

ON THE REORGANIZATION OF THE  
DEPARTMENT OF INSTITUTIONS AND AGENCIES

A Staff Report to the  
Senate Institutions, Health and Welfare Committee

June, 1976







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Honorable Alexander J. Menza  
Chairman, Senate Institutions, Health and Welfare Committee

Dear Senator Menza:

Several weeks ago you asked me to prepare a study of proposals which have been made over the years to reorganize the Department of Institutions and Agencies, anticipating that your committee would soon be considering the merits of such proposals. I herewith submit my report for the consideration of your committee. It examines the arguments of both those who support and oppose the use of large multi-purpose government agencies to provide social services. In addition, it assesses specific proposals to remove some of the responsibilities of the present Department of Institutions and Agencies and place them in new departments or with other, existing departments.

Sincerely,

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SBF:mcp



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## INTRODUCTION

It is certainly not for any lack of reorganizational proposals that the Department of Institutions and Agencies (I&A) has continued to function as the State's umbrella agency for a variety of social, welfare and institutional services for nearly 60 years. Many studies, some under governmental auspices and others sponsored by private organizations, have in recent years examined the State's human resource needs and delivery mechanisms and have offered a variety of recommendations for establishing new executive departments and shifting programs among existing departments. In fact, the reports of two more such undertakings -- those of the New Jersey Mental Health Planning Committee and the Correctional Master Plan Policy Council -- are being readied for publication at the present time.

That no major structural changes have ever been implemented as a result of any of these recommendations may be more a reflection of the difficulties of attempting to improve governmental services through a revision of organizational charts than an expression of confidence in the Department of Institutions and Agencies as presently constituted. These difficulties include not only the obvious political and bureaucratic obstacles to reorganization, but the genuine concern of many parties that any such action -- if unaccompanied by new policy initiatives and increased appropriations -- offers in and of itself only the appearance, but not the substance, of a fundamental reform in the State's delivery

of services to the poor, the troubled, the mentally ill, the retarded, and the imprisoned.

As a Department which administers a great number of controversial programs which deal with many of our basic social ills, it is not surprising that I&A is the focus of considerable negative publicity. Criticism of the Department's programs, policies and procedures has increased so much of late that it is now generally accepted that the Department is, in fact, too large and unwieldy to effectively carry out its many diverse responsibilities. It has been suggested that those functions which are not deemed to be an integral element of a human services program should either be shifted to other executive agencies or established as separate departments in their own right.

The Senate Institutions, Health and Welfare Committee recently conducted a public hearing on the general subject of an I&A reorganization, and has before it a bill by Senator Garrett W. Hagedorn which would separate corrections from human services. (Hearings on this measure had previously been held by the committee in 1971 and 1972.) Both Governor Byrne and Institutions and Agencies Commissioner Ann Klein have reversed their previous positions and now support the establishment of a new Department of Corrections. An administration bill to accomplish this purpose has been introduced in the Assembly under the sponsorship of Assemblyman Thomas J. Deverin.

Against this background of rapidly developing support for some change in the structure of the Department, the Senate Institutions, Health and Welfare Committee requested its staff to prepare a report summarizing both the issues involved and the pros and cons of alternative reorganizational proposals.



## HISTORY OF THE DEPARTMENT'S ORGANIZATION

The Department of Institutions and Agencies was established in 1918 in order to centralize within one administrative body at the State level the planning and management functions for all of the State's publicly-funded charitable and correctional institutions and welfare agencies. Previous to this time, the various State, county and municipal institutions and agencies for the needy, deficient and mentally ill operated as autonomous units under their own citizen boards with minimal direction from the Governor or Legislature.

As a result of the findings of two study commissions, one appointed by the Governor to investigate scandals in the prisons and the other established by the Legislature to review State policy with respect to mental health and welfare, a new executive department was created and given ultimate authority over "the charitable, hospital, relief, training, correctional, reformatory and penal institutions, boards and commissions ... supported in whole or part from county, municipal or State funds" (P.L. 1918, c. 147; P.L. 1919, c. 97).

Since it was deemed important to preserve the State's tradition of citizen participation in the care of the troubled and impoverished, control of the Department was vested in a non-salaried lay Board of Control. Members were selected by the Governor with the consent of the Senate. Although the Board was responsible for the appointment of a Commissioner to serve as the Board's agent, principal executive and administrative officer,

the Board retained the "complete and exclusive jurisdiction, supreme and final authority, and the requisite power to accomplish its aims and purposes" with respect to the affairs of the institutions and agencies within its province.

To promote citizen participation at the local level, the Board was empowered to appoint, subject to the Governor's approval, local boards of managers to oversee the operations of individual institutions and agencies.

The administrative structure of the Department came under serious review during the 1947 Constitutional Convention. Major features of the new Constitution included the consolidation of many individual State programs into a relatively small number of executive departments and the establishment of increased gubernatorial authority over State operations. In line with these efforts to streamline State government, proposals were advanced (1) to divide the diverse responsibilities of the Department into two or more single-purpose units and (2) to establish a Commissioner as the single head of each Department and directly responsible to the Governor.

The former proposal, which has been repeated many times since, was viewed as contrary to the overall goal of consolidating related services and was not adopted. The latter proposal met with strong opposition from the State Board of Control as well as from the Department of Agriculture, which was administered similarly by a board. As a result, the new Constitution provided that each department shall be administered by a single head appointed by the Governor with the consent of the Senate, "unless otherwise

provided by law." The reorganization laws which were enacted upon the adoption of the Constitution continued the Board of Control as the Department's executive head.

The reorganization acts, however, did provide the Governor with one additional measure of control over the Department: he was given the power to approve the Board's appointment of a Commissioner and to remove the Commissioner for cause.

It was not until 1971 that a direct line of authority was established between the Governor and the Commissioner. Legislation approved in that year made the Commissioner the single head of the Department and provided for his appointment by the Governor with the consent of the Senate. The Board of Control was converted into an essentially advisory body and renamed the State Board of Institutional Trustees.

This action, which represented a major reform in centralizing responsibility and public accountability for the operations of the far-flung department, was followed in 1974 by the enactment of legislation authorizing the Commissioner to appoint two deputy commissioners. This new management structure provided the Department with the central staff capability to engage in a unified and coordinated planning and budgeting process for the first time, and at least in this one respect represented the final achievement of a goal originally set forth by the study commissions in 1918.

## THE DEPARTMENT TODAY

### Funding and Personnel

The Department of Institutions and Agencies expends more money for general operations, employs more personnel and engages in a wider variety of functions than any of the 17 other executive departments. Its appropriation for general operations for the 1976 fiscal year (\$490 million) represents 40% of the total operating budget for the entire executive branch. In addition, the Department's state-aid programs (\$263 million) account for 22% of the total cost of state-aid projects by all departments. (If aid to education is excluded, the Department's share of state-aid expenditures increases to 65%.) The Department also administers \$472 million in Federal welfare and Medicaid funds.

The Department's current budget provides payroll positions for approximately 18,000 employees. Its total number of authorized positions, however, numbers about 20,000. This represents 36% of all personnel in the executive branch.

The following table provides funding and employment data for each of the Department's major functions:



Function	# of budgeted positions	1976 adjusted appropriation (incl. state-aid)
Correction and Parole	3128	\$ 49,000,000
Medical Assistance & Health Services	438	228,000,000
Mental Health & Hospitals	6292	106,000,000
Mental Retardation	6329	80,000,000
Public Welfare	452	223,000,000
Veterans Services	567	6,000,000
Youth & Family Services	1420	43,000,000
Commission for the Blind	222	5,000,000
Garden State School District	10	600,000
Dept. Management & Support	182	4,000,000

#### Functions

The Department is responsible for providing a wide range of social, welfare, medical and correctional programs which today are collectively labelled "human resource services." A major element of these services, of course, is the operation of 26 institutions for the mentally ill, the mentally retarded, adult and youthful offenders, and veterans. A brief description of each of the Department's seven divisions, plus two additional

programs operating directly from the Commissioner's office,  
is provided below.

## Division of Correction and Parole

Responsible for the custody, care and rehabilitation of offenders in prisons, youth correctional institutions and training schools; provides academic, vocational and social education along with psychiatric, psychological and social work services; administers furlough, work release and parole programs; operates four residential group centers.

Institutions: State Prison, Trenton  
State Prison, Rahway  
State Prison, Leesburg  
Youth Correctional Institution, Bordentown  
Youth Reception and Correction Center, Yardville  
Correctional Institution for Women, Clinton  
Youth Correctional Institution, Annandale  
Training School for Boys, Skillman  
Training School for Boys, Jamesburg

## Division of Medical Assistance and Health Services

Administers Medicaid, the medical services portion of the Cuban Refugee Program, medical care costs for the aged not eligible for Medicaid, and the Newark Comprehensive Health Services Plan.

## Division of Mental Health and Hospitals

Responsible for State policies, planning, development and evaluation of mental health programs; administers State psychiatric hospitals and community treatment programs; provides state-aid to 79 community mental health programs and six county mental hospitals.

Institutions: Greystone Park Psychiatric Hospital  
Trenton Psychiatric Hospital  
Marlboro Psychiatric Hospital  
Ancora Psychiatric Hospital  
Arthur Brisbane Child Center at Allaire  
Adult Diagnostic & Treatment Center

Division of Mental Retardation

Provides residential and non-residential functional services for the care and treatment of the retarded; operates institutions for the retarded and contracts for purchased services for residential care and community programs.

Institutions: Vineland State School  
North Jersey Training School at Totowa  
Woodbine State School  
New Lisbon State School  
Woodbridge State School  
Hunterdon State School  
Edward R. Johnstone Training and Research Center  
New Jersey Neuropsychiatric Institute

Division of Public Welfare

Administers the statewide programs of financial assistance to needy individuals and families.

Division of Veteran's Services

Coordinates services for veterans concerning adequate care and medical assistance and provides assistance to veterans in obtaining state and federal benefits.

Institutions: New Jersey Memorial Home for Disabled Soldiers  
at Menlo Park  
New Jersey Memorial Home for Disabled Soldiers  
at Vineland  
Boonton Firemen's Home

Division of Youth and Family Services

Designated as the State's agency for federal funds for social services; responsible for the care of homeless, abused or neglected children; provides supportive and reinforcing services to encourage family stability and self-sufficiency.

Commission for the Blind and Visually Impaired

Operates programs designed to educate and rehabilitate the blind, to assist the blind, and to ameliorate their conditions to encourage self-sufficiency.

Garden State School District

Administers all educational programs in the State's prisons and training schools and allocates Federal funds for education at all State institutions.



THE REORGANIZATIONAL DEBATE

Underlying the various reasons advanced for the redistribution of some of the functions of the Department of Institutions and Agencies among other departments is the basic argument that the Department has grown too large in the size of its bureaucracy and too diverse in the nature of its programs to effectively and efficiently serve the public interest. Critics consider the Department's central management to be spread too thin over its several major time-consuming and crisis-oriented issue areas. They also maintain that the grouping of many programs which are inconsistent both functionally and philosophically precludes the development of a holistic approach to the delivery of human services.

Following is a summary of positions taken by those who favor a restructuring of the Department:

1. The Department is too massive and spans too many major areas of responsibility. As a result, major programs -- particularly corrections, mental health and mental retardation -- are accorded neither the visibility nor the resources which they deserve.
2. The Department is "crisis-oriented" and does not give equal consideration to the needs of each of its divisions.
3. The Commissioner's duties are too burdensome to allow her to provide the attention, leadership and guidance necessary for the proper functioning of all Departmental programs, and many issues are either not given sufficient consideration or are delegated to lower levels of authority.
4. The Department's programs are too diverse, both functionally and philosophically, to allow for the development

of unified and consistent policies as regards the Department's goals, purposes and procedures. Critics question the functional relationship between, for example, welfare programs and services for the mentally ill; or whether a commissioner responsible for ministering to the needs of the disabled and poor can be sufficiently stern to deal with the punishment of criminals.

5. The Department lacks clear lines of accountability and responsibility.

6. The Department's ability to transfer funds among divisions dilutes the legislative intent of the original appropriations and places one division in the position of "bailing out" another division, thereby confusing and distorting Departmental priorities.

Balanced against these considerations are the views of those who, if not expressing outright opposition to any change in the Department's structure, at least advise a "go-slow" approach. They view these criticisms of the Department as essentially ones of style rather than substance and fear that a restructuring promises nothing more than cosmetic title-changes, with little demonstrable effect on policies and programs. They further argue that the programs in single-purpose agencies may be afforded even less in the way of public support, capital and financial resources, and personnel than they now enjoy as elements of a large multi-purpose agency. The major points in opposition to reorganization may be summarized as follows:

1. The absolute size of the Department is not a meaningful issue, since there is neither an established relationship between size and effectiveness or efficiency nor a sound criterion for

determining an optimum size. For example, would removing corrections from I&A (thereby reducing the Department's personnel by 16% and budget by 6%) leave a human services agency of proper proportions? Large organizations can also offer certain economies of scale.

2. The entire range of human resource programs should be continued within one umbrella social service agency in order to facilitate the integrated delivery of related services to its clients.

3. Individual human resource programs which do not necessarily stir popular interest on their own need the administrative and financial support afforded by their inclusion in a large multi-purpose agency. The Department's ability to transfer funds among divisions represents a considerable advantage to vital programs which may have been underfunded due to a lack of popular identity or support.

4. Essential and cost-effective cooperative work arrangements have been established among the Department's divisions (for example, utilizing prison inmate labor at mental institutions or processing institutional laundry at correctional facilities). It might not be possible to implement similar arrangements if the various institutions were administered by different departments, thereby resulting in more costly support and maintenance services.

5. The conversion of an existing I&A division into a new cabinet-level department will not provide any new powers, tools or resources for the solution of the State's social problems. Emphasis should be placed instead on improving the administration of the existing Department, revising its policies and operating procedures, and providing it with increased appropriations and capital funds.

6. Since the Department has been designated as the single State agency for the implementation of Federally-funded social service programs, any alterations in the Department's structure may jeopardize or complicate the State's ability to fulfill its role as a provider of essential human services.

The question of whether to revamp I&A is actually neither as simple, nor as well-structured, nor as clearly defined into pros and cons, as this brief summary would imply. For in the final analysis, this is not an abstract debate over the theory of governmental organization, but is rather a very practical discussion of how to shape means to achieve certain ends. The positions taken by interested parties with respect to reorganization of the Department are in many cases intimately linked with certain specific reorganizational proposals. It is entirely possible that those favoring a change under one set of conditions would oppose it (perhaps using the very arguments they had previously rebutted) under another set. This may be particularly true for those whose fundamental interest lies in elevating a particular program to a higher organizational status. This is not to be critical of those who take an active role in supporting a cause, but to demonstrate that the effort to reorganize the Department may be interpreted as a vehicle for enhancing the status of programs rather than a means to resolve the administrative ills of the Department. From this viewpoint, consideration of the merits of a reorganization is less an issue than the question of how any such change will affect the relative bureaucratic standing of the various social service programs.



ALTERNATIVE ORGANIZATIONAL PLANS

The experiences of other states provide plentiful examples of alternative organizational arrangements for social services -- so plentiful, in fact, that one might objectively conclude that the type of structure bears little relationship to the level and quality of services. The real key to effective and efficient governmental programs, however they may be bureaucratically classified, may lie in the degree of public commitment to providing these programs with the necessary resources to accomplish their aims. That some states are moving to integrate human resource programs in one department while others are considering the establishment of small single-purpose agencies must raise questions in many minds as to the lasting value of executive reorganizations.

The Council of State Governments has recently published a series of reports on the organization and delivery of human resource programs.<sup>1</sup> To indicate the possible number of organizational structures which could be devised, the Council offers this list of programs which might be considered "human services":

Public Assistance	Probation Services
Social Services	Youth Services
Public Health	Parole Services
Mental Health	Programs for the Blind
Mental Retardation	Employment Service
Medical Care	Manpower Programs
Aging	Office of Economic Opportunity
Development Disabilities	Veterans' Services
Crippled Childrens' Services	Alcoholism Programs
Maternal and Child Health	Drug Abuse Programs
Adult Corrections	Vocational Rehabilitation

<sup>1</sup> The Council of State Governments, Human Services Integration: State Functions in Implementation (September, 1974); Human Resource Agencies: Adult Corrections in State Organizational Structure (October, 1975); Human Services: A Framework for

The Council found that as of July, 1974, 26 states had established comprehensive human resource agencies (defined as a department containing at least four major human service programs, including public assistance and social services). New Jersey's Department of Institutions and Agencies would, of course, be included in this total. The Council provided the following summary of the frequency with which certain major human service programs are located within these comprehensive agencies:

Public Assistance and Social Services	26
Mental Health	25
Mental Retardation	24
Health	21
Youth Services	17
Vocational Rehabilitation	17
Corrections	15
Employment Security	5

(Source: Council of State Governments, Human Services Integration: State Functions in Implementation, September, 1974.)

These figures have undoubtedly changed somewhat since the survey was conducted in 1974. For example, at least two states have since removed adult corrections from their umbrella social service agencies.

The thrust of these reports by the Council of State Governments was to review the progress of the integration of human services. The situation in New Jersey is quite the reverse, however, as many concerned parties, viewing the present Department as too large to administer and seeking improved status for programs which they believe to have been neglected, are calling for a reallocation of many of the Department's functions into smaller and more thematically unified agencies.

Among the major reorganizational proposals which have been put forward from time to time are the following:

1. Establishing a separate Department of Corrections.
2. Transferring the Division of Corrections to the Department of Law and Public Safety.
3. Creating a Department of Mental Health and Retardation.
4. Transferring the Divisions of Mental Health, Mental Retardation and Medicaid to the Department of Health.
5. Dividing the Department of I&A into two departments, one responsible for institutions and the other responsible for social services.
6. Placing the social services aspects of I&A in the Department of Health.

These suggestions are not all mutually exclusive and hence the adoption of one option at the present time would not necessarily preclude the possibility of further reducing the functions of I&A at a later date. The following discussion summarizes the possible benefits and drawbacks of each.

#### Department of Corrections

This proposal is not new, having been put forward during the Constitutional Convention of 1947. It has received a great deal of attention of late, for it appears to offer a means to reduce both the size of the Department and the demands on the Commissioner without upsetting the Department's basic social service mission. It is argued that the problems of the State prison system absorb the energies of the Commissioner of Institutions and Agencies out of proportion to its size as a division. Other vital program areas within the Department are not able to compete for the Commissioner's time, for they lack the drama and potential for crisis which are inherent in the correctional field. Conversely, the nature of the

problems besetting our prison system are of such significance to the public safety that they require day-to-day oversight by a full-time Commissioner. Further, correctional operations are so fundamentally different from other Departmental concerns that its removal will actually strengthen the integration of those remaining services which truly qualify as human resource programs.

There does not appear to be any organized opposition to removing corrections from I&A. Those concerned with other areas, such as welfare, mental health and mental retardation, certainly welcome the increased attention which they will undoubtedly receive. There is, however, strong opposition from some parties to including youthful offenders within a Department of Corrections -- a provision which is included in the Governor's proposal. They believe that juveniles should remain in a social service setting rather than be placed in an agency whose main responsibility is to deal with adult offenders.

Some concern has been raised as to whether the correctional system will suffer as a separate department, since there may be little public and political support for the adequate funding of the department or for the establishment of new treatment programs. At present the Division of Correction and Parole receives significant financial support from the other Departmental divisions. For each of the fiscal years 1971 through 1975, for example, the Division of Correction and Parole received, respectively, \$4.6 million, \$5.6 million, \$5.8 million, \$7.5 million and \$8.8 million, in intra-departmental transfers. In other words, the Division's actual expenses averaged about 12.6% above its original appropriation for each of these years. Viewed from a different vantage point, of course, this represents money taken away from other services and therefore is an argument in favor of letting the corrections system stand on its own.



Transferring the Division of Correction and Parole to the  
Department of Law and Public Safety

If corrections and parole are considered as elements in a criminal justice system, then it can be argued that these functions should be placed in an organizational structure which is clearly responsible for all facets of law enforcement. This is particularly the case if punishment and security are paramount in the public's mind. On the other hand, the rehabilitative goals of the prison system may be underemphasized in such an arrangement. Just as the Commissioner of Institutions and Agencies may be perceived as not being sufficiently firm when dealing with the prison population, the Attorney General -- who has the ultimate responsibility for law enforcement -- may be perceived as not being sufficiently responsive to rehabilitative programs.

Department of Mental Health and Retardation

Several states have combined the treatment of mental illness and the care and habilitation of the retarded in one department in order to give greater stress to mental hygiene programs. Both the Division of Mental Retardation and the Division of Mental Health and Hospitals share a common goal of phasing out institutional care and treatment and establishing more community-oriented programs. On the other hand, it can be argued that these two divisions are fundamentally different in their clients, goals and methods of treatment and should not be combined within the same department.

Transferring the Divisions of Mental Health, Mental Retardation and  
Medical Assistance (Medicaid) to the Department of Health

This proposal is based on the assumption that mental health

services and Medicaid payments for all types of health services functionally fall within the realm of a department concerned with health needs rather than a department focused on social services. A serious drawback, however, is the fact that the Department of Health has not had any experience in operating large institutions or in administering insurance or welfare-type programs.

#### Dividing the Department of I&A into Two Departments for Institutions and for Social Services

This suggestion is offered as a means to reduce the Department's size while keeping its two major functional responsibilities intact.

This approach assumes that each of the two components -- institutions and social services -- have enough in common within each group to be the focus of a separate department. If, however, it is believed that corrections and mental retardation, or Medicaid and youth services, to cite an example in each grouping, are not compatible within the existing Department, there is little logic in juxtaposing these functions within a new departmental alignment.

#### Placement of the Social Services Aspects of I&A in the Department of Health

This is somewhat similar to the previous proposal. It would retain all the present institutional functions within I&A and shift other programs to the Health Department on the theory that the Department of Health is the proper agency for Medicaid, welfare, youth and family services, and programs for the blind. It raises the question of whether the Department of Health can administer public assistance programs. Additionally, there is the issue of whether

there are strong enough links between health planning and social service programs to warrant including the two within the same department.

SUMMARY

It is evident that the issues of why and how to restructure the functions of the Department of Institutions and Agencies call for judgements which are generally subjective in nature. No objective measures have ever been devised which can aid in the precise calculation of the non-economic benefits and costs of governmental reorganization. The value of the information in this report lies not necessarily in its factual content, but in its attempt to provide stimulation for further thought on the whys and wherefores of legislative action in this area. Accordingly, it is appropriate to summarize this report not with any particular conclusions, but with a listing of questions which -- while perhaps not really answerable -- are very much a part of the basis for a committee judgement on restructuring the Department.

--What are the purposes and goals of reorganizing the Department of Institutions and Agencies?

--What are the administrative and financial advantages and drawbacks of any specific proposal?

--What are the specific problems within the Department which would be resolved by a reorganization?

--What problems might be better addressed through internal administrative reforms, changes in policies and practices, or increased funding of programs?

--What new powers and tools will be available to any new departments which are established?

--What are the advantages of reorganization for the Department's clients and personnel?

--What are the criteria for organizing programs within administrative units? Should programs be placed in the same department because they touch on the same subject (for example, combining all health-related matters or including corrections in a criminal justice agency) or because they have structural similarities (such as Medicaid and public assistance or the operation of institutions for mental health and correctional purposes).

--What procedures will be implemented to monitor and assess the effects of any organizational change and to evaluate the progress of programs in light of the original reorganizational goals?

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