

CHAPTER 78

**ADMINISTRATION OF VICTIM AND WITNESS
ADVOCACY FUND**

Authority

N.J.S.A. 2C:43-3.1a(6)(c) and 52:4B-43.1.

Source and Effective Date

R.2009 d.371, effective November 16, 2009.
See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 78, Administration of Victim and Witness Advocacy Fund, expires on November 16, 2016.
See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 78, Administration of Victim and Witness Advocacy Fund, was adopted as R.1989 d.156, effective March 20, 1989. See: 20 N.J.R. 2997(b), 21 N.J.R. 774(b). Pursuant to Executive Order No. 66(1978), Chapter 78, Administration of Victim and Witness Advocacy Fund, was readopted as R.1993 d.687, effective November 24, 1993. 25 N.J.R. 4721(a), 25 N.J.R. 5939(b). Chapter 78 was extensively amended by R.1993 d.687, which included the adoption of new subchapters 2, 3 and 4, and the recodification of existing subchapters 2, 3 and 4 as subchapters 6, 5 and 7, respectively. The revisions were effective December 20, 1993. See: 25 N.J.R. 4721(a), 25 N.J.R. 5939(b).

Pursuant to Executive Order No. 66(1978), Chapter 78, Administration of Victim and Witness Advocacy Fund, was readopted as R.1998 d.587, effective November 24, 1998. See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b). As part of R.1998, Subchapter 2, Eligibility Public Entities and Not for Profit, was repealed and new Subchapter 2, Eligibility Criteria, was adopted, effective December 21, 1998. See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Chapter 78, Administration of Victim and Witness Advocacy Fund, was readopted as R.2004 d.224, effective May 20, 2004. See: 36 N.J.R. 15(a), 36 N.J.R. 3065(a).

Chapter 78, Administration of Victim and Witness Advocacy Fund, was readopted as R.2009 d.371, effective November 16, 2009. As a part of R.2009 d.371, Subchapter 3, Application for Moneys by Eligible Public Entities and Eligible Not-For-Profit Organizations, was renamed Application for Grants by Eligible Public Entities and Eligible Not-For-Profit Organizations, effective December 21, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:78-1.1 Purpose

The rules in this chapter govern the administration of the Victim and Witness Advocacy Fund, created pursuant to P.L. 1979, c. 396, §2 (N.J.S.A. 2C:43-3.1a(6)(c)), as amended by P.L. 1991, c. 329, §3 and P.L. 1991, c. 329, §20 (N.J.S.A. 52:4B-43.1). This Fund is legislatively mandated to support the State Office of Victim-Witness Advocacy, county Offices of Victim-Witness Advocacy and other public entities with the development and provision of services to victims and witnesses of crimes, and for related administrative costs. Grant awards disbursed to other public entities according to this chapter shall be used to implement the legislative mandates and the Attorney General Standards to Ensure the Rights of Crime Victims, promulgated pursuant to N.J.S.A. 52:4B-44. The Director may award grants to public entities and not-for-profit organizations who provide specific direct services to victims and witnesses.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Rewrote the section.
Amended by R.2009 d.371, effective December 21, 2009.
See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Substituted “c. 396, §2” for “c.396, § 2”, “c. 329, §3” for “c.329, § 3”, “c. 329, §20”, “c.329, § 20”, “Grant awards” for “Moneys” and “grants” for “moneys”.

13:78-1.2 Legal authority

The Director of the Division of Criminal Justice within the Department of Law and Public Safety is charged with the responsibility to establish rules deemed necessary to effectuate the purposes of the Fund under N.J.S.A. 2C:43-3.1a(6)(c) and 52:4B-43.1.

13:78-1.3 Scope

The rules contained in this chapter shall govern the allocation of moneys from the Victim and Witness Advocacy Fund to the county Offices of Victim-Witness Advocacy and other public entities pursuant to N.J.S.A. 52:4B-43.1b and shall govern the determination of public entities and not-for-profit organizations as eligible to apply for awards from a grant program to provide direct services to victims and witnesses of crimes pursuant to N.J.S.A. 52:4B-43.1c.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).
Rewrote the section.

13:78-1.4 Definitions

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

“Act” means the provisions of N.J.S.A. 52:4B-43.1.

“Attorney General Standards” means the “Attorney General Standards to Ensure the Rights of Crime Victims,” promulgated pursuant to N.J.S.A. 52:4B-44.

“Direct services” means the provision of assistance directly to victims and witnesses, including, but not limited to, one or more of the following as may be determined by the Director:

1. Shelter, food and clothing;
2. Medical and legal advocacy services;
3. 24-hour crisis response services and 24-hour hot-lines;
4. Information and referral and community education;
5. Psychiatric treatment programs;
6. Expanded services for victim’s families and significant others;
7. Short and long term counseling and support groups;
8. Emergency locksmith and carpentry services;
9. Financial services; or
10. Medical testing pursuant to N.J.S.A. 52:4B-44(c).

“Director” means the Director of the Division of Criminal Justice.

“Fund” means the Victim and Witness Advocacy Fund as set forth at N.J.S.A. 2C:43-3.1.

“Not-for-profit organization” means any corporation or other organization, organized under Title 15A of the New Jersey Revised Statutes or otherwise qualified for nonprofit tax exemption, under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), providing direct services to victims or witnesses of crimes.

“Other public entity” means any law enforcement agency within any public corporation or political subdivision of this

State or agency of local government of this State deemed eligible to receive funding for the implementation of the Attorney General Standards.

“Public entity” means any public corporation or political subdivision of this state or agency of local government of this state providing direct services to victims or witnesses of crimes.

“State Fiscal Year” or “SFY” means the fiscal year of the State of New Jersey, which begins on July 1 of a particular year and ends on June 30 of the following year.

“Victim” means a person who suffers personal physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed against that person, or in the case of a homicide, the nearest relative of the homicide victim.

“Witness” means a person who suffers personal physical or psychological injury or incurs loss of or injury to personal or real property or requires services as a result of the prosecution’s intent to call the person to testify in any criminal matter.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

In “Attorney General Standards”, inserted “promulgated pursuant to” preceding “N.J.S.A.”; in “Direct services”, added 10; in “Not-for-profit organization”, inserted “, under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)),”; added “Other public entity”; and deleted “Qualified”.

SUBCHAPTER 2. ELIGIBILITY CRITERIA**13:78-2.1 Eligibility criteria**

Applicants for grant funding must demonstrate that they are a public entity or not-for-profit organization providing direct services. Eligibility will be determined pursuant to the criteria set forth at N.J.S.A. 52:4B-43.1c. Eligibility of a public entity or not-for-profit organization shall be determined by the Director, based upon the information contained in the application for a grant (N.J.A.C. 13:78-3.1).

Amended by R.2009 d.371, effective December 21, 2009.
See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Inserted “grant”, deleted “annual” preceding “application” and substituted “a grant” for “money”.

SUBCHAPTER 3. APPLICATION FOR GRANTS BY ELIGIBLE PUBLIC ENTITIES AND ELIGIBLE NOT-FOR-PROFIT ORGANIZATIONS**13:78-3.1 Grant applications**

(a) Public entities and not-for-profit organizations, which meet eligibility requirements shall submit an application, on

forms prescribed by the Director, for a grant award from the Victim and Witness Advocacy Fund.

(b) Application forms and instructions may be obtained from the State Office of Victim-Witness Advocacy and shall be available after the Notice of Availability of Funds is published in the New Jersey Register.

(c) Application forms and related materials shall be completed, in full, and returned to the Director no later than the close of business on the due date indicated on the application.

(d) Each application for a grant project shall describe:

1. The need for project funding;
2. The purpose and duration of the project;
3. How the funding will be used to further the objectives; and
4. Indicators by which progress in achieving these objectives and the project purposes will be measured.

(e) The Director reserves the right to request oral presentations and/or additional information from applicants and to conduct pre-award surveys with any applicant. Applicants shall comply with all requirements in this rule and submit an application by the due date provided in the Notice of Availability of Funds.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Rewrote the section.

Amended by R.2009 d.371, effective December 21, 2009.
See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Section was "Annual application for moneys". Inserted designations (a), (b), (c), and (e); added (d); in (a), inserted a comma following "organizations"; deleted "annual" preceding "application" and substituted "a grant award" for "moneys"; and in (b), substituted "after" for "when".

SUBCHAPTER 4. FUNDING OF AWARDS

13:78-4.1 Amount of moneys available for grant awards

(a) The amount of moneys available for awards each year is dependent upon the total amount collected and deposited into the Fund and designated by the State Treasurer as available for distribution.

(b) Moneys are available for expenditure during the State Fiscal Year (SFY) of the grant award.

(c) Approved expenditures may be reimbursed retroactively to the beginning of the SFY, even though moneys may not be awarded until later in the SFY.

Amended by R.2009 d.371, effective December 21, 2009.
See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Section was "Amount of moneys available for awards". In (b), inserted "the grant".

SUBCHAPTER 5. ALLOCATION AND DISBURSEMENT FROM FUND

13:78-5.1 Disbursing available moneys and grant awards from Victim and Witness Advocacy Fund

(a) Available moneys in the Fund first shall be allocated by the Director to provide complete funding for the State Office of Victim-Witness Advocacy within the Division of Criminal Justice, established pursuant to N.J.S.A. 52:4B-43, and shall be in an amount sufficient to provide for all salaries, support the development and provision of services to victims and witnesses of crimes, implement Statewide initiatives benefitting victims of crimes, related administrative costs and any other necessary operational expenses.

(b) After the allocation of moneys to the State Office of Victim-Witness Advocacy, grant funds may be offered, in the discretion of the Director, to any of the following:

1. County Offices of Victim-Witness Advocacy based on a formula, as determined by the Director, that may include a base amount, a county's population, crime rate and number of cases reviewed by the prosecutor's office;
2. Other public entities and for special projects or other purposes as the Director deems appropriate for implementing the Attorney General Standards; or
3. Eligible public entities and eligible not-for-profit organizations for a grant program to provide direct services to crime victims based upon the availability of funds.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Rewrote the section.

Amended by R.2009 d.371, effective December 21, 2009.
See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Section was "Allocation of moneys available from Victim and Witness Advocacy Fund". Rewrote the section.

13:78-5.2 Disbursement of moneys to State and grant awards to county Offices of Victim-Witness Advocacy

(a) The Director shall determine the amount required to fund the State Office of Victim-Witness Advocacy and authorize use of moneys for this purpose.

(b) The Director shall determine the amount of grant awards that are disbursed to the county Offices of Victim-Witness Advocacy within each county prosecutor's office, established pursuant to N.J.S.A. 52:4B-44b and 52:4B-45.

1. Each county prosecutor shall provide the State Office of Victim-Witness Advocacy with a completed application for grant funds to supplement the operation of the county Office of Victim-Witness Advocacy on forms prescribed by the Director.

2. Each county prosecutor shall submit a certification executed by each of the following county officials: the county prosecutor; the chief executive or chief appointed official; the chief financial officer; and the freeholder director or president. The certification shall state that they authorize the application and that the grants awarded from the Fund will be expended solely for the development, provision and/or enhancement of services to victims and witnesses in accordance with legislative mandates or the Attorney General Standards and related administrative and training costs.

3. A county should expend a grant award in the local budget year in which it is received.

4. A grant award from the Fund may be withheld from a county until that county's governing body approves the county prosecutor's budget request for the county Office of Victim-Witness Advocacy.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

In (a), substituted "use" for "transfer"; and rewrote (b).
Amended by R.2009 d.371, effective December 21, 2009.
See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Section was "Disbursement of moneys to State and county Offices of Victim-Witness Advocacy". In the introductory paragraph of (b), substituted "The Director shall determine the amount of grant awards that are disbursed" for "In disbursing moneys" and a period for "the following procedures shall be followed:" at the end; rewrote (b)1 and (b)3; in (b)2, inserted "that they authorize the application and", substituted "grants awarded" for "moneys allocated" and deleted a comma following "Standards"; and in (b)4, substituted "A grant award" for "Moneys" and deleted the last sentence; and deleted (b)5.

13:78-5.3 Disbursement of grant awards to other public entities

The State Office of Victim-Witness Advocacy shall review any funding applications submitted by other public entities, pursuant to N.J.S.A. 52:4B-43.1b, and make grant award recommendations to the Director. The Director may award grants to other public entities, pursuant to N.J.S.A. 52:4B-43.1b, and as deemed appropriate for the implementation of the legislative mandates and the Attorney General Standards.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Substituted "disburse" for "distribute" in the second sentence; and deleted references to municipalities throughout.
Amended by R.2009 d.371, effective December 21, 2009.
See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Section was "Disbursement of moneys to other public entities". Substituted "The State Office of Victim-Witness Advocacy" for "After the allocation of moneys to the State Office of Victim-Witness Advocacy and county Offices of Victim-Witness Advocacy, a committee designated by the Director" and "award grants" for "disburse funds", inserted "grant award" and deleted "concerning the award of any available moneys" following "to the Director".

13:78-5.4 Disbursement of grant awards to eligible public entities and eligible not-for-profit organizations

(a) The State Office of Victim-Witness Advocacy shall review the funding application (N.J.A.C. 13:78-3) submitted

by each eligible public entity and each eligible not-for-profit organization and shall make recommendations to the Director concerning the award of grant funds.

(b) At the discretion of the Director, grant funds may be awarded to eligible public entities and eligible not-for-profit organizations whose applications will satisfy the statutory criteria (N.J.S.A. 52:4B-43.1c) to establish or enhance direct services to victims and witnesses.

(c) Grant awards from the Fund may be withheld by the Director from eligible public entities and eligible not-for-profit organizations who are awarded grants until all fiscal and programmatic reporting requirements are met.

Amended by R.1998 d.587, effective December 21, 1998.

See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

In (c), inserted "who are awarded grants" following "organizations"; and deleted "qualified" following "eligible" throughout the section.
Amended by R.2009 d.371, effective December 21, 2009.

See: 41 N.J.R. 2626(a), 41 N.J.R. 4820(c).

Section was "Disbursement of moneys to eligible public entities and eligible not-for-profit organizations". In (a), substituted "The State Office of Victim-Witness Advocacy" for "A committee designated by the Director" and "grant funds" for "moneys"; in (b), substituted "grant funds" for "moneys" and deleted "funding" preceding "applications"; and in (c), substituted "Grant awards" for "Moneys" and inserted "and programmatic".

13:78-5.5 Compliance with State and local laws

Any public entity, receiving moneys for victim and witness assistance or advocacy from the Fund under this chapter, shall comply with and follow State of New Jersey procurement practices and procedures pursuant to the "Local Public Contracts Law," N.J.S.A. 40A:11-1 et seq., any rules promulgated and adopted thereunder, and any other controlling State or local laws or ordinances.

Amended by R.1998 d.587, effective December 21, 1998.

See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Inserted "any rules promulgated and adopted thereunder," preceding "and any other" at the end.

13:78-5.6 Notification of grant awards

(a) The Director shall notify each county prosecutor of the grant award for the county Office of Victim-Witness Advocacy by letter.

(b) The Director shall notify county prosecutors applying for additional funds, other public entities, eligible public entities and eligible not-for-profit organizations whose funding applications have been found, by the Director, to satisfy the statutory criteria concerning victim and witness assistance or advocacy by letter.

(c) The Director shall forward grant agreements to the Attorney General or designee, who shall execute the grant agreements on behalf of the State. A grant agreement must be fully executed before any moneys can be disbursed.

Public Notice: Awards for 1994-1995 fiscal year.

See: 27 N.J.R. 4019(a).