

**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).

**Executive Order No. 66(1978) Expiration Date**

Chapter 90, Juvenile Justice Commission, expires on July 21, 2002, except N.J.A.C. 13:90-4.2 which expires on May 12, 2000.

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**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.

## 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.

**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. JUVENILE POPULATION IN DETENTION**

**Authority**

N.J.S.A. 52:17B-169, 52:17B-170(a), 52:17B-170(e), 52:17B-170(e)(22), 52:17B-176(a)(3) and 52:17B-177.

**Source and Effective Date**

R.1998 d.206, effective April 3, 1998.  
See: 30 N.J.R. 871(a), 30 N.J.R. 1619(c).

**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: Source and Effective Date.

**13:90-4.1 Purpose**

This subchapter sets forth rules relating to juveniles in county detention facilities.

**13:90-4.2 Removal of juveniles from detention facilities**

(a) Consistent with the purpose set forth by the Legislature in the juvenile justice reform legislation to reduce overcrowding at all State and county juvenile facilities, a juvenile who receives a State sentence of incarceration shall be transported to the juvenile intake unit at the New Jersey Training School for Boys no later than 45 days after the Juvenile Justice Commission receives notification, in the form of a signed commitment order and a presentence or predisposition report, from the county where the juvenile has been sentenced. Subject to the availability of appropriations, the Commission also shall provide a Commission-determined per diem rate to the counties for State-committed juveniles held in the county detention centers from the 16th day after receipt by the Commission of the signed commitment order and presentence or predisposition report for each State-sentenced juvenile. The per diem rate shall be established by the Commission from time to time. The 45 days shall be exclusive of the date on which the Commission receives the appropriate and necessary documentation.

(b) The county official who is responsible for transporting the juvenile shall contact the Juvenile Justice Commission to ascertain the date on which such transfer may be effected.