

(b) Juveniles shall be permitted to have telephone contact, as needed, with professionals such as:

1. Attorneys;
2. Probation officers; and
3. Case workers.

Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

Amended by R.2005 d.372, effective November 7, 2005.
See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Rewrote (a).

SUBCHAPTER 10. STAFF; GENERAL REQUIREMENTS

13:92-10.1 Personnel policies

(a) The detention facility shall maintain written personnel policies which shall be reviewed at least annually by the administrator and revised as needed.

(b) For each job title used in the facility, the personnel policies shall, at a minimum, include:

1. A description of duties;
2. Salary ranges;
3. Standards for performance and evaluation;
4. Time and leave rules, including hours of work, overtime, vacation, sick leave, other leave time; and
5. All mandatory and optional employee health, insurance, retirement and other benefits.

(c) Personnel policies shall be available to all employees, and a current copy provided to any employee upon request.

Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-10.2 Selection of personnel

(a) All personnel in direct contact with juveniles should be carefully selected with regard to emotional maturity, ability to work with youth in an institutional setting, and special training and skills required for the position.

(b) All applicants shall make a full disclosure of their background, experience and previous employment, education and convictions of criminal offenses.

(c) A confidential record shall be maintained in the applicant's personnel file of the criminal history investigation conducted for that applicant.

Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Added (c).

13:92-10.3 Personnel qualifications

(a) Each staff member shall meet the minimum qualifications for his or her position as established by the New Jersey Department of Personnel.

(b) Any employee, or contracted service worker, required by the State of New Jersey to have a certification or license to perform his or her duties shall have a copy of said certification or license in his or her personnel file.

(c) Proof of periodic renewal of certifications or licenses shall be maintained in the employee's personnel file. This requirement shall apply to, but not be limited to:

1. Teachers;
2. Nurses;
3. Physicians (medical, dental, mental health);
4. Dietitians; and
5. Barbers/beauticians.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-10.4 Personnel files

(a) A current, accurate and confidential personnel file shall be maintained for each employee and contain:

1. The employee's application;
2. References;
3. New Jersey Department of Personnel (civil service) examination results;
4. Any criminal history investigation results;
5. Dates, terms and conditions of employment;
6. Medical information;
7. Requisite training records;
8. Performance evaluations;
9. Commendations and/or disciplinary actions;
10. Reason for termination of employment; and
11. Other personnel information determined appropriate by the facility in accordance with local, State, Federal or contractual requirements.

(b) Personnel records shall be retained for at least the minimum period required by the Records Retention and Disposition Schedule promulgated by the New Jersey Department of State, Division of Archives and Records Management, N.J.A.C. 15:3.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-10.5 Health

(a) All employees in direct contact with juveniles or whose duties require food handling shall have a medical examination prior to employment and annually thereafter. A medical statement from a licensed physician, certifying the employee is in good health, shall be maintained in the employee's personnel file.

(b) An annual Mantoux tuberculin skin test shall be required for all employees in direct contact with juveniles and the results of the test maintained in the employee's personnel file.

(c) Food service staff shall be required to provide a medical statement from a licensed physician stating that the staff member is free of communicable diseases prior to employment and at least annually thereafter. The medical statement shall be maintained in the employee's personnel file.

(d) Each facility shall comply with the applicable provisions of 29 C.F.R. § 1910.1030, the United States Occupational Safety and Health Administration's standards on bloodborne pathogens.

Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).
Rewrote the section.

13:92-10.6 Staff coverage

(a) Sufficient staff shall be available to provide continuous 24-hour-per-day supervision of the juveniles and protection of the facility.

(b) There shall be a designated staff person on-site in charge of the facility at all times.

(c) There shall be a female child care worker on duty whenever a female resident is in the facility.

(d) Periodically, during sleeping hours, and whenever juveniles are in their sleeping rooms or any holding room, they shall be visually checked at least every 15 minutes. Each check shall be documented in a record created for this purpose.

(e) At no time shall there be fewer than two child care workers on active duty when a juvenile is in care at the facility.

(f) Staff shall be assigned within the facility to ensure that appropriate coverage is maintained in accordance with adequate security and safety practice.

(g) The ratio of child care workers on duty to juveniles during waking hours shall be at least one worker to eight juveniles; during sleeping hours at least one worker to 16 juveniles.

1. These ratios shall only include child care workers who, by virtue of their deployment throughout the facility, directly supervise juveniles.

(h) Child care workers responsible for the supervision of juveniles, and included in meeting staff-to-juvenile ratios, shall not have other responsibilities assigned to them at that time, such as transportation, control room duties, or other duties.

(i) Auxiliary staff members including, but not limited to clerical, food service, maintenance, educational and medical personnel, as well as child care workers and administrative staff who are not responsible for the direct and continuous supervision of juveniles, shall not be included in meeting the staff-to-juvenile ratios set forth in this chapter.

(j) Staff-to-juvenile ratios shall be increased when the special needs of the juveniles cannot be met or their health, safety and welfare cannot be guaranteed by the staff-to-juvenile ratios set forth in this chapter.

Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

Amended by R.2005 d.372, effective November 7, 2005.
See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Rewrote (d); added new (g); recodified former (g)-(i) as (h)-(j).

Amended by R.2011 d.092, effective March 21, 2011.

See: 42 N.J.R. 2588(a), 43 N.J.R. 735(a).

In the introductory paragraph of (g), deleted "on duty" following "workers"; and added (g)1.

13:92-10.7 Staff development

(a) The detention facility shall provide for pre-service orientation/ training, in-service training, and the opportunity for staff to attend academic training conferences, professional conferences, and workshops.

(b) New employees shall have a minimum of 24 hours of pre-service training before being given responsibility for supervising juveniles.

(c) Pre-service orientation/training programs shall be conducted by personnel with experience in adolescent development and related juvenile detention issues and shall include:

1. Training in the practical routines of the job;
2. Training in communication and interpersonal skills relevant to interacting with juveniles and other staff;
3. Development of special skills and methods for handling disruptive behavior, security and emergency procedures;
4. Training regarding the philosophy and procedures of the detention facility, and staff roles and responsibilities;
5. Training regarding the juvenile justice process, including juvenile court philosophy and procedures; and

6. Training in the use of physical and mechanical restraints.

(d) In-service training programs shall cover at a minimum all of the areas in (c)1 through 6 above, with an emphasis on advanced knowledge and skills.

(e) Annual in-service training in the administration of medication and the documentation thereof shall be provided to all medication assistance staff. The training shall include methods for evaluating minimal competencies in those areas.

(f) Every custody staff member shall receive a minimum training time of 24 hours per year to attend professional institutes, workshops, conferences and formal in-service training programs at the detention facility. This shall include, but not be limited to, maintaining certification in Cardiopulmonary Resuscitation (CPR) and First Aid.

(g) All training shall be fully documented. This documentation shall include type of training, date and number of hours.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

Amended by R.2005 d.372, effective November 7, 2005.

See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

In (c)3, deleted "ensuring" and substituted "emergency procedures" for "addressing emergencies"; in (f), added "This shall include, but not be limited to, maintaining certification in Cardiopulmonary Resuscitation (CPR) and First Aid."

Amended by R.2011 d.092, effective March 21, 2011.

See: 42 N.J.R. 2588(a), 43 N.J.R. 735(a).

In (f), substituted "Every custody staff member shall receive a minimum" for "There shall be budgeted", and deleted "for each staff member" following "per year" and a comma following "conferences"; and added (g).

13:92-10.8 Volunteers

(a) Volunteers utilized in detention shall be carefully selected and shall not be substitutes for essential operating staff.

(b) Provision shall be made for adequate orientation, training, and supervision of all volunteers.

(c) A criminal history investigation shall be conducted for every volunteer.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Added (c).

1. Be responsible for the development, implementation and updating of general policies, and the efficient operation and overall supervision of the detention facility;

2. Prepare the annual budget, supervise expenditure of funds, and maintain accurate financial records;

3. Recruit, appoint, evaluate, discipline, and terminate staff consistent with applicable State and Federal laws and established personnel policies;

4. Conduct regular staff meetings regarding policies, procedures, problem resolution, program planning, staff attitudes, and ongoing in-service training;

5. Be responsible for the organization and maintenance of a program for the orientation and continued training of all staff;

6. Make provision for continuity of administrative authority in his or her own absence; and

7. Ensure that all aspects of this chapter are met and the facility's policies and procedures reflect the requirements set forth by the rules.

(b) The administrator shall meet the minimum qualifications required by the New Jersey Department of Personnel for this position.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-11.2 Child care workers

(a) Child care workers shall plan, supervise, and participate in all of the juvenile's activities in daily living, including work and recreation.

(b) The child care worker shall meet the minimum qualifications required by the New Jersey Department of Personnel for the position.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote (c).

Amended by R.2005 d.372, effective November 7, 2005.

See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Deleted former (a); recodified former (b)-(c) as (a)-(b).

13:92-11.3 Social service worker

(a) At least one full-time social service worker, sometimes called a counselor or group worker, shall be employed in each detention facility.

(b) There shall be a minimum of one full time social service worker employed for every 20 juveniles in the detention facility.

SUBCHAPTER 11. STAFF; RESPONSIBILITIES

13:92-11.1 Administrator

(a) Each detention facility shall employ an administrator who shall:

(c) Social service workers responsible for meeting the social service needs of the juveniles, and included in meeting the social service worker-to-juvenile ratio, shall not have other responsibilities assigned to them, such as court liaison, administrative responsibilities, or other duties.

(d) The social service worker shall be responsible for implementing the social services program provided for in N.J.A.C. 13:92-9.4.

(e) The social service worker shall meet the minimum qualifications required by the New Jersey Department of Personnel for this position.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

In (a), deleted "with an average daily population of fifteen or more juveniles" at the end; in (c), changed N.J.A.C. reference; and rewrote (d).

Amended by R.2005 d.372, effective November 7, 2005.

See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

In (b), added "service" following "social"; added new (c); recodified former (c)-(d) as (d)-(e).

13:92-11.4 Teacher

(a) Each detention facility shall provide at least one full-time certified teacher.

(b) The teacher shall be responsible for implementing the education program provided for in N.J.A.C. 13:92-9.3, Education.

(c) Teachers shall meet the following minimum qualification:

1. Possession of a valid New Jersey teaching certificate appropriate to their assignment.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-11.5 Physician and related personnel

(a) Each detention facility shall have a physician, licensed by the State of New Jersey, with responsibility for medical care services pursuant to a written agreement, contract or job description.

(b) The facility's physician shall meet with the detention facility administrator and nursing administrator at least every six months to:

1. Review medical policies and procedures and the provision of medical services; and
2. Recommend any changes indicated or required.

(c) The facility's physician shall periodically ensure that only those persons qualified by New Jersey State licensure,

registration, certification, or requisite training are designated as qualified health care personnel or as medication assistance staff workers, in accordance with this chapter.

(d) Each detention facility may utilize qualified health care personnel, other than physicians, designated by the facility's physician, for medical and related services in accordance with State law and this chapter. Qualified health care personnel include:

1. Dentists;
2. Registered professional nurses;
3. Advanced practice nurses;
4. Physician assistants licensed and authorized by law;
5. Licensed practical nurses;
6. Psychologists;
7. Licensed clinical social workers; and
8. Clinical mental health counselors.

(e) Each detention facility may utilize other qualified health care personnel designated by the facility's physician for medical and related services as permitted under State law and this chapter.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-11.6 Clerical staff

The detention facility shall have clerical staff to keep correspondence, records, accounts, and files current and in good order.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Deleted "adequate" following "shall have".

13:92-11.7 Food service staff

(a) A qualified cook or dietitian shall direct and be responsible for the total food service operation.

(b) For facilities which prepare meals in-house, there shall be cooks and food service staff to prepare and serve meals for all juveniles.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote (b).

13:92-11.8 Maintenance and housekeeping staff

The detention facility shall employ, or otherwise make available on a daily basis, staff who are responsible for the maintenance of buildings and grounds, housekeeping, and laundry services.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Substituted “on a daily basis, staff who are” for “persons in sufficient number to be” following “available”.

SUBCHAPTER 12. CONFIDENTIALITY OF
INFORMATION

13:92-12.1 Confidential records and information

(a) To the extent that the documents required to be made, kept or maintained by this chapter are not otherwise deemed by law to be confidential, those documents shall be confidential and shall not be subject to public inspection or copying pursuant to the “Open Public Records Act,” N.J.S.A. 47:1A-1 et seq.

(b) A written policy and procedure shall be established in each juvenile detention facility to ensure compliance with all applicable laws and regulations governing the confidentiality

of all records and reports, including access, copying, sharing, retention and destruction of records and reports. Records and reports shall include, but not be limited to, those of a medical, educational, judicial or law enforcement nature.

(c) For confidentiality required in connection with any statement made by a juvenile in the course of a suicide or mental health screening, conducted with or without the juvenile’s consent or reports or records produced pursuant to such suicide or mental health screening, see N.J.A.C. 13:92-5.3(a)14iv.

Amended by R.2005 d.372, effective November 7, 2005.
See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

In (a), substituted “Open Public Records Act,” for “Right to Know Law.”

Amended by R.2011 d.092, effective March 21, 2011.
See: 42 N.J.R. 2588(a), 43 N.J.R. 735(a).

Added (c).

APPENDIX A

NEW JERSEY JUVENILE JUSTICE COMMISSION

COMPLIANCE MONITORING UNIT

INCIDENT REPORT

Facility Name: _____ Date: _____
 Person Completing Form: _____ Phone: _____
 Type of Incident (*fire, escape, attempted suicide, etc.*): _____
 Date and Time of Incident: _____
 Outside Agencies Involved (*police, fire dept., health dept., etc.*): _____

DETAILED DESCRIPTION OF INCIDENT: (attach copies of all internal incident reports; copies of outside agency reports when involved; provide names of all individuals involved, including victims, alleged perpetrators, witnesses, etc. *Use additional pages if necessary.*)

ADMINISTRATIVE ACTION TAKEN (e.g., hearings scheduled/held; policies or procedures modified; staff disciplined or terminated, etc.)

**This form is to be utilized to report incidents such as deaths, all suicide attempts by hanging and all other suicide attempts which require immediate/emergency medical attention. This form should also be used to report escapes, alleged sexual assaults by juveniles or staff, fires, outbreaks of contagious disease, group disturbances involving four or more juveniles, or any other incidents which result in injury to juveniles or staff requiring medical attention outside of the facility, or substantial damage to the facility. Deaths, suicide attempts, fires, escapes and serious injuries must be reported as soon as practicable, but no later than within 24 hours of the occurrence. All other incidents must be reported within three working days of occurrence.*

New Jersey Juvenile Justice Commission
 Compliance Monitoring Unit
 PO Box 107
 Trenton, New Jersey 08625-0107
 phone: (609) 292-1400
 fax: (609) 292-4620

New Rule, R.2000 d.189, effective May 1, 2000.
 See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).
 Amended by R.2005 d.372, effective November 7, 2005.
 See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).
 Rewrote footnote and changed telephone and fax numbers for the Compliance Monitoring Unit.