

CHAPTER 93**MANUAL OF STANDARDS FOR JUVENILE
DETENTION COMMITMENT PROGRAMS****Authority**

N.J.S.A. 2A:4A-43c; 18A:7B-5; 52:17B-170e(4), (9) and (15);
52:17B-171a(5); and 52:17B-176a(1), (6), (7) and (9) et seq.

Source and Effective Date

R.2005 d.9, effective December 3, 2004.
See: 36 N.J.R. 2162(a), 37 N.J.R. 84(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 93, Manual of Standards for Juvenile Detention Commitment Programs, expires on June 1, 2010. See: 42 N.J.R. 48(a).

Chapter Historical Note

Chapter 93, Manual of Standards for Juvenile Detention Commitment Programs, was originally codified in Title 10A as Chapter 33, Manual of Standards for Juvenile Detention Commitment Programs. Chapter 33 was adopted as R.1984 d.299, 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, Manual of Standards for Juvenile Detention Commitment Programs, 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 Executive Order No. 66(1978), Chapter 33 expired on May 2, 1994.

Chapter 33, Manual of Standards for Juvenile Detention Commitment Programs, was adopted as new rules and recodified as N.J.A.C. 10:18 by R.1994 d.392, effective July 18, 1994. See: 25 N.J.R. 5749(a), 26 N.J.R. 2902(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Manual of Standards for Juvenile Detention Commitment Programs, was readopted and recodified as N.J.A.C. 13:93 by R.1999 d.248, effective July 9, 1999. See: 31 N.J.R. 1462(a), 31 N.J.R. 2226(a).

Chapter 93, Manual of Standards for Juvenile Detention Commitment Programs, was readopted as R.2005 d.9, effective December 3, 2004. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. INTRODUCTION**13:93-1.1 Purpose**

In accordance with the New Jersey Code of Juvenile Justice (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. Since the Code of Juvenile Justice specifically requires that the New Jersey Juvenile Justice Commission certify all juvenile detention facilities which may be utilized for this dispositional alternative, the Commission has promulgated the minimum standards which must be met by those facilities receiving adjudicated delinquents under the Code of Juvenile Justice. The standards in this chapter are in addition to the Manual of Standards for Juvenile Detention Facilities located at N.J.A.C. 13:92.

Amended by R.1999 d.248, effective August 2, 1999.
See: 31 N.J.R. 1462(a), 31 N.J.R. 2226(a).

Rewrote the section.
Amended by R.2000 d. 497, effective December 18, 2000.
See: 32 N.J.R. 2977(a), 32 N.J.R. 4458(a).

Changed N.J.A.C. reference.

13:93-1.2 Scope

This chapter shall apply to all counties in the State of New Jersey who choose to operate a juvenile detention commitment program.

New Rule, R.1999 d.248, effective August 2, 1999.
See: 31 N.J.R. 1462(a), 31 N.J.R. 2226(a).

13:93-1.3 Definitions

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

“Commission” means the New Jersey Juvenile Justice Commission.

“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. But, the commission of: an act which constitutes a violation of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile of any age; an act relating to the ownership or operation of a motorized bicycle which constitutes a violation of chapter 3 or 4 of Title 39 of the Revised Statutes by a juvenile of any age; an act which constitutes a violation of article 3 or 6 of chapter 4 of Title 39 of the Revised Statutes pertaining to pedestrians and bicycles, by a juvenile of any age; the commission of an act which constitutes a violation of P.L. 1981, c.318 (N.J.S.A. 26:3D-1 et seq.), P.L. 1981, c.319 (N.J.S.A. 26:3D-7 et seq.), P.L. 1981, c.320 (N.J.S.A. 26:3D-15 et seq.), P.L. 1985, c.185 (N.J.S.A. 26:3E-7 et seq.), P.L. 1985, c.186 (N.J.S.A. 26:3D-32 et seq.), N.J.S.A. 2C:33-13, P.L. 1985, c.318 (N.J.S.A. 26:3D-38 et seq.), P.L. 1985, c.381 (N.J.S.A. 26:3D-46 et seq.), or of any amendment or supplement thereof, by a juvenile of any age; an act which constitutes a violation of chapter 7 of Title 12 of the Revised Statutes relating to the regulation and registration of power vessels, by a juvenile of any age or section 2 of P.L. 1987, c.453 (N.J.S.A. 12:7-61); or an act which constitutes a violation of a municipal ordinance enacted pursuant to section 2 of P.L. 1992, c.132 (N.J.S.A. 40:48-2.52) pertaining to curfew ordinances shall not constitute delinquency as defined in this section.

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

“Juvenile” means an individual who is under the age of 18 years (N.J.S.A. 2A:4A-22a). For purposes of this chapter, juvenile also includes any individual who is properly detained under the law in a juvenile detention facility and has reached the age of 18 years.

“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).

Amended by R.1999 d.248, effective August 2, 1999.
See: 31 N.J.R. 1462(a), 31 N.J.R. 2226(a).

Inserted “Commission”; rewrote “Delinquency”; and deleted “Department”.

Amended by R.2000 d.497, effective December 18, 2000.
See: 32 N.J.R. 2977(a), 32 N.J.R. 4458(a).

In “Juvenile”, added second sentence.

SUBCHAPTER 2. LEGAL PROVISIONS**13:93-2.1 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.

13:93-2.2 Legal authority of Commission

(a) N.J.S.A. 2A:4A-43(c)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 that subsection by the Juvenile Justice Commission, the court may, in addition to any of the available dispositions set forth at N.J.S.A. 2A:4A-43, incarcerate the juvenile in a juvenile detention facility for a term not to exceed 60 consecutive days. N.J.S.A. 2A:4A-43c(1) further provides that the Juvenile Justice Commission 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 that 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 an agreement with the Juvenile Justice Commission concerning the use of the facility for sentenced juveniles. That statute further provides that upon agreement with the county, the Juvenile Justice Commission shall certify detention facilities which may receive juveniles sentenced pursuant to N.J.S.A. 2A:4A-43c 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 N.J.S.A. 2A:4A-43c exceed 50 percent of the maximum capacity of the facility.

Amended by R.1999 d.248, effective August 2, 1999.
See: 31 N.J.R. 1462(a), 31 N.J.R. 2226(a).

Rewrote the section.