

CHAPTER 18
MANUAL OF STANDARDS FOR JUVENILE
DETENTION COMMITMENT
PROGRAMS

Authority

N.J.S.A. 2A:4A-43(c) and Governor's Reorganization
Plan No. 001-1993.

Source and Effective Date

R.1994 d.392, effective July 18, 1994.
See: 25 N.J.R. 5749(a), 26 N.J.R. 2902(a).

Executive Order No. 66(1978) Expiration Date

Chapter 18, Manual of Standards for Juvenile Detention Commit-
ment Programs, expires on July 18, 1999.

Chapter Historical Note

Chapter 18, Manual of Standards for Juvenile Detention Commit-
ment Programs, was originally adopted by the Commissioner, Depart-
ment of Corrections, as R.1984 d.299 and codified as N.J.A.C. 10A:33,
effective July 16, 1984. See: 16 N.J.R. 1160(a), 16 N.J.R. 1996(b).
Pursuant to Executive Order No. 66(1978), Chapter 33 was readopted
as R.1989 d.286, effective May 2, 1989. See: 21 N.J.R. 667(a), 21
N.J.R. 1517(a).

Pursuant to gubernatorial Reorganization Plan No. 001-1993, regula-
tory jurisdiction for county-operated juvenile detention facilities was
transferred to the Department of Human Services, effective May 21,
1993 (implemented July 1, 1993). See: 25 N.J.R. 1623(a). Pursuant to
Executive Order No. 66(1978), Chapter 33 expired on May 2, 1994, and
subsequently was adopted as new rules by R.1994 d.392 and recodified
as N.J.A.C. 10:18. See: Source and Effective Date.

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SUBCHAPTER 1. INTRODUCTION

10:18-1.1 Purpose

In accordance with the New Jersey juvenile code (N.J.S.A. 2A:4A-20, et seq.), juveniles adjudicated delinquent may be sentenced to a term of incarceration of up to 60 consecutive days in county-operated juvenile detention facilities. Until June 30, 1993 such facilities were regulated by the New Jersey Department of Corrections pursuant to N.J.S.A. 2A:4A-37 and N.J.S.A. 2A:4A-43(c). Effective July 1, 1993 the regulatory responsibility for county-operated juvenile detention facilities was transferred to the New Jersey Department of Human Services pursuant to the Governor's Reorganization Plan (No. 001-1993). Accordingly, while the juvenile code still refers to the Department of Corrections' responsibility with regard to juvenile detention facilities, this responsibility was transferred to the Department of Human Services by way of the Reorganization Plan. Since the juvenile code specifically requires that the Department of Human Services certify all juvenile detention facilities which may be utilized for this new dispositional alternative, the Department has promulgated the minimum standards contained in this chapter which must be met by those facilities receiving adjudicated delinquents under the code. The standards in this chapter are in addition to the existing Manual of Standards for Juvenile Detention Facilities located at N.J.A.C. 10A:32.

10:18-1.2 Definitions

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

"Juvenile" means an individual who is under the age of 18 years (N.J.S.A. 2A:4A-22a).

"Delinquency" means the commission of an act by a juvenile which if committed by an adult would constitute:

1. A crime;
2. A disorderly persons offense or petty disorderly persons offense; or
3. A violation of any other penal statute, ordinance or regulation (N.J.S.A. 2A:4A-23).

"Detention" means the temporary care of juveniles in physically restricting facilities pending court disposition (N.J.S.A. 2A:4A-22c).

"Department" means the New Jersey Department of Human Services.

"Juvenile Detention Commitment Program" means a short-term rehabilitation program operated within an approved juvenile detention facility for adjudicated juveniles committed by the court for a maximum of 60 consecutive days pursuant to N.J.S.A. 2A:4-43c(1).

SUBCHAPTER 2. LEGAL PROVISIONS**10:18-2.1 Legal authority for juvenile detention commitment**

Pursuant to N.J.S.A. 2A:4A-43c(1), effective January 1, 1984, the court may, in addition to any other disposition enumerated in N.J.S.A. 2A:4A-43, incarcerate an adjudicated delinquent in a juvenile detention facility for a term not to exceed 60 consecutive days.

10:18-2.2 Legal authority of Department

(a) N.J.S.A. 2A:4A-43c(1) provides that if the juvenile detention facility in the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Department of Human Services, the court may, in addition to any of the dispositions enumerated in this subsection, incarcerate the juvenile in a youth detention facility for a term not to exceed 60 consecutive days. The Department of Human Services shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection.

(b) N.J.S.A. 2A:4A-43c(2) provides that no juvenile may be incarcerated in any county detention facility unless the county has entered into agreement with the Department of Human Services concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Department of Human Services shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50 percent of the maximum capacity of the facility.

Amended by R.1989 d.286, effective May 2, 1989.
See: 21 N.J.R. 667(a), 21 N.J.R. 1517(a).

Provisions added to permit counties not operating their own facilities to participate in program through contracting with another county containing an approved program.

Case Notes

State agency action contravening statutes or regulations is per se arbitrary and capricious. *County of Monmouth v. Department of Corrections, State of N.J.*, 236 N.J.Super. 523, 566 A.2d 543 (A.D. 1989).

Confinement of juveniles in county detention center rather than state institution was without statutory authority and therefore arbitrary and capricious. *County of Monmouth v. Department of Corrections, State of N.J.*, 236 N.J.Super. 523, 566 A.2d 543 (A.D.1989).

SUBCHAPTER 3. ELIGIBILITY REQUIREMENTS**10:18-3.1 County eligibility**

Only those counties in which an approved juvenile detention facility is located and those counties that have a contract with another county that has an approved juvenile detention facility are eligible to participate in the Juvenile Detention Commitment Program.

Amended by R.1989 d.286, effective May 2, 1989.
See: 21 N.J.R. 667(a), 21 N.J.R. 1517(a).

Provisions added to permit counties not operating their own facilities to participate in program through contracting with another county containing an approved program.

10:18-3.2 Departmental eligibility

(a) Only those counties in which the population of the approved juvenile detention facility has consistently been less than the maximum population capacity established by the Department of Human Services are eligible to participate in the Juvenile Detention Commitment Program.

1. Counties deemed ineligible because of overpopulation may reapply to the Department every 90 days after receipt of the notice of ineligibility.

(b) Only those counties which have been consistently in substantial compliance with the Manual of Standards For Juvenile Detention Facilities (N.J.A.C. 10A:32), as determined by the Department of Human Services, are eligible to participate in the Juvenile Detention Commitment Program.

SUBCHAPTER 4. MANUAL OF STANDARDS FOR JUVENILE DETENTION FACILITIES

10:18-4.1 Adoption of standards

(a) All provisions of the Manual of Standards For Juvenile Detention Facilities, (N.J.A.C. 10A:32), except provisions specifically exempted in this chapter, or provisions in contradiction to the standards and regulations of the Manual of Standards For Juvenile Detention Commitment Programs, (N.J.A.C. 10:18) are hereby adopted by reference.

(b) All juvenile detention facilities must be in compliance with both the Manual of Standards For Juvenile Detention Facilities (N.J.A.C. 10A:32) and the Manual of Standards For Juvenile Detention Commitment Programs (N.J.A.C. 10:18) in order to be certified by the Department of Human Services to receive juvenile commitments.

SUBCHAPTER 5. POPULATION CAPACITY

10:18-5.1 Juvenile detention commitment program

(a) Pursuant to N.J.S.A. 2A:4A-43c(2), the Department of Human Services shall specify the capacity of the juvenile detention facility that may be made available to receive sentenced juveniles.

1. Based upon the county's past and present juvenile detention needs, as determined by such factors as the number of admissions, length of stay, daily population count, peak population figures, etc., the Department of Human Services, in collaboration with the county, shall specify the maximum number of juvenile commitments which may be housed in the facility.

2. Pursuant to N.J.S.A. 2A:4A-43c(2), the number of incarcerated juveniles shall not exceed 50 percent of the maximum population capacity of the facility.

10:18-5.2 Population statistics

Reports regarding population statistics, in such form and such frequency as shall be required by the Department of Human Services, shall be submitted to the Department of Human Services.

SUBCHAPTER 6. MONITORING, INSPECTION, AND EVALUATION

10:18-6.1 Population and capacity monitoring

Based upon juvenile detention needs, as determined by population statistics reports and periodic, on-site population monitoring visits, the Department of Human Services, in collaboration with the county, may reduce or increase the number of spaces for juvenile commitments certified to be housed at the facility.

10:18-6.2 Program inspection

(a) Based upon periodic inspection of the facility's physical plant and evaluation of the programmatic components, the Department of Human Services may modify or withdraw its certification of the facility for juvenile commitments.

(b) At all times representatives from the Department shall be permitted to observe and interview juveniles and staff of the facility concerning any matter pertaining to the health, safety, treatment, training, and general well-being of the juveniles or the operation detention commitment program.

(c) All books, records, accounts, and reports, past and present, regarding the operation of the juvenile detention commitment program, residents, and personnel shall be made available to the Department for review.

SUBCHAPTER 7. PROGRAM PROPOSAL

10:18-7.1 Program proposal submission

(a) Prior to certification of a facility to receive juvenile commitments, a program proposal shall be submitted to the Department of Human Services which shall include, but not necessarily be limited to, the following information:

1. Requested capacity of the juvenile detention commitment program;
2. Specific sleeping room accommodations and other planned physical plant features;
3. Specific program activities and services which are planned and how they will be provided;
4. Additional staffing required, if necessary;
5. Additional budget requirements, if necessary;
6. Impact on the pre-dispositional juvenile detention program and services; and
7. Additional problems contemplated and how they will be resolved.

SUBCHAPTER 8. ADMISSIONS

10:18-8.1 Eligibility for admission

Pursuant to N.J.S.A. 2A:4A-43c(3)(a), only juveniles adjudicated delinquent for an act which, if committed by an adult, would constitute a crime or repetitive disorderly persons offense are eligible for the juvenile detention commitment program. Thus, petty disorderly persons offenders and first time disorderly persons offenders are statutorily excluded from eligibility for the juvenile detention commitment program.

10:18-8.2 Maximum juvenile detention facility population capacity

No juvenile, on either a pre-dispositional or juvenile detention commitment status, shall be admitted to a detention facility which has reached its maximum approved capacity for the entire facility, as designated by the Department of Human Services.

10:18-8.3 Maximum Juvenile Detention Commitment Program population capacity

No adjudicated juvenile sentenced to a juvenile detention facility shall be admitted once the facility has reached its maximum approved capacity for the juvenile detention commitment program, as designated by the Department of Human Services, in collaboration with the county.

SUBCHAPTER 9. CLASSIFICATION**10:18-9.1 Evaluation**

Upon admission, each juvenile shall be evaluated and classified in regard to his or her sex, age, present offense, previous offenses, physical size, general personality characteristics and any other factors which could have an impact on the juvenile's adjustment to the facility and interaction with other residents.

10:18-9.2 Housing and group assignments

To the extent that the physical plant permits, juveniles shall be assigned to sleeping accommodations and program groups based upon the classification evaluation.

SUBCHAPTER 10. PROGRAM DESCRIPTION**10:18-10.1 Program plan and goals**

Each facility receiving juvenile commitments shall maintain a written program plan which describes the overall goals and philosophy of the program. This plan shall also specify the objectives, and shall delineate the programs, activities, policies, and methods to achieve the stated goals and objectives. In some cases, facilities may wish to make arrangements with various provider agencies in the community to provide for specific social, educational, therapeutic, or recreational services. In such situations, the facility shall maintain a copy of the agreement describing the specific services to be provided by the provider agencies and the frequency with which the services will be delivered.

SUBCHAPTER 11. PROGRAM REQUIREMENTS**10:18-11.1 Treatment plan**

(a) An initial written treatment plan, based on a thorough assessment of the juvenile's problems and needs, shall be developed by the facility's social worker, in conjunction with other appropriate detention center staff, within one week of commitment. The assessment shall utilize the information included in the pre-dispositional investigation report which is made available by the Family Court pursuant to the Rules of Court.

(b) The initial assessment shall include, when available, the following information:

1. The juvenile's past record of offenses and dispositions;
2. School attendance and special problems, if any;
3. Family history and problems;
4. Psychological profile;
5. Medical history and current health problems;
6. Vocational goals (when age appropriate) and;
7. Post-release plans and goals.

(c) Within two weeks of the initial written treatment plan, a revised treatment plan which shall include all the requirements of (b) above shall be completed.

(d) All professional and line staff having regular contact with the committed juvenile shall be advised of the provisions of the initial and revised treatment plans.

(e) Each juvenile's progress and the effectiveness of his or her treatment plan shall be reviewed at least once every two weeks and, when indicated, modifications shall be made in the treatment plan.

(f) The treatment plan shall specify how, when, and where each element of treatment will be provided to the juvenile.

(g) When appropriate, community resources shall be utilized in the development and implementation of the treatment plan.

(h) Participation of the resident and his or her parents should be encouraged whenever practical.

(i) The treatment plan shall be signed by both the resident and a staff representative.

10:18-11.2 Social services

(a) Juvenile detention facilities participating in the juvenile detention commitment program shall provide at least one full-time social worker or professional equivalent.

(b) In accordance with the maximum population capacity, as designated by the Department of Human Services, for both pre-dispositional juvenile detention and the juvenile detention commitment program, there shall be at least one full-time social worker employed for every 20 juveniles of the approved population capacity.

1. Part-time social workers may be employed when the maximum population capacity is greater than 20 and is not an even multiple of 20. For example, a facility approved for 30 juveniles would require at least one full-time and one part-time social worker.

(c) Aside from Civil Service qualifications for the title of Social Worker, the following qualifications are recommended:

1. A master's degree in social work, psychology, or counseling; and
2. At least one year of full-time professional experience in a residential facility serving troubled youth.

(d) Social services shall be provided to all juveniles in the juvenile detention commitment program. Services may be rendered on a direct or referral basis and shall include services such as casework and group work, as well as individual therapy provided in a clinical setting as required by each juvenile's treatment plan.

(e) Social services shall be structured to assist juveniles and their parents, to provide the individualized assistance needed for successful rehabilitation, and to prepare the juvenile for return to the community. Social worker duties shall include:

1. Participating in the evaluation and classification decision for each new admission to the facility as required by N.J.A.C. 10:18-9;
2. Developing and implementing each juvenile's initial and follow-up treatment plan as required by this subchapter;
3. Selecting and coordinating appropriate community resources;
4. Initiating and maintaining ongoing liaison with other agencies providing services to juveniles and their parents;
5. Conducting admissions interviews as soon after admission as is practical and maintaining regular, ongoing contact with each juvenile in the juvenile detention commitment program;

6. Assisting juveniles and their families in identifying and dealing with the problems which resulted in their commitment;

7. Maintaining regular and frequent contacts with juveniles and their parents to assist in maintaining family relations and planning for their future care;

8. Planning for each juvenile's discharge.

(f) Clinical therapy shall be available to juveniles requiring this type of treatment. The therapy may be provided by professional staff or consultants, or through arrangement with an appropriate resource such as a Community Mental Health Agency. Therapy should assist the juvenile in understanding his or her behavior and feelings, and should strengthen the juvenile's ability to function as a productive, self-reliant juvenile.

1. The need for clinical therapy shall be determined during the treatment planning and specified in the treatment plan. The specification shall include a detailed description of the types of methods and objectives of the therapy, and the frequency of its scheduling.

10:18-11.3 Medical services

(a) The facility shall provide a program of medical care for all juveniles in residence. The facility shall provide for medical emergencies on a 24-hour, seven day a week basis.

(b) Each juvenile committed to the juvenile detention commitment program shall receive a medical examination within 24 hours following admission. All medical examinations must be conducted by either a physician licensed to practice medicine in the State of New Jersey, or a registered nurse. When the initial examination is conducted by a registered nurse, the juvenile must receive a medical examination by a physician within 72 hours following admission.

(c) Psychiatric and psychological services shall be provided as required by individual treatment plans.

10:18-11.4 Education

(a) The facility shall provide an education program which provides for the cognitive and affective development needs of each juvenile and which is in compliance with all applicable rules, regulations and provisions of the New Jersey Public School Education Act of 1975 (N.J.S.A. 18A:1 et seq.), and all other appropriate New Jersey statutes, rules, and regulations.

(b) A concerted effort shall be made to initiate and maintain contact with local schools to minimize the disruption of each juvenile's public or private school program of education.

(c) A concerted effort shall be made to transfer academic credits earned in detention to the juveniles' public or private school.

(d) The education program shall be operated on a twelve-month basis. A modified educational program may be conducted during periods when public schools are not in session.

(e) Class population shall not exceed 15 students.

(f) Appropriate educational equipment and supplies necessary to carry out the education program shall be provided.

(g) Appropriate records on each juvenile's work and progress shall be maintained in an orderly manner.

10:18-11.5 Recreation

(a) The facility shall provide an appropriate range of indoor and outdoor recreational activities which are structured to meet the needs of juveniles of varying ages, interests, and abilities. Recreational activities should provide a balance of group play, competitive games, and quiet individual activity. Participation should be encouraged on the basis of individual treatment planning and interests. Recreational activities shall be scheduled throughout the week to provide a balance leisure time program.

(b) Recreational activities shall be scheduled a minimum of three hours each day, at least one hour of which provides the opportunity for active outdoor play throughout the year when the weather permits.

10:18-11.6 Discipline

(a) Each facility shall maintain a written behavior management program which is designed to foster a positive, non-punitive environment. The written program shall include behavioral-rules and disciplinary regulations and sanctions to be employed. Reasonable limits for behavior necessary to maintain order should be governed by a system of rules and regulations that is consistent and easily understood.

(b) Discipline shall be determined by staff and never delegated to juveniles.

(c) Corporal punishment and cruel, degrading punishment, either physical or psychological, shall not be permitted.

(d) Under no circumstances shall a juvenile be deprived of his or her basic rights as a means of a discipline. Basic rights for each juvenile include:

1. A place to sleep (for example, a bed, a pillow, blankets and sheets);
2. Full meals;
3. A full complement of clean clothes;
4. Parental and attorney visits;
5. Items necessary for personal hygiene (for example, toothpaste, toothbrush, soap, comb, etc.);
6. Minimum exercise;
7. Right to receive and send mail;
8. The opportunity for a daily shower and access to toilet and water fountain;
9. Clean and sanitary living conditions;
10. Medical care;
11. The opportunity to attend religious services and/or religious counseling of his or her choice.

10:18-11.7 Grievance procedure

(a) Each juvenile shall be assured access to a written grievance procedure that provides an opportunity for a fair hearing and resolution of complaints pertaining to his or her care in the facility. The written grievance procedure shall include:

1. The steps that must be taken to use the grievance procedure;
2. An opportunity for hearing any grievance within a reasonable time;
3. Provisions for the juvenile to be present and to explain his version of the grievance;
4. Provisions for assistance to the juvenile from a staff representative or volunteer approved by the superintendent;
5. No reprisal for utilizing the grievance procedure;
6. A written decision on all grievances which shall include a statement regarding the evidence upon which the decision was based; and,
7. A mechanism for appealing an adverse decision.