

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.

Source and Effective Date

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-5.1.c(2), Chapter 90, Juvenile Justice Commission, expires on November 11, 2015. See: 47 N.J.R. 617(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Subchapter 4, Juvenile Population in Detention, was repealed by R.2000 d.185, effective May 1, 2000.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.

Subchapter 1A, Request and Remedy Process, was adopted as new rules by R.2013 d.102, effective August 19, 2013. See: 44 N.J.R. 2463(a), 45 N.J.R. 1963(a).

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

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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 pro-

grams 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 1A. REQUEST AND REMEDY PROCESS

13:90-1A.1 Purpose

The purpose of this subchapter is to provide uniform procedures applicable to all juveniles assigned to Commission facilities and programs for the filing and resolution of a juvenile complaint; grievance; comment; request for redress, assistance, action, change in conditions, or treatment; or other comment related to his or her incarceration or assignment to such a facility or program.

13:90-1A.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

“Commission” means the New Jersey Juvenile Justice Commission.

“DCP&C” means the New Jersey Division of Child Protection and Permanency in the Department of Children and Families.

“Designated recipient” means either the Ombudsman or the Director of Investigations, as designated by a juvenile under the provisions of N.J.A.C. 13:90-1A.3(b).

“Executive Director” means the Executive Director of the Commission.

“Facility” means any facility of the Commission used to incarcerate, house, train, monitor, or educate juveniles.

“Juvenile” means any individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission, or who has been placed on probation by a court and assigned to the jurisdiction of the Commission, and who is residing in or assigned to a facility.

“Office of Investigations” means the Commission unit responsible for conducting internal investigations.

“Ombudsman” means the staff within the Commission responsible for resolving complaints made by juveniles about a facility, the action or inaction of staff, or any other matter of concern to the juvenile.

“Request” means a juvenile complaint; grievance; comment; request for redress, assistance, action, change in conditions, or treatment; or other comment related to his or her incarceration or assignment to a Commission facility or program.

“Request and Remedy Appeal Form” means the standard form for the filing and processing of an appeal from the resolution of a juvenile request that has been approved for such use by the Executive Director or designee.

“Request and Remedy Form” means the standard form for the filing and processing of juvenile requests that has been approved for such use by the Executive Director or designee.

“Request and Remedy Lockbox” means a lockbox provided for in N.J.A.C. 13:90-1A.3.

“Shift coordinator” means the staff person, by whatever name or title, with lead responsibility for overseeing operations during a tour of duty at a community program.

“Superintendent” means the chief executive officer of a facility.

13:90-1A.3 Request and Remedy Form; lockbox

(a) A juvenile has the right to submit requests reflecting any complaint or concern on a Request and Remedy Form.

(b) The Request and Remedy Form shall provide sufficient space for a complete narrative of the juvenile’s request and shall allow the juvenile to express whether he or she would prefer to have the request addressed by either of the designated recipients (which is defined as the Ombudsman or the Office of Investigations).

(c) Each facility shall provide one or more clearly marked lockboxes for the submission of Request and Remedy Forms in an open area accessible to juveniles, which shall be emptied daily, exclusive of weekends and State holidays, by the Superintendent, Assistant Superintendent, or shift coordinator.

13:90-1A.4 Submission of requests

(a) All requests by juveniles shall be submitted on a Request and Remedy Form.

1. Each facility shall provide clearly marked boxes or trays in open areas accessible to juveniles where blank Request and Remedy Forms may be accessed by juveniles.

2. Juveniles unable to complete the Request and Remedy Form may request assistance from another juvenile or staff member in preparing the form. When staff assistance is requested the Superintendent or designee shall appoint an appropriate staff member.

(b) At the sole option of the juvenile, the Request and Remedy Form may either be signed or unsigned and submitted anonymously.

1. A juvenile shall neither be required nor be encouraged to sign a Request and Remedy Form.

13:90-1A.5 Forwarding Request and Remedy Form to Executive Director or designee; confidentiality and log

(a) The Superintendent, or designee, shall ensure that each Request and Remedy Lockbox is emptied at least daily.

(b) Upon emptying a Request and Remedy Lockbox the Superintendent, Assistant Superintendent, or shift coordinator shall promptly review submitted Request and Remedy Forms and Request and Remedy Appeal Forms, as provided for in N.J.A.C. 13:90-1A.7 and shall immediately notify the Executive Director or designee by telephone if they reveal any information:

1. That a juvenile may have been subjected to child abuse or acts of child abuse;

2. That appears to identify or allege criminal activity; or

3. Reveals an immediate threat to the juvenile, other juveniles, staff, or to the orderly operation of the facility.

(c) Within one business day of receipt the Superintendent or designee shall forward each Request and Remedy Form and Remedy Appeal Form to the Executive Director, or designee; a copy of the Request and Remedy Form, if signed, and of the Remedy Appeal Form shall be given to the juvenile acknowledging receipt.

(d) All information provided on the Request and Remedy Form by the juvenile shall be treated as confidential and no

such information shall be released or otherwise disclosed to any person other than the Executive Director, or designee.

(e) Neither the Superintendent nor any other facility staff shall undertake any independent investigation or any other action with respect to a juvenile request, unless, and then to only to the extent, requested by the Executive Director or designee.

(f) A confidential log shall be maintained in the office of the Superintendent, in a format approved by the Executive Director, or designee, verifying the dates of:

1. Removal of the request from the lockbox;

2. Forwarding of the request to the Executive Director, or designee; and

3. Delivery of a copy to the requesting juvenile, if the Request and Remedy Form was signed.

(g) A copy of the log shall be transmitted monthly to the Office of the Executive Director.

13:90-1A.6 Investigation and resolution; mandatory reporting requirements

(a) Within two business days of receiving a Request and Remedy Form, the Executive Director, or designee, shall assign responsibility for investigating and resolving the request and forward a copy of the Request and Remedy Form to the person assigned.

(b) To the extent permitted by considerations of security and integrity of any ongoing investigations, the request shall be assigned to the designated recipient identified by the juvenile on the Request and Remedy Form, with the following exceptions:

1. In accordance with the requirements of N.J.S.A. 9:6-8.10, any request that gives reasonable cause to believe that a juvenile has been subjected to child abuse or acts of child abuse shall be reported immediately by the Executive Director, or designee, to DCP&C. Any such report shall contain information as to the nature and extent of the child's injuries, abuse, or maltreatment, including any evidence of previous injuries, abuse, or maltreatment, and any other information that would be helpful with respect to the alleged child abuse and the identity of the perpetrator;

2. If the request appears to identify or allege criminal activity the request shall be reported to the Office of Investigations; and

3. If considerations of security or the integrity of an ongoing investigation prevent assignment of the request to the designated recipient, or if no designated recipient was selected, the request shall be assigned to the Superintendent or to such other Commission staff member as the Executive Director, or designee, deems appropriate.

(c) Within five business days of an assignment under (b) above, the person assigned shall investigate and prepare a proposed resolution of the request. As part of the investigation the person assigned shall review the request and:

1. Consult with such Commission and contractor personnel who may possess knowledge and expertise of particular relevance to the request, such as medical or mental health staff; and

2. Undertake such independent investigation as may be necessary or appropriate to establish all relevant facts; such investigation may include, but shall not be limited to, interviewing any juvenile or other Commission or contractor personnel who may have information relevant to the request.

(d) The proposed resolution and supporting documentation shall promptly be transmitted to the Executive Director, or designee, for his or her review, modification and final approval.

(e) Upon giving final approval to the resolution, the Executive Director or designee shall record it on the Request and Remedy Form and if the juvenile elected to sign the Request and Remedy Form, shall ensure that a copy is promptly given to the juvenile.

(f) Under all circumstances, within 20 business days from the date upon which the Request and Remedy Form was submitted into a lockbox, a juvenile who has elected to sign the Request and Remedy Form shall receive a written response to his or her request.

13:90-1A.7 Appeal of resolution; Request and Remedy Appeal Form

(a) Within 10 days of receiving notice of the resolution of a request, a juvenile who elected to sign the Request and Remedy Form may appeal the resolution of his or her request by completing a Request and Remedy Appeal Form and depositing it into a Request and Remedy Lockbox for transmittal to the Executive Director, or designee.

1. A juvenile who is unable to complete the Request and Remedy Appeal Form may request assistance from another juvenile or staff member in preparing the form. When staff assistance is requested the Superintendent, or designee, shall appoint an appropriate staff member.

(b) The Executive Director, or designee, shall review the Request and Remedy Form and the Request and Remedy Appeal Form, undertaking such independent investigation as may be necessary or appropriate to establish the relevant facts, and shall issue his or her decision on the appeal within 10 business days of its filing.

1. The decision of the Executive Director, or designee, shall constitute a final agency decision.

13:90-1A.8 No coercion

(a) A juvenile shall not be subject to any coercion, discipline, or other retaliation, reprisal, or retribution as a result of his or her filing either a request or an appeal of a resolution.

(b) Nothing in this subchapter shall be construed to prevent the charging of any juvenile who commits a violation under the provisions of N.J.A.C. 13:101-4.1.

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.

(b) Each commission shall comply with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(c) Upon the prior written approval of the Executive Director, each commission may satisfy the meeting requirement set forth in (a) above by alternating full commission meetings with committee meetings.

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).

13:90-2.8 Conflict of interest policy

Each commission shall adopt a written conflict of interest policy which shall be submitted to the Commission with a written statement by county counsel that the policy is in compliance with applicable law.

13:90-2.9 Duties and responsibilities

(a) Each commission shall:

1. Coordinate and integrate existing sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs;

2. Assess and prioritize the needs of youth adjudicated or charged delinquent;

3. Assess existing delinquency prevention programs to determine whether such programs meet the needs of youth, are effective in meeting program goals and in ensuring financial accountability;

4. Determine, through the collection and maintenance of data, the breadth of juvenile offenses and problems in the county and identify the geographical regions within the county where such offenses and problems are most prevalent;

5. Identify gaps in the system of sanctions and services for youth adjudicated or charged as delinquent and develop and implement an appropriate plan for closing the gap;

6. Develop and implement delinquency prevention programs to meet the needs of youth in geographical regions within the county where existing programs do not satisfy the needs of the youth;

7. Seek to expand existing delinquency prevention programs to better meet the needs of the youth of the county and to ensure the maximum availability of service to the youth of the county;

8. Review, evaluate and monitor through at least one site visit annually, existing sanctions and services under the jurisdiction, control or proposed by the commission, for juveniles adjudicated or charged delinquent and existing delinquency prevention programs to determine effectiveness in meeting program goals and in ensuring financial accountability;

9. Cooperate with other State, county and municipal agencies in the planning of ongoing efforts relating to delinquency prevention programs;

10. Inform the public of the breadth of juvenile offenses, the needs of youth in the county and the availability of sanctions and services, and advocate for the needs of youth;

11. Serve as the advisory body of the county on issues relating to sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs;

12. Coordinate the efforts of municipal and regional youth services commissions and ensure their participation in the county planning process;

13. Appoint liaisons to participate in planning and related activities with appropriate county bodies, for example, the Human Services Advisory Council, the Mental Health Board, the local council on Alcohol and Drug Abuse, and the County Interagency Coordinating Council, as invited, to maximize efficient and effective use of Partnership funds;

14. Determine whether a need exists, and if so, sponsor the establishment of multi-disciplinary teams (MDT's) to plan specific sanctions and services to individual youth: as an alternative to detention for a juvenile charged as delinquent; as a recommendation for a disposition option for a judge of the Family Court upon an adjudication of delinquency; and, as a component of aftercare following the commitment of a juvenile to the Juvenile Justice Commission by a judge of the Family Court;

15. Coordinate the planning of aftercare sanctions and services for juveniles returning to the community following commitment to the Juvenile Justice Commission by a judge of the Family Court;

16. Comply with all applicable rules of the Commission;

17. Recommend to the county governing body, the approval or disapproval of contracts with providers seeking to participate in the Partnership;

18. Monitor the operations of programs of sanctions and services and delinquency prevention receiving Partnership funds and/or other funds administered by the Juvenile Justice Commission with reference to compliance with rules established by the Commission;

19. Monitor and evaluate the impact of programs of sanctions and services and delinquency prevention receiving Partnership funds and/or other funds administered by the Juvenile Justice Commission and prepare annually, a written report with relevant documentation to the Commission as part of the triennial comprehensive plan and annual update; and

20. Encourage the involvement of youth and families in the planning of services and sanctions and program development.

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

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

In (a), rewrote 18, 19, added 20.

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)19, substituted "triennial" for "biennial".

SUBCHAPTER 3. STATE/COMMUNITY PARTNERSHIP GRANT PROGRAM

13:90-3.1 Purpose

This subchapter sets forth rules to implement the Partnership Program established for the purposes set forth in N.J.S.A. 52:17B-179.

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

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

Amended the N.J.S.A. reference.

13:90-3.2 Scope

The rules in this subchapter address the criteria and procedures applicable to counties and youth services commissions as they relate to the application for, and the allocation, disbursement and monitoring and evaluation of grants through, the Partnership Program.

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

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

Substituted "The" for "These" and inserted "in this subchapter" following "rules".

13:90-3.3 Definitions

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

"Accounting records" means records that adequately identify authorizations, obligations, unobligated balances, assets, liabilities, outlays, expenditures and income relating to contract awards funded by the Partnership.

"Budgetary control" means financial information related to performance or productivity data.

"Equipment" means an item with an original unit cost of \$1,000 or more and an expected useful life of three or more years.

"Financial reporting" means accurate, current and complete disclosure of financial results of contract activities.

"Internal control" means effective control and accountability of cash, real and personal property and other assets.

"Proposal" means a written document submitted by a provider in response to an RFP.

"Request for Proposal (RFP)" means a written solicitation that defines services and sanctions and/or delinquency prevention programs required by a county and which invites written competitive responses from qualified providers.

"Source documentation" means accounting records such as canceled checks, paid bills, payrolls, time and attendance records and contract documents.

13:90-3.4 Participants

(a) The State/Community Partnership Grant Program is established to support the facilities, sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs through the award of grants allocated to county youth services commissions.

(b) Each county may participate in the Partnership Program, provided that the county establishes a youth services commission or, in the alternative, receives approval from the Executive Director to designate another body to perform the duties and responsibilities of a youth services commission in accordance with the provisions of N.J.A.C. 13:90-2.3(c).

13:90-3.5 Allocation and funding formula

(a) Partnership funds are distributed to all participating counties in compliance with these rules, through the youth services commissions or other county designated body approved by the Executive Director to provide needed sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs. Each county shall seek support from all available Federal, State and local sources to supplement the funding received through the Partnership.

(b) The Commission shall determine Partnership allocations by application of a formula which shall include the following elements:

1. A minimum base amount;
2. An amount calculated on the basis of a formula reflective of the scope of the juvenile justice problem in the county; and
3. An amount for program management, monitoring and administration.

(c) Program management funds are applied to salary and the reasonable administrative costs that support staff hired to administer Partnership funds and other sanctions and services undertaken by the county in implementing the county comprehensive plan. Upon the approval of the Executive Director, program management funds may be directed into sanctions and services for juveniles adjudicated or charged as delinquent and/or delinquency prevention programs. Approval is conditioned upon the demonstration by a county that adequate

program management, monitoring and administration funds are available from sources other than the Partnership.

(d) Neither minimum base funds nor formula funds may be used for program management, monitoring and administration.

(e) The Commission allocates and expends, consistent with its Juvenile Justice Master Plan, the share of Partnership funding of any county that does not participate in the Partnership program.

13:90-3.6 Application and planning process

(a) The Juvenile Justice Commission shall determine the Statewide categories for Partnership funding, and recognize the priorities of the counties as determined through the county planning process consistent with the statutory goals of the Partnership which include:

1. Encouraging the development of sanctions and services and delinquency prevention programs that protect the public, ensure accountability and foster rehabilitation;
2. Increasing the range of sanctions for juveniles adjudicated delinquent;
3. Reducing overcrowding in State juvenile justice system institutions and facilities to ensure adequate bed space for serious, violent and repetitive offenders;
4. Reducing overcrowding in county detention facilities;
5. Providing greater access to community-based sanctions and services for minority and female offenders;
6. Expanding programs designed to prevent delinquency; and
7. Promoting public safety by reducing recidivism.

(b) Each county shall submit triennially a comprehensive plan for needed sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs, or an annual update, as applicable. Each submission shall include:

1. A written report with relevant documentation, of the nature of the juveniles and juvenile offenders served by the sanctions and services and the juveniles served by the delinquency prevention programs;
2. A list of the membership of the county youth services commission or other approved county designated body, which list identifies the chair and the co-chair, and all staff, including the person responsible for the administration of Partnership funds;
3. Certification of compliance with all rules pertaining to county youth services commissions and the Partnership;

4. Efforts employed to ensure that sanctions and services are culturally appropriate; and

5. A written justification in support of a determination by a county to apply a portion of Partnership funding to hire additional county personnel to expand or implement county-operated sanctions and services. The justification shall demonstrate that county-operated sanctions and services provide the most efficient and expedient method to address a high priority of the Partnership and that the membership of the youth services commission or other approved county designated body has ratified the justification by a ²/₃ vote. In no event shall a county allocate more than ¹/₃ of its Partnership funds for county-provided sanctions and services, unless such allocation results from a competitive RFP process in accordance with N.J.A.C. 13:90-3.9.

(c) The Executive Director reviews and, if appropriate under this chapter, approves the plan and the certification of compliance with 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 (a), substituted "shall determine" for "annually determines" and "categories" for "priorities" in the introductory paragraph and inserted "justice system" following "juvenile" and deleted "other" preceding "facilities" in 3.

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

In the introductory paragraph of (b), substituted "triennially" for "biennially".

13:90-3.7 County match

No cash or in-kind match by a county is required to receive Partnership funding.

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

Substituted "to receive" for "for".

13:90-3.8 Disbursement

(a) The Executive Director shall issue to each county a schedule for the disbursement of Partnership funding upon approval of the county plan and application.

(b) No county shall utilize Partnership funding to supplant or replace existing funds or other resources from Federal, State or county government for existing juvenile justice related programs or for capital construction or renovation.

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 all 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, ac-

counting 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.

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

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

Inserted "all" preceding "Partnership" in the introductory paragraph.

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. (RESERVED)