

**CHAPTER 90**

**JUVENILE JUSTICE COMMISSION**

**Authority**

N.J.S.A. 52:17B-169, 52:17B-170, 52:17B-171, 52:17B-176, 52:17B-179 and 52:17B-180.

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R.2008 d.152, effective May 15, 2008.  
See: 40 N.J.R. 95(a), 40 N.J.R. 3746(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 90, Juvenile Justice Commission, expires on May 15, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 90, Juvenile Justice Commission, was adopted as R.1997 d.233, effective July 21, 1997. See: 29 N.J.R. 317(a), 29 N.J.R. 3261(b).

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Subchapter 4, Juvenile Population in Detention, was repealed by R.2000 d.185, effective May 1, 2000.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. 1623(a).

Chapter 90, Juvenile Justice Commission, was readopted as R.2002 d.405, effective November 19, 2002. See: 34 N.J.R. 2954(a), 34 N.J.R. 4471(a).

Chapter 90, Juvenile Justice Commission, was readopted as R.2008 d.152, effective May 15, 2008. See: Source and Effective Date. See, also, section annotations.

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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. 52:17B-170 and such other powers as may be prescribed in other laws.

Amended by R.2002 d.405, effective December 16, 2002.  
See: 34 N.J.R. 2954(a), 34 N.J.R. 4471(a).  
In (c), amended the N.J.S.A. reference.

**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 Children and Families 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.

Amended by R.2008 d.152, effective June 16, 2008.  
See: 40 N.J.R. 95(a), 40 N.J.R. 3746(a).

In (a), substituted "Children and Families" for "Human Services".

### 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;
4. State Juvenile Justice Master Plan; and
5. Actions to be taken to ensure the programs, services and sanctions for juvenile offenders are striving to provide

balanced attention to the protection of the community, imposing accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and developing competencies in the juveniles to enable them to become responsible and productive members of the community.

(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.

Amended by R.2002 d.405, effective December 16, 2002.  
See: 34 N.J.R. 2954(a), 34 N.J.R. 4471(a).  
In (b), added 5.

### 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 designating 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.

Amended by R.2002 d.405, effective December 16, 2002.  
See: 34 N.J.R. 2954(a), 34 N.J.R. 4471(a).  
In (b)1, substituted "designating" for "designate".

### 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.

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 implementation 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 triennially and obtain Commission approval of a comprehensive plan of sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs, which promotes the goals of the Partnership Program and which satisfies all additional requirements set forth in N.J.S.A. 52:17B-180a(2). The plan shall account for the multiple funding streams, State and Federal, administered by the Commission and allocated to counties for juvenile justice purposes.

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

Amended by R.2002 d.405, effective December 16, 2002.

See: 34 N.J.R. 2954(a), 34 N.J.R. 4471(a).

In (d), substituted “promotes” for “promote” and added the second sentence.

Amended by R.2008 d.152, effective June 16, 2008.

See: 40 N.J.R. 95(a), 40 N.J.R. 3746(a).

In (d), substituted “triennially” for “biennially”.

**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 commission shall be composed of members who have knowledge relevant to the county’s population involved in, or at risk of involvement in the juvenile justice system. 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, or a Superior Court Family Part Judge who hears delinquency matters in the county, as his or her designee;
2. The Vicinage Family Division Manager or the Assistant Family Division Manager for the county;
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 Children and Families;
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 (b) above may appoint designees to sit on the commission in their absence, except as provided in (b)1 above, 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 shall be 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 shall include as an ex-officio member, a Juvenile Justice Commission Court Liaison and may also include as ex-officio members regional representatives of the Department of Children and Families, 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), (c) and (d) 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.

Amended by R.2002 d.405, effective December 16, 2002.

See: 34 N.J.R. 2954(a), 34 N.J.R. 4471(a).

Rewrote (b), (c) and (e); in (f), substituted "(b), (c) and (d)" for "(b) and (c)".

Amended by R.2008 d.152, effective June 16, 2008.

See: 40 N.J.R. 95(a), 40 N.J.R. 3746(a).

In (b)7 and (e), substituted "Children and Families" for "Human Services".

### 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 Chair of the commission shall be determined by the membership of the commission in accordance with commission bylaws.

(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 a continuum 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.

Amended by R.2002 d.405, effective December 16, 2002.

See: 34 N.J.R. 2954(a), 34 N.J.R. 4471(a).

Rewrote (a); in (b)2, inserted "a continuum of" preceding "sanctions".

### 13:90-2.7 Meetings

(a) Each commission shall meet no less frequently than nine times annually and at such other times as designated by the chair. Meetings shall be held at such times and in such locations as to encourage maximum public attendance.