracting requirements**

(a) Each commission shall engage in an RFP process for providers, in accordance with applicable law, to implement sanctions and services and delinquency prevention programs.

(b) Each commission shall use its best efforts to involve community-based organizations and agencies, including minority service providers, in the implementation of the Partnership through the RFP process.

(c) Each commission shall establish a written appeal procedure that addresses the process by which a party may challenge an RFP and/or a recommendation to approve or disapprove a contract to the county governing body.

(d) Each commission shall recommend the approval or disapproval of a contract award to particular providers to the county governing body which makes the final determination of contract award.

**13:90-3.10 Funds management**

(a) Each county shall expend and account for Partnership funds in accordance with those laws and procedures for expending and accounting for its own funds. Each county shall adhere to generally accepted accounting principles for state and local governments, including, for example, governmental accounting and financial reporting standards promulgated by the Governmental Accounting Standards Board. Fiscal control and accounting procedures of the counties shall be sufficient to:

1. Permit preparation of reports required by the Juvenile Justice Commission and the statutes authorizing the grant; and
2. Permit tracing of funds to a level of expenditure adequate to establish that the funds have been used in a manner consistent with applicable statutes.

(b) The Juvenile Justice Commission requires that each county ensure that providers maintain a financial management system that evidences adequate financial reporting, accounting records, internal control, budgetary control, source documentation and procedures relating to the procurement, identification, use and disposition of equipment.

(c) Each county shall develop and maintain a procedure that defines standards for an annual audit of programs funded through the Partnership.

(d) In addition to any other audit requirements, the Executive Director reserves the right to conduct an audit of Partnership funds awarded to each county. Duly authorized representatives of the Commission shall have access for purposes of audit and examination, to any relevant books, documents, papers and records of the county, youth services commission, and/or provider agencies receiving Partnership funds.

**13:90-3.11 Monitoring and evaluation**

Each commission shall monitor and evaluate the programs of sanctions and services and delinquency prevention funded by the Partnership to determine the effectiveness of the programs in meeting their goals and in ensuring financial accountability.

SUBCHAPTER 4. (RESERVED)

**Subchapter Historical Note**

Subchapter 4, Juvenile Population in Detention, was adopted as Emergency New Rules by R.1998 d.119, effective February 3, 1998. See: 30 N.J.R. 871(a). The concurrent proposal of Subchapter 4 was adopted as R.1998 d.206, effective April 3, 1998. See: 30 N.J.R. 871(a), 30 N.J.R. 1619(a).

Subchapter 4, Juvenile Population in Detention, was repealed by R.2000 d.185, effective May 1, 2000. See: 32 N.J.R. 649(a), 32 N.J.R. 1622(b).