

CHAPTER 19
MANUAL OF STANDARDS FOR JUVENILE
DETENTION FACILITIES

Authority

N.J.S.A. 2A:4A-37(e), 30:1B-6 and 30:1B-10.

Source and Effective Date

R.1995 d.293, effective June 5, 1995.
 See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Executive Order No. 66(1978) Expiration Date

Chapter 32, Manual of Standards for Juvenile Detention Facilities, expires May 12, 2000.

Chapter Historical Note

Chapter 32, Manual of Standards for Juvenile Detention Facilities, was filed and became effective January 11, 1980 as R.1980 d.14. See: 11 N.J.R. 284(b), 12 N.J.R. 87(b). This chapter expired February 1, 1985 and a new rule was adopted pursuant to Executive Order 66(1978) effective March 4, 1985. See: 17 N.J.R. 40(a), 17 N.J.R. 598(a). Chapter 32 expired on March 4, 1990 and was adopted as a new rule, pursuant to Executive Order No. 66(1978) effective April 16, 1990 as R.1990 d.208. See: 22 N.J.R. 313(a), 22 N.J.R. 1265(c). Chapter 10A:32 was readopted effective May 12, 1995 and recodified as Chapter 10:19 effective June 5, 1995 as R.1995 d.293. See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a). See section levels annotations for further rulemaking activity.

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SUBCHAPTER 1. INTRODUCTION

10:19-1.1 Definitions

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

"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, except that such violations concerning the regulation of vehicles, bicycles, and power vessels as specified in N.J.S.A. 2A:4A-23 shall not constitute delinquency. (N.J.S.A. 2A:4A-23).

"Department" means the New Jersey Department of Human Services.

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

"Detention facility" means a family specified by the Department, affording secure, short-term custody for delinquent juveniles, or juveniles alleged to be delinquent.

"Juvenile" means an individual who is under the age of 18 years. (N.J.S.A. 2A:4A-22a).

"New detention facility" means a detention facility which is specified for operation by the Department after December 31, 1977.

"Recommendation" means a goal which is proposed for attainment but which is not now mandatory.

Amended by R.1995 d.293, effective June 5, 1995.
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).
Rewrote the definition of "Delinquency".

10:19-1.2 Objectives of detention

(a) The objectives of detention are:

1. To provide secure custody for those juveniles who are deemed a threat to the physical safety of the community and/or whose confinement is necessary to insure their presence at the next hearing.
2. To minimize the potentially damaging effects of confinement in a secure setting by supporting the juvenile's physical, emotional, and social development, in an atmosphere which is as nonthreatening as possible.
3. To meet the needs of juveniles through a constructive program offering educational, recreational, religious, and social opportunities.

SUBCHAPTER 2. LEGAL PROVISIONS

10:19-2.1 Legal authority of Department

(a) N.J.S.A. 2A:4A-37 provides that the State Department of Corrections shall specify the place where a juvenile may be detained, and that no juvenile shall be placed in detention in any place other than that specified by the State Department of Corrections. Pursuant to Reorganization Plan 001-93, this authority was transferred to the Department of Human Services, effective July 1, 1993.

(b) In accordance with the above statutory requirements, the following rules and regulations are applicable to county-established detention facilities. In order to receive in-residence juveniles, a detention facility shall demonstrate to the satisfaction of the Department through such methods and procedures as may be prescribed, that it complies with each of the following rules and regulations, which shall be interpreted as constituting minimum standards only.

Amended by R.1995 d.293, effective June 5, 1995.
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

In (a), added the sentence pertaining to Reorganization Plan 001-93.

10:19-2.2 Inspection provision

(a) As provided by N.J.S.A. 30:1B-10, 30:1-14, and 30:1-15, the Department has the power of visitation and inspection of all juvenile detention facilities.

(b) Each juvenile detention facility specified for use by the Department shall be subject to announced and unannounced inspection visits by the Department. These visits shall be for the purpose of inspecting and observing the physical condition of the facility, the methods of management and operation, and the physical condition, care, treatment, and discipline of the juveniles detained therein.

(c) All books, records, accounts, and reports, past and present, shall be available for review. At all times a representative from the Department shall be allowed to observe and interview juveniles and staff concerning any matter pertaining to the health, safety, treatment, training, and general well-being of the juveniles or to the operation of the detention facility itself.

Amended by R.1995 d.293, effective June 5, 1995.
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).
Extended (a) to N.J.S.A. 30:1B-10.

10:19-2.3 Enforcement

(a) If, upon completion of the inspection, the detention facility is found to be in violation of any parts of these standards, it shall be given notice by the Department of these violations with a reasonable length of time to abate the said violations. In cases of severe violations or in cases where violations are not abated within a reasonable length of time, the Department may withdraw its specification of the facility as an appropriate legal setting for the detention of juveniles.