

**CHAPTER 17
SOCIAL SERVICES**

Authority

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-123.47(c), 37:1-13 and 37:1-17 and *Judith Vaquez v. Department of Corrections*, Superior Court of New Jersey, Appellate Division, Docket No. A-1498-00T5 February 14, 2002).

Source and Effective Date

R.2003 d.403, effective September 17, 2003.
See: 35 N.J.R. 2780(b), 35 N.J.R. 4894(b).

Chapter Expiration Date

Chapter 17, Social Services, expires on September 17, 2008.

Chapter Historical Note

Chapter 17, Social Services, became effective with Subchapter 9, Referral of Handicapped Children for Adult Educational Services, as R.1986 d.480, effective December 15, 1986. See: 18 N.J.R. 2102(a), 18 N.J.R. 2457(b).

Subchapter 2, Volunteer Service Program, Subchapter 5, Religion, and Subchapter 6, Institutional Chaplaincy, were adopted as R.1988 d.241, effective June 6, 1988. See: 20 N.J.R. 167(a), 20 N.J.R. 1224(b).

Subchapter 8, Recreation and Leisure Time Activities, was adopted as R.1989 d.470, effective September 5, 1989. See: 21 N.J.R. 665(a), 21 N.J.R. 2793(a).

Subchapter 3, Volunteers in Parole Program (V.I.P.P.), was adopted as R.1990 d.488, effective October 1, 1990 (operative October 15, 1990). See: 22 N.J.R. 1981(a), 22 N.J.R. 3149(b).

Pursuant to Executive Order No. 66(1978), Chapter 17, Social Services, expired on December 15, 1991 and was adopted as new rules by R.1992 d.49, effective February 3, 1992. See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Subchapter 7, Inmate Marriage, was adopted as R.1992 d.55, effective February 3, 1992. See: 23 N.J.R. 3422(a), 24 N.J.R. 469(a).

Pursuant to Executive Order No. 66(1978), Chapter 17, Social Services, expired on February 3, 1997.

Chapter 17, Social Services, was adopted as new rules by R.1998 d.367, effective July 20, 1998. See: 30 N.J.R. 1720(c), 30 N.J.R. 2619(b).

N.J.A.C. 10A:17-3.3 through 3.16 were recodified as 10A:72-9.1 through 9.14 by administrative change. See: 34 N.J.R. 1918(a).

Chapter 17, Social Services, was readopted as R.2003 d.403, effective September 17, 2003. See: Source and Effective Date. See, also, section annotations. As a part of R.2003 d.403, Subchapter 3, Volunteers in Parole Program (V.I.P.P.), was repealed, effective October 20, 2003.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10A:17-1.1 Purpose
- 10A:17-1.2 Scope
- 10A:17-1.3 Definitions
- 10A:17-1.4 Forms

SUBCHAPTER 2. VOLUNTEER SERVICE PROGRAM

- 10A:17-2.1 Supervisor of Volunteers
- 10A:17-2.2 Recruiting volunteers
- 10A:17-2.3 Eligibility for Volunteer Service Program
- 10A:17-2.4 Volunteer application
- 10A:17-2.5 Screening process
- 10A:17-2.6 Volunteer Handbook
- 10A:17-2.7 Orientation and training of volunteers
- 10A:17-2.8 Volunteer assignments
- 10A:17-2.9 Scheduling
- 10A:17-2.10 Volunteer photo identification cards and index data files
- 10A:17-2.11 Correctional facility access
- 10A:17-2.12 Supervision of volunteers
- 10A:17-2.13 Performance evaluation
- 10A:17-2.14 Volunteer service recognition
- 10A:17-2.15 Curtailing, suspending or discontinuing the services of a volunteer
- 10A:17-2.16 Inmate violation of Volunteer Service Program rules
- 10A:17-2.17 Volunteer Service Program in residential community programs
- 10A:17-2.18 (Reserved)
- 10A:17-2.19 Records
- 10A:17-2.20 Reporting responsibilities
- 10A:17-2.21 Internal management procedures and post orders

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. SOCIAL WORK AND SERVICES

- 10A:17-4.1 Responsibilities of the Social Work Advisory Committee
- 10A:17-4.2 Composition of the Social Work Advisory Committee
- 10A:17-4.3 Provision of social services
- 10A:17-4.4 Caseload and staffing
- 10A:17-4.5 Staff training
- 10A:17-4.6 Social work manual
- 10A:17-4.7 Reports
- 10A:17-4.8 Records of information

SUBCHAPTER 5. RELIGION

- 10A:17-5.1 Freedom of religious affiliation and voluntary worship
- 10A:17-5.2 Religious proselytizing inmate
- 10A:17-5.3 Inmate attendance at community religious activities
- 10A:17-5.4 Physical facilities and equipment
- 10A:17-5.5 Inmate orientation
- 10A:17-5.6 Scheduling of religious activity
- 10A:17-5.7 Restrictions on congregate religious services
- 10A:17-5.8 Control of religious ritualistic elements
- 10A:17-5.9 Religious diets
- 10A:17-5.10 Request for placement on and removal from the religious vegetarian diet list
- 10A:17-5.11 Religious holidays
- 10A:17-5.12 Receiving and sending religious material
- 10A:17-5.13 Interfaith religious activity within the correctional facility
- 10A:17-5.14 Community volunteers for religious activities
- 10A:17-5.15 Chaplaincy services for inmates confined to the infirmary, hospital or Close Custody Units
- 10A:17-5.16 Chaplaincy services for inmates in satellite units
- 10A:17-5.17 Nontraditional religions
- 10A:17-5.18 Initiating religious groups within the correctional facility/unit
- 10A:17-5.19 Ministerial services to the staff
- 10A:17-5.20 Clergy from the community
- 10A:17-5.21 Files and records
- 10A:17-5.22 Reports

SUBCHAPTER 6 CORRECTIONAL FACILITY/UNIT CHAPLAINCY

- 10A:17-6.1 Coordinator, Chaplaincy Services
- 10A:17-6.2 Consultation with the Coordinator, Chaplaincy Services
- 10A:17-6.3 Coordination and supervision of religious activities

- 10A:17-6.4 Correctional facility Chaplains
 10A:17-6.5 Recruiting chaplains
 10A:17-6.6 Chaplaincy Consulting Committee
 10A:17-6.7 Selecting chaplains
 10A:17-6.8 Reports
 10A:17-6.9 Files and records of the Coordinator, Chaplaincy Services

SUBCHAPTER 7. INMATE MARRIAGE

- 10A:17-7.1 Procedure for submitting a request to marry
 10A:17-7.2 Decision on requests to marry
 10A:17-7.3 Committee considerations
 10A:17-7.4 Notification of decision
 10A:17-7.5 Social Services Department
 10A:17-7.6 Correctional facility chaplain
 10A:17-7.7 Marriage ceremony
 10A:17-7.8 Reception activities and consummation of the marriage
 10A:17-7.9 Fees and costs
 10A:17-7.10 Inmate name change due to marriage

SUBCHAPTER 8. RECREATION AND LEISURE TIME ACTIVITIES

- 10A:17-8.1 Staff assigned to Recreation and Leisure Time Activities Program
 10A:17-8.2 Inmate recreation aides or paraprofessionals
 10A:17-8.3 Physical facilities utilized by the Recreation and Leisure Time Activities Program
 10A:17-8.4 Recreational equipment
 10A:17-8.5 Recreation and leisure time needs assessment
 10A:17-8.6 Scheduling active and quiet recreation
 10A:17-8.7 Instruction in athletic and other recreation skills
 10A:17-8.8 Showers
 10A:17-8.9 Arts and crafts programs
 10A:17-8.10 Music
 10A:17-8.11 Publications
 10A:17-8.12 Films
 10A:17-8.13 Clubs and special interest groups
 10A:17-8.14 Entertainment within correctional facilities
 10A:17-8.15 Community entertainment
 10A:17-8.16 Staff reference area on recreation
 10A:17-8.17 Budget requests
 10A:17-8.18 Report of major recreation and leisure time activities
 10A:17-8.19 Written internal management procedures

SUBCHAPTER 9. REFERRAL OF HANDICAPPED CHILDREN FOR ADULT EDUCATIONAL SERVICES

- 10A:17-9.1 Definitions
 10A:17-9.2 Referral process

7. The referral of handicapped children for adult educational services.

10A:17-1.2 Scope

This chapter shall be applicable to State correctional facilities and State sentenced inmates under the jurisdiction of the Department of Corrections.

10A:17-1.3 Definitions

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

“Supervisor of Volunteers” means a staff member, within a correctional facility, who is responsible for coordinating and supervising the Volunteer Service Program of the correctional facility and its satellite unit(s).

“Volunteer” means a person who provides services which supplement the functions and activities of employees of the New Jersey Department of Corrections without receiving monetary remuneration or material gain.

10A:17-1.4 Forms

(a) The following forms related to social services shall be reproduced by each correctional facility from originals that are available by contacting the Administrative Rules Unit, New Jersey Department of Corrections:

1. 370—I Religious Vegetarian Diet;
2. 380—I Marriage Request Form; and
3. 450—I Volunteer Application.

Administrative change.

See: 32 N.J.R. 303(a).

Administrative change.

See: 35 N.J.R. 1137(a).

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), added a new 2 and recodified former 2 as 3; deleted (b) and (c).

SUBCHAPTER 1. GENERAL PROVISIONS

10A:17-1.1 Purpose

(a) The purpose of this chapter is to establish policies and procedures for:

1. Volunteer service programs;
2. Social work and services;
3. Religion;
4. Correctional facility/unit chaplaincy services;
5. Inmate marriage;
6. Recreation and leisure time activities; and

SUBCHAPTER 2. VOLUNTEER SERVICE PROGRAM

Cross References

Community volunteers, see N.J.A.C. 10A:17-5.14.

10A:17-2.1 Supervisor of Volunteers

(a) The Administrator shall designate a correctional facility staff member to function as the Supervisor of Volunteers if there is no Supervisor of Volunteer Services position.

(b) The Supervisor of Volunteers shall be responsible for the coordination and supervision of the Volunteer Service Program of the correctional facility.

10A:17-6.8 Reports

(a) The Supervisor of Chaplaincy Services, Chaplain or a staff person designated by the Administrator shall submit monthly and annual reports of chaplaincy activities to the Administrator or designee.

(b) Copies of monthly and annual reports shall be forwarded by the Supervisor of Chaplaincy Services, Chaplain or a designated staff person to the Coordinator, Chaplaincy Services.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrator" for "Superintendent" throughout.

10A:17-6.9 Files and records of the Coordinator, Chaplaincy Services

(a) The Coordinator, Chaplaincy Services, shall maintain files containing up-to-date resumes and applications of qualified candidates who are interested in correctional facility chaplaincy positions.

(b) The Coordinator, Chaplaincy Services shall maintain copies of the monthly and annual reports of religious activities submitted to the Administrator or designee.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), substituted "Administrator" for "Superintendent".

SUBCHAPTER 7. INMATE MARRIAGE**10A:17-7.1 Procedure for submitting a request to marry**

(a) An inmate who is 18 years of age or older and wishes to marry while serving a sentence at a State correctional facility shall submit a written request on Form 380—I Marriage Request Form to the Administrator of the correctional facility at which the inmate is currently assigned at least 120 calendar days in advance of the proposed date of the wedding.

(b) An inmate may submit a request to marry outside of the correctional facility if the inmate is eligible for escorted or unescorted furlough and the correctional facility has a furlough program, or the inmate may submit a request to marry within the correctional facility if the inmate is ineligible for furlough or prefers that the marriage ceremony be performed at the correctional facility.

(c) An inmate who is confined in a community medical facility may submit a request to marry to the Administrator of the correctional facility at which the inmate is currently assigned.

(d) A request to marry shall include:

1. The name of the inmate;

2. The number of the inmate;
3. The name of the intended spouse;
4. The address of the intended spouse;
5. The ages of the intended spouse and the inmate;
6. The present marital status of the inmate and the intended spouse;
7. The proposed date of the ceremony, to include:
 - i. A request for approval to use the correctional facility chapel on the proposed date including the type of ceremony preferred such as civil or religious; or
 - ii. A request for a furlough to coincide with the proposed date of marriage including the address where the ceremony will be performed;
8. The name and credentials of the individual to perform the civil/religious wedding ceremony;
9. A summary of the action, if any, the inmate has taken regarding compliance with the requirements for:
 - i. A marriage license; and
 - ii. Other provisions of State law;
10. A signed statement from the inmate indicating the inmate and/or intended spouse will pay in advance all expenses incurred including, but not limited to:
 - i. The marriage license;
 - ii. The provision of custody staff dependent on the inmate's custody classification (N.J.A.C. 10A:3-9);
 - iii. The fee per custody staff which is the maximum salary of a Senior correction officer at time and a half;
 - iv. The State vehicle mileage cost established by the Director, Division of Budget and Accounting;
 - v. The projected number of meals of the escorts and inmate based on the rate in the current State of New Jersey Travel Regulations; and
 - vi. The tolls and parking expenses;
11. A signed statement from the inmate indicating there are no legal restrictions which would prohibit the marriage under law; and
12. If an inmate is confined in a community medical facility at the time he or she submits a request to be married, the inmate shall indicate, based upon the inmate's knowledge of his or her current diagnosis or prognosis whether he or she anticipates that the marriage ceremony will likely need to be conducted at the community medical facility.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote the section.

Case Notes

Prison administrator's denial of inmate's request to marry a non-inmate violated inmate's constitutional right to marry. *Vazquez v. Dept. of Corrections*, 348 N.J.Super. 70, 791 A.2d 281.

10A:17-7.2 Decision on requests to marry

(a) The decision of approval or disapproval of an inmate's request to marry shall be made by the Administrator who shall make use of a designated committee to assist in the decision making. The committee shall consist of:

1. The Social Work Supervisor;
2. A chaplain;
3. A custody staff person with the rank of Lieutenant or above; and
4. Any other staff member(s) designated by the Administrator.

(b) Upon receipt of the inmate's request to marry, the Administrator shall refer the request to the committee for an in-depth review.

(c) Inmates with immigration detainers who request to marry shall be referred by the committee to the United States Immigration and Naturalization Service (USINS). The request to marry may be considered for approval provided the USINS has not responded to the referral within 120 calendar days and the inmate is otherwise eligible.

Amended by R.2003 d.403, effective October 20, 2003.
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" throughout; added (c).

10A:17-7.3 Committee considerations

(a) The committee shall consider an inmate's request to marry and submit written recommendations for approval or disapproval to the Administrator within 120 calendar days of the request.

(b) An inmate's request to marry may be considered for approval if:

1. The inmate does not have any detainers or pending charges that would be legally affected by the marriage;
2. The inmate's marriage would not present a risk to security or the orderly operation of the correctional facility; and
3. The inmate is able to comply with all of the requirements of the State laws governing marriage.

(c) The committee may hold a premarital conference meeting with the inmate and the intended spouse at the correctional or community medical facility to clarify any social, legal or financial issues regarding the impending marriage.

(d) An inmate's request to marry may be considered and recommended for approval when the inmate can meet the criteria in (b) above.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote the section.

10A:17-7.4 Notification of decision

(a) The Administrator or designee shall provide to the inmate written notification of approval or disapproval of the request to marry as soon as possible after receiving and reviewing the recommendation of the committee.

(b) The notification shall indicate:

1. Whether the inmate's request for a furlough to coincide with the proposed date of marriage has been approved; or
2. Whether the inmate's request for use of the correctional facility for the marriage ceremony on the proposed date is approved; and
3. The time, date and place of marriage.

(c) If the correctional facility is to be used for the ceremony and the date requested by the inmate is in conflict with previously scheduled activities, the Administrator may select an alternate date which is mutually convenient for the correctional facility and the inmate.

(d) The Administrator or designee shall notify the Social Services Supervisor and, if a correctional facility religious ceremony was requested, the correctional facility chaplain of the approval or disapproval of the request to marry.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Added (b)3; deleted (d) and recodified former (e) as (d); substituted "Administrator" for "Superintendent" throughout.

10A:17-7.5 Social Services Department

(a) A staff member from the Social Services Department shall be assigned to act as an advisor to assist the inmate and the intended spouse and to assist with any social, legal (such as, but not limited to, the marriage license requirements) or financial issues regarding the impending marriage.

(b) If there is to be a civil ceremony, the staff member of the Social Services Department shall review, arrange and coordinate plans for the ceremony, the witnesses required by law (see N.J.S.A. 37:1-17), and the request to a civil official who will perform the ceremony (see N.J.S.A. 37:1-13 for persons authorized to solemnize marriages).

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote the section.