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SUBCHAPTER 13. (RESERVED)**SUBCHAPTER 14. DISCIPLINE OF JUVENILES IN RESIDENTIAL COMMUNITY HOMES**

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SUBCHAPTER 1. GENERAL PROVISIONS**13:103-1.1 Purpose**

(a) The purpose of this chapter is to establish a regulatory framework governing the operation of community programs under the jurisdiction of the Commission, as those terms are defined in N.J.A.C. 13:103-1.3.

(b) Among the rules set forth in this chapter are rules addressing:

1. Uniform requirements for juvenile orientation;
2. Issuance and updating of a resident handbook in each residential facility;
3. The transportation of juveniles outside of the community program;
4. Handling of juveniles' mail, visits to and by juveniles, and juvenile access to courts;

5. Searches of juveniles and facilities in order to control and deter contraband;
6. Testing for prohibited substances;
7. Contraband and its seizure and disposal;
8. Housekeeping, sanitation, bedding, and laundry;
9. Use of force;
10. Juvenile hygiene and grooming; and
11. Juvenile discipline.

13:103-1.2 Scope

This chapter shall be applicable to all Commission community programs, including both residential community homes and day programs, except to the extent indicated otherwise in this chapter.

13:103-1.3 Definitions

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

“Assistant Superintendent” means Commission staff member, by whatever name or title, who is the ranking assistant to a Superintendent of a community program.

“Attorney General” means the Attorney General of the State of New Jersey.

“Civil union couple” means two persons who have established a civil union pursuant to N.J.S.A. 37:1-1 et seq., known as the Civil Union Act.

“Commission” means the New Jersey Juvenile Justice Commission.

“Committed juvenile” means an individual who has been adjudicated delinquent by a court and sentenced to a term of incarceration to be served under the custody of the Commission.

“Community program” means any substance abuse, assessment and treatment, transitional, or similar program, both residential and non-residential, run by the Commission.

“Constant observation” means uninterrupted surveillance of one juvenile that shall be conducted in person and that may be supplemented by video monitoring.

“Contraband” means:

1. Any item, article, or material found in the possession of, or under the control of, a juvenile that is not authorized for retention or receipt;
2. Any item, article, or material found within the facility or on its grounds that has not been issued by the

community program or authorized as permissible for retention or receipt;

3. Any item, article, or material found in the possession of, or under the control of, staff or visitors within the community program or on its grounds that is not authorized for receipt, retention, or importation;

4. Any item, article, or material that is authorized for receipt, retention, or importation by juveniles, staff, or visitors but, which is found in an excessive amount or which has been altered from its original form. An amount shall be considered excessive if it exceeds stated community program limits or exceeds reasonable safety, security, sanitation, or space considerations; or

5. Any article that may be harmful or presents a threat to the security and orderly operation of the community program shall be considered contraband.

Items of contraband shall include, but not be limited to: guns and firearms of any type; ammunition; explosives; knives, tools and other implements not provided in accordance with community program regulations; cell phones and other unauthorized electronic devices; hazardous or poisonous chemicals and gases; unauthorized drugs and medications; medicines dispensed or approved by the community program but not consumed or utilized in the manner prescribed; intoxicants including, but not limited to, liquor or alcoholic beverages; and, where prohibited, currency and stamps.

“Correspondence” means communication by the exchange of letters.

“Day program” means a non-residential community program.

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

“Director of Administration” means the Commission staff member, by whatever name or title, in charge of the Commission’s Office of Administration.

“Director of Community Programs” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s community programs.

“Director of Education” means the Commission staff member, by whatever name or title, having overall responsibility for developing and administering educational programs for juveniles.

“Director of Investigations” means the Chief Investigator or other Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of Office of Investigations.

“Domestic partner” or “partner” means a person who is in a relationship that satisfies the definition of a domestic partnership as set forth in the New Jersey Domestic Partnership Act, N.J.S.A. 26:8A-1 et seq.

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

“Facility” means a facility of the Commission used to house, train, or educate juveniles; it does not refer to the central or other administrative or operational offices of the Commission.

“Fiscal manager” means the Commission staff person, by whatever name or title, who operates as the general business manager of a community program, whether or not that person’s work location is located at the community program.

“Health care provider” means the individual or the entity that is providing the medical, dental, and/or mental health services to juveniles.

“Household member” means an adult or child who resides either full-time or part-time in the home of the juvenile.

“Housing unit” means a room, dormitory, or other type of sleeping area within a community program.

“Indigent juvenile” means a juvenile who has no funds in his or her account and is not able to earn juvenile wages due to prolonged illness or other justifiable circumstances beyond the juvenile’s control, and who has been verified as having no outside source from which to obtain funds.

“Interoffice correspondence” means the exchange of correspondence between offices within the Commission.

“Juvenile” means both committed juveniles and juveniles who have been placed on probation by a court, assigned to the jurisdiction of the Commission, and who are residing in or assigned to a community program.

“Juvenile account” means the account established by the Commission to hold and account for monies accruing to an individual juvenile, and from which permitted payments and deductions are made.

“Law library” means a location where legal resources that are available to juveniles, whether in physical or electronic media form, are maintained.

“Legal correspondence” means the exchange of letters between a juvenile and:

1. An attorney of this State or any other state when properly identified as such on the outside of the envelope;
2. Offices of the Federal or State Public Defender;
3. The Office of the Attorney General;
4. Federal and State courts;

5. Federal and State court judges;
6. Offices of Legal Services;
7. Legal assistance clinics managed by accredited law schools of this or any other state;
8. The Administrative Office of the Courts;
9. Offices of the Federal or State Prosecutor;
10. The Bureau of Risk Management, New Jersey Department of the Treasury;
11. The Office of Investigations;
12. The Office of Administrative Law; and/or
13. The New Jersey Division of Youth and Family Services.

“Legal material” means papers or documents that are required to be filed with the court and served upon opposing parties. Legal material includes:

1. Orders required by their terms to be served;
2. Written notices;
3. Written motions;
4. Demands, or answers to demands which the juvenile is required to serve, such as, for the production of documents or interrogatories;
5. Offers of judgment;
6. Designations of records on appeal;
7. Briefs;
8. Petitions;
9. Summons; and
10. Complaints.

“Legitimate public official” means the following:

1. An elected or appointed national, state, county or municipal government official; or
2. A director of a national, state, county or municipal government agency.

“Mailroom” means a designated location at a community program where mail to or from juveniles is processed.

“Notary service” means service provided by a notary public authorized by law to certify or attest documents, take affidavits, administer oaths, and perform other services ordinarily performed by a notary public.

“Office of Administration” means the office of administration located in the Commission’s central office.

“Office of Classification” means the unit within the Commission responsible for implementing procedures through

which juveniles are assigned to custody levels, facilities, and treatment programs, based on assessments of the juveniles’ supervision requirements and service needs.

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

“Ombudsman” means the individual(s) within the Commission, by whatever name or title, responsible for resolving complaints made by juveniles about the facility, the action or inaction of staff, or any other matter of concern to the juvenile.

“Orientation” means a program including one or more meetings or group sessions provided at a community program to familiarize juveniles with rules, procedures, units, services, and programs.

“Regional Administrator” means the Commission staff person, by whatever name or title, responsible for a specific number of community-based Commission residential and day programs within a geographic region.

“Relative” means any person who is related to the juvenile through blood, marriage, adoption, civil union, or domestic partnership and includes a stepparent.

“Resident handbook” means a booklet that is provided to juveniles, which contains site-specific community program rules and procedures and information about services and programs. A resident handbook may also mean a handbook specific to a unit within a community program when identified as such.

“Residential community home” means a residential community program.

“Secure facility” means any Commission facility that houses juveniles and employs custody personnel (N.J.S.A. 52:17B-174) to provide security.

“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 person, by whatever name or title, who is chief executive officer of a community program.

“Unusual incident or event” means any occurrence that has the potential of jeopardizing or disrupting the secure and orderly operation of a community program, including, but not limited to, escape or attempted escape, homicide or attempted homicide, suspicious death, serious injury to juvenile or staff member, suicide or suicide attempt, serious threat to the life of a juvenile or group of juveniles, taking of a hostage, riot, melee, acute medical emergency, use of a weapon or other use of force, introduction into the facility of a controlled substance, use of a controlled substance, commission of a crime, staff work stoppage, fire or natural disaster, and failure of HVAC, power, plumbing, or other major mechanical systems.

13:103-1.4 Forms

(a) The following forms shall be reproduced by each facility from originals that are made available through the office of the Director of Community Programs:

1. CP360-I Remedial Action Plan Report;
2. CP292-I Request for Attorney-Client Contact Visit;
3. LAB-45 Drug Abuse of Urine, Chain of Custody;
4. LAB-46 Drug Abuse of Urine, Shipping;
5. CP171-I Seizure of Contraband Report;
6. CP171-II Juvenile Receipt, Contraband Seizure;
7. RCH Discipline Form;
8. JJ-001 Incident Report; and
9. Office of Substance Abuse Administration, Continuity of Evidence Form.

13:103-1.5 Confidentiality and use of information relating to juveniles

(a) Records and statements in the possession of the Commission that are covered by the confidentiality provisions of N.J.S.A. 2A:4A-60, 60.2, and 60.3 may be reviewed when necessary and appropriate in the course of program and other reviews necessary and appropriate under this chapter. However, at no time shall this permitted use of such records and statements release or exempt them from the confidentiality provisions of this section.

(b) All facility records pertaining to juveniles charged as a delinquent, adjudicated delinquent, or found to be part of a juvenile-family crisis, including records relating to the suicide or suicide attempt of a juvenile, are confidential. All such records:

1. Shall be strictly safeguarded from public access;
2. Shall not be released, except when release is authorized under the provisions of N.J.S.A. 2A:4A-60; and
3. 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.

(c) Unless otherwise required by law, statements made by a juvenile in the course of any suicide prevention or mental health screening, and any reports or records created to report the results of such screening shall not be:

1. Disclosed to any party, including prosecutors and law enforcement personnel; and
2. Used in any investigation, or in any delinquency or criminal proceeding then pending or subsequently initiated. (See N.J.S.A. 2A:4A-60.2)

(d) No report or record relating to mental health services provided to a juvenile prior to an adjudication of delinquency, or any other finding of guilt, shall be disclosed or released to a court unless and until after such an adjudication or finding occurs. (See N.J.S.A. 2A:4A-60.3)

SUBCHAPTER 2. JUVENILE ORIENTATION AND HANDBOOK; NOTIFICATION TO JUVENILES OF THEIR RIGHTS AND RESPONSIBILITIES

13:103-2.1 Responsibility for orientation

The Superintendent of the community program shall designate a staff person to be responsible for orientation of juveniles.

13:103-2.2 Staff and juvenile participation

(a) Staff members from various components within the community program shall participate in orientation sessions to describe the programs, services, and/or activities of their components.

(b) The superintendent or designee may include longer residing juveniles in the orientation of those newly assigned to the community program.

13:103-2.3 Scheduling orientation

(a) Juveniles shall be provided an orientation session within two weeks of admission to a community program, unless compelling security or safety reasons dictate otherwise, or to do so would adversely affect the orderly operations of the community program.

(b) When assigned or transferred to another community program, juveniles shall be provided an orientation session within two weeks following admission to the new community program unless compelling security or safety reasons dictate otherwise or would adversely affect the orderly operations of the community program.

(c) Supplemental orientation sessions shall be held whenever necessary or appropriate to explain revised or changed subject matter that would require an update to the juvenile handbook required under the provisions of N.J.A.C. 13:103-2.4.

(d) When necessary or appropriate for adequate comprehension orientation sessions shall be presented in a language other than English.

13:103-2.4 Community program resident handbooks

(a) The Director of Community Programs or designee shall designate a staff person to be responsible for developing, reviewing, revising, printing, and issuing the community program resident handbook.