

**CHAPTER 17**

**SOCIAL SERVICES**

**Authority**

N.J.S.A. 30:1B-6, 30:1B-10, 30:4-123.47(c), 37:1-13 and 37:1-17; and *Judith Vaquez v. Department of Corrections*, Superior Court of New Jersey, Appellate Division, Docket No. A-1498-00T5 February 14, 2002).

**Source and Effective Date**

R.2003 d.403, effective September 17, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 17, Social Services, expires on March 16, 2009. See: 40 N.J.R. 5941(a).

**Chapter Historical Note**

Chapter 17, Social Services, became effective with Subchapter 9, Referral of Handicapped Children for Adult Educational Services, as R.1986 d.480, effective December 15, 1986. See: 18 N.J.R. 2102(a), 18 N.J.R. 2457(b).

Subchapter 2, Volunteer Service Program, Subchapter 5, Religion, and Subchapter 6, Institutional Chaplaincy, were adopted as R.1988 d.241, effective June 6, 1988. See: 20 N.J.R. 167(a), 20 N.J.R. 1224(b).

Subchapter 8, Recreation and Leisure Time Activities, was adopted as R.1989 d.470, effective September 5, 1989. See: 21 N.J.R. 665(a), 21 N.J.R. 2793(a).

Subchapter 3, Volunteers in Parole Program (V.I.P.P.), was adopted as R.1990 d.488, effective October 1, 1990 (operative October 15, 1990). See: 22 N.J.R. 1981(a), 22 N.J.R. 3149(b).

Pursuant to Executive Order No. 66(1978), Chapter 17, Social Services, expired on December 15, 1991 and was adopted as new rules by R.1992 d.49, effective February 3, 1992. See: 23 N.J.R. 3065(a), 24 N.J.R. 468(a).

Subchapter 7, Inmate Marriage, was adopted as R.1992 d.55, effective February 3, 1992. See: 23 N.J.R. 3422(a), 24 N.J.R. 469(a).

Pursuant to Executive Order No. 66(1978), Chapter 17, Social Services, expired on February 3, 1997.

Chapter 17, Social Services, was adopted as new rules by R.1998 d.367, effective July 20, 1998. See: 30 N.J.R. 1720(c), 30 N.J.R. 2619(b).

N.J.A.C. 10A:17-3.3 through 3.16 were recodified as 10A:72-9.1 through 9.14 by administrative change. See: 34 N.J.R. 1918(a).

Chapter 17, Social Services, was readopted as R.2003 d.403, effective September 17, 2003. See: Source and Effective Date. See, also, section annotations. As a part of R.2003 d.403, Subchapter 3, Volunteers in Parole Program (V.I.P.P.), was repealed, effective October 20, 2003.

Subchapter 7, Inmate Marriage, was renamed Inmate Marriage and Civil Union by R.2007 d.315, effective October 15, 2007. See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

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**SUBCHAPTER 1. GENERAL PROVISIONS**
**10A:17-1.1 Purpose**

(a) The purpose of this chapter is to establish policies and procedures for:

1. Volunteer service programs;
2. Social work and services;
3. Religion;
4. Correctional facility/unit chaplaincy services;
5. Inmate marriage and civil union;
6. Recreation and leisure time activities; and
7. The referral of handicapped children for adult educational services.

Amended by R.2007 d.315, effective October 15, 2007.  
 See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).  
 In (a)5, inserted "and civil union".

**10A:17-1.2 Scope**

This chapter shall be applicable to State correctional facilities and State sentenced inmates under the jurisdiction of the Department of Corrections.

**10A:17-1.3 Definitions**

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

"Supervisor of Volunteers" means a staff member, within a correctional facility, who is responsible for coordinating and supervising the Volunteer Service Program of the correctional facility and its satellite unit(s).

"Volunteer" means a person who provides services which supplement the functions and activities of employees of the New Jersey Department of Corrections without receiving monetary remuneration or material gain.

**10A:17-1.4 Forms**

(a) The following forms related to social services are available by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms by contacting the Administrative Rules Unit, New Jersey Department of Corrections:

1. 370-I Religious Vegetarian Diet;
2. 380-I Marriage/Civil Union Request Form; and
3. 450-I Volunteer Application.

Administrative change.  
 See: 32 N.J.R. 303(a).  
 Administrative change.  
 See: 35 N.J.R. 1137(a).

Amended by R.2003 d.403, effective October 20, 2003.  
 See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), added a new 2 and recodified former 2 as 3; deleted (b) and (c).  
 Amended by R.2006 d.419, effective December 4, 2006.  
 See: 38 N.J.R. 3226(a), 38 N.J.R. 5161(a).

In the introductory paragraph of (a), deleted "shall be reproduced by each correctional facility from originals that" preceding "are available" and inserted "by accessing the Department of Corrections computer network (DOCNet). Interested individuals who do not have access to DOCNet may obtain copies of forms".

Amended by R.2007 d.315, effective October 15, 2007.

See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

In (a)2, inserted "/Civil Union".

**10A:17-2.1 Supervisor of Volunteers**

(a) The Administrator shall designate a correctional facility staff member to function as the Supervisor of Volunteers if there is no Supervisor of Volunteer Services position.

(b) The Supervisor of Volunteers shall be responsible for the coordination and supervision of the Volunteer Service Program of the correctional facility.

(c) The Supervisor of Volunteers shall:

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**SUBCHAPTER 2. VOLUNTEER SERVICE PROGRAM**

**Cross References**

Community volunteers, see N.J.A.C. 10A:17-5.14.

1. Recruit volunteers;
2. Coordinate the screening, interviewing and approval of volunteers;
3. Develop, schedule and conduct volunteer orientation and training programs;
4. Assign volunteers to appropriate activities;
5. Coordinate and monitor the supervision of volunteers; and
6. Prepare monthly and annual reports of volunteer services pursuant to N.J.A.C. 10A:17-2.20.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrator" for "Superintendent".

#### 10A:17-2.2 Recruiting volunteers

(a) Volunteers may be recruited by the Supervisor of Volunteers or by other interested individuals.

(b) When recruiting volunteers, emphasis shall be placed on the service to be provided and the following qualifications of the prospective volunteer:

1. Motivation;
2. Interest;
3. Background;
4. Training; and/or
5. Other qualifications appropriate for providing a needed service.

#### 10A:17-2.3 Eligibility for Volunteer Service Program

(a) A volunteer must be at least 18 years old to be eligible to participate in the Volunteer Service Program of any correctional facility.

(b) A relative or a friend of an inmate shall not be permitted to participate in the Volunteer Service Program at the correctional facility where that inmate is housed.

(c) A person with an arrest history may participate in the Volunteer Service Program if his or her volunteer application is approved by the Supervisor of Volunteers, the Administrator and the appropriate Assistant Commissioner.

(d) Each member of a group wishing to participate in the Volunteer Service Program shall submit an individual application pursuant to this subchapter. Group member applications shall be reviewed, approved or disapproved by the Supervisor of Volunteers.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (c), substituted "Administrator" for "Superintendent".

#### 10A:17-2.4 Volunteer application

(a) Any person desiring to serve as a volunteer may obtain from the Supervisor of Volunteers the following forms:

1. 450-I Volunteer Application;
2. 450-II Volunteer Rules and Responsibilities; and
3. IAU—12 Request for Criminal History Background Information.

(b) The applicant shall complete and sign forms in (a) above and return such forms to the Supervisor of Volunteers for review.

(c) Applicants offering volunteer services in specialized fields requiring licensure or certification shall submit copies of certified, current credentials for verification along with the application.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a)3, deleted the word "Form".

#### 10A:17-2.5 Screening process

(a) Applicants shall be evaluated on the basis of the information provided at the interview, and the information entered on Form 450-I Volunteer Application.

(b) The Supervisor of Volunteers shall verify all pertinent information and approve or reject applicants after a thorough review has been made of the qualifications of the applicants and the needs of the correctional facility.

(c) The Supervisor of Volunteers shall notify all applicants, in writing, of whether they have been approved or disapproved for participation in the Volunteer Service Program.

#### 10A:17-2.6 Volunteer Handbook

(a) Each correctional facility shall develop and publish a Volunteer Handbook which shall bear the date of publication on the cover or front page.

(b) Each volunteer shall receive a copy of the Volunteer Handbook prior to assignment of any correctional facility activity.

(c) The Volunteer Handbook shall be reviewed every two years and updated accordingly.

(d) Prior to publishing or republishing the Volunteer Handbook, the final draft shall be submitted to the appropriate Assistant Commissioner for review and written approval.

(e) When the approved Volunteer Handbook has been printed, the correctional facility shall submit a copy to the Commissioner or designee and to the appropriate Assistant Commissioner's office to be maintained on file.

(f) The Volunteer Handbook shall include, but is not limited to:

1. An introduction which summarizes the history, goals and objectives of the Department of Corrections and correctional facility;
2. A summary of correctional facility rules, regulations and useful practices including, but not limited to, notification that all volunteers, their belongings and vehicles are subject to searches while on the premises, or in a facility under the jurisdiction of the Department of Corrections in accordance with N.J.A.C. 10A:18-6, Visits;
3. The guidelines for interaction with inmates;
4. The responsibilities of volunteers;
5. A summary of services currently being provided by volunteers; and
6. An explanation of the volunteer performance evaluation.

Amended by R.2001 d.197, effective June 18, 2001.

See: 32 N.J.R. 2637(a), 33 N.J.R. 2082(a).

Rewrote (c); rewrote (f)2.

Amended by R.2002 d.65, effective March 4, 2002.

See: 33 N.J.R. 3857(a), 34 N.J.R. 1027(a).

In (e), substituted "Commissioner or designee" for "Chief of Staff".

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (e), deleted "the Office of" preceding "the appropriate Assistant"; in (f), deleted "the Office of" preceding "the Commissioner".

#### 10A:17-2.7 Orientation and training of volunteers

(a) Each correctional facility shall provide orientation and training sessions to all volunteers prior to assignment to any correctional facility service.

(b) Orientation and training sessions shall include, but are not limited to, the following topics:

1. Rules of the Department of Corrections;
2. Rules of the correctional facility;
3. Philosophy, goals, resources and programs of the correctional facility;
4. Duties and responsibilities of volunteers; and
5. Appropriate exercise of volunteer authority.

#### 10A:17-2.8 Volunteer assignments

(a) Volunteers shall be assigned to correctional facility services in accordance with the volunteer's interests and capabilities and in accordance with the needs of the correctional facility. Services to which volunteers may be assigned shall include, but are not limited to:

1. Tutoring;
2. Crafts;

3. Recreation;
4. Vocational placement;
5. Group or individual counseling; and
6. Religious activities.

#### 10A:17-2.9 Scheduling

(a) The services of the Volunteer Service Program shall be coordinated and scheduled by the Supervisor of Volunteers and approved, in writing, by the Administrator or designee.

(b) The Supervisor of Volunteers shall post a schedule of current volunteer services on the bulletin board of each housing unit. The schedule of volunteer services shall indicate the following:

1. Kind of service provided;
2. Day(s) provided;
3. Time (beginning/ending);
4. Location; and
5. Individual or group(s) providing service.

(c) Any additions or changes in volunteer services shall be promptly posted on the bulletin board of each housing unit by the Supervisor of Volunteers.

(d) When time or space is limited, or when the delivery of volunteer services conflicts with the normal operation of the correctional facility, the Administrator or designee shall determine whether volunteer services shall be limited, suspended or discontinued.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" in (a) and (d); in (d), substituted "discontinued" for "discounted" following "suspended or".

#### 10A:17-2.10 Volunteer photo identification cards and index data files

(a) A volunteer photo identification (I.D.) card shall be prepared and a volunteer index data file shall be created for each volunteer.

(b) The volunteer photo I.D. card shall include:

1. A photograph of the volunteer;
2. The name of the volunteer;
3. The volunteer service provided;
4. The date the volunteer photo I.D. card was issued; and
5. The expiration date that is one year from the date of issue.

(c) The index data files for volunteers shall include:

1. All information indicated in (b) above from the volunteer photo I.D. card;
2. The home address and telephone number of the volunteer; and
3. The work telephone number of the volunteer.

(d) The index data files for volunteers shall be kept at the front entrance of the correctional facility, and shall be used only by authorized staff for identifying volunteers. Upon verification of the volunteer identification, the staff member on duty at the front entrance shall issue the volunteer photo I.D. card in accordance with N.J.A.C. 10A:17-2.11.

(e) The Supervisor of Volunteers shall retain all inactive volunteer photo I.D. cards and index data files in accordance with the approved record retention schedule.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote the section.

Amended by R.2006 d.153, effective May 1, 2006.  
See: 37 N.J.R. 1672(a), 38 N.J.R. 1838(a).

Deleted former (b)3.; recodified (b)4.-(b)6. as (b)3.-(b)5. and in (b)5., substituted "one year" for "three years".

#### 10A:17-2.11 Correctional facility access

(a) When entering the correctional facility, the volunteer shall obtain at the front entrance his or her volunteer photo I.D. card in exchange for some form of personal identification, such as:

1. A driver's license;
2. An employment photo I.D. card;
3. A passport;
4. A valid county, State or Federal I.D. card; or
5. A Medicaid/Medicare or similar card.

(b) While in the correctional facility, the volunteer shall visibly wear his or her volunteer photo I.D. card.

(c) When the volunteer leaves the correctional facility, the volunteer shall return the volunteer photo I.D. card in exchange for his or her personal identification material.

(d) The staff member on duty at the front entrance of the correctional facility shall record the following:

1. Volunteer's name;
2. Date; and
3. Time volunteer entered and left the correctional facility.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted references to volunteer photo for references to correctional facility; in (a), added 4 and 5.

#### 10A:17-2.12 Supervision of volunteers

The Department head to whom the volunteer is assigned shall be considered the volunteer's supervisor.

#### 10A:17-2.13 Performance evaluation

(a) The Supervisor of Volunteers, along with the volunteer's immediate supervisor, shall evaluate the performance of the volunteer after a trial period of four months using Form 450-III Volunteer Performance Evaluation.

(b) If the evaluation in (a) above is unsatisfactory, a consultation shall be scheduled between the volunteer, the Supervisor of Volunteers, the immediate supervisor and any other appropriate staff member(s).

(c) After the consultation with the volunteer in (b) above has been completed, the Supervisor of Volunteers shall recommend to the Administrator the retention or termination of the volunteer.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (c), substituted "Administrator" for "Superintendent".

#### 10A:17-2.14 Volunteer service recognition

The Supervisor of Volunteers may, with approval from the Administrator, schedule an annual event to acknowledge the contribution of volunteers.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent".

#### 10A:17-2.15 Curtailing, suspending or discontinuing the services of a volunteer

(a) The Administrator may curtail, suspend or discontinue the services of a volunteer for reasons which include, but are not limited to:

1. Any breach of confidentiality;
2. Unlawful conduct or breach of correctional facility rules and regulations;
3. Physical or emotional illness;
4. Inability to cooperate with staff;
5. Erratic, unreliable attendance;
6. Violation(s) of the rules of the Volunteer Service Program;
7. Any prohibited conduct contained in the volunteer contract; and
8. Any conduct which threatens the order or security of the correctional facility or the safety of the volunteer.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrator" for "Superintendent" in the introductory paragraph.

**10A:17-2.16 Inmate violation of Volunteer Service Program rules**

(a) Inmates shall be advised, in writing, of the rules governing the Volunteer Service Program.

(b) Failure of the inmate to comply with the rules of the Volunteer Service Program may result in disciplinary action being taken against the inmate involved.

**10A:17-2.17 Volunteer Service Program in residential community programs**

(a) Each residential program which uses the services of volunteers shall develop written internal management procedures which govern the following:

1. Recruiting, screening and selecting of volunteers;
2. Orientation and training of volunteers;
3. Supervision of the services provided by volunteers; and
4. Termination of volunteers.

(b) The internal management procedures outlined in (a) above shall be revised when necessary, and submitted to the office of the appropriate Assistant Commissioner for review and written approval on or before September 30 of each year.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "residential program" for "community residential facility" in the introductory paragraph and substituted "internal management" for "policies and" throughout.

**10A:17-2.18 (Reserved)**

Repealed by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Section was "Volunteer in Parole Program (V.I.P.P.)".

**10A:17-2.19 Records**

(a) The Supervisor of Volunteers shall maintain a current record of the following:

1. All volunteer services;
2. The volunteer index data file information as set forth at N.J.A.C. 10A:17-2.10; and
3. The name and inmate number for inmates receiving volunteer services.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), rewrote 2 and 3.

**10A:17-2.20 Reporting responsibilities**

(a) The Supervisor of Volunteers shall prepare monthly and annual reports of volunteer services and submit the reports in accordance with N.J.A.C. 10A:21 Reports.

(b) A list of volunteer applicants who have been approved or rejected shall be included in the monthly report of the Supervisor of Volunteers.

(c) The Supervisor of Volunteers shall submit copies of the monthly and annual reports to the Administrator and the office of the appropriate Assistant Commissioner.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (c), deleted gender references and substituted "Administrator" for "Superintendent".

**10A:17-2.21 Internal management procedures and post orders**

(a) Each correctional facility shall develop written internal management procedures and post orders to govern the Volunteer Service Program.

1. The Administrator shall review and sign the internal management procedures and post orders at least annually. Each correctional facility shall update the internal management procedures and post orders in (a) above as necessary.

(b) Each correctional facility shall submit a copy of the written procedures governing the Volunteer Service Program to the appropriate Assistant Commissioner for review and approval on or before September 30 of each year.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Inserted "internal management" preceding "procedures and post orders" throughout and substituted "Administrator" for "Superintendent" in (a)1.

**SUBCHAPTER 3. (RESERVED)****SUBCHAPTER 4. SOCIAL WORK AND SERVICES****10A:17-4.1 Responsibilities of the Social Work Advisory Committee**

(a) A Central Office liaison appointed by the appropriate Assistant Commissioner shall establish a Social Work Advisory Committee to serve in an advisory capacity to the Department of Corrections Commissioner, or designee, correctional facility Administrators and unit Administrators on matters related to social work and services.

(b) Correctional facility/unit Administrators shall refer issues concerning personnel, training and other matters that are directly related to social work or services to the Social Work Advisory Committee.

(c) The Social Work Advisory Committee shall address social work program review, evaluation and planning. The evaluation of services shall include, but not be limited to, the consideration of the effectiveness of social work relative to:

1. The availability of professional and support personnel;
2. The costs associated with the provision of social services; and
3. The time necessary for social work staff to provide effective social services.

(d) The Social Work Advisory Committee, through the Central Office liaison, may make correctional facility/unit on-site visits to evaluate the provision of social services and to review monthly and annual reports.

(e) The Social Work Advisory Committee, through the Central Office liaison, shall submit recommendations for improvements in the provision of social services to inmates in correctional facilities/units to:

1. The Commissioner;
2. The appropriate Assistant Commissioner;
3. The correctional facility/unit Administrator; and
4. Any other Department of Corrections individual(s) responsible for the provision of social services.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted references to Administrators for references to Superintendents throughout.

#### **10A:17-4.2 Composition of the Social Work Advisory Committee**

(a) The Social Work Advisory Committee shall be composed of the following members:

1. The Central Office liaison;
2. The Social Work Supervisors or Assistant Supervisors from each correctional facility/unit; and
3. Departmental staff members other than those listed above who are designated by the Central Office liaison to serve as members or alternate members.

#### **10A:17-4.3 Provision of social services**

(a) The goal of providing social services in a correctional facility/unit shall be to respond to the social needs of the inmate and to the management needs of the correctional facility/unit by maintaining and delivering a diversified range of services. These services may include, but are not limited to:

1. Communication with outside agencies and individuals;

2. Information gathering;
3. Report writing;
4. Development of new programs;
5. Consultation with correctional facility/unit staff members concerning specific inmate issues;
6. Services directed toward assisting inmates cope with interpersonal problems of an emotional, behavioral or familial nature including, but not limited to:
  - i. Individual and group counseling;
  - ii. Emergency situations, such as a serious illness or death in the family;
  - iii. The deterioration or termination of a relationship with a loved one;
  - iv. Mental health issues;
  - v. Behavioral problems;
  - vi. Attempted suicide; or
  - vii. Any situation which presents or could result in a crisis;
7. Activities which support the development of a treatment plan and support classification activity including, but not limited to:
  - i. Participation in classification meetings in accordance with N.J.A.C. 10A:9, Classification Process;
  - ii. Intake, orientation and assessment interviews;
  - iii. Treatment plan development;
  - iv. Referral(s) for services; and
  - v. Progress and pre-parole report preparation;
8. Inmate orientation for newly received inmates; and
9. Activities related to situational problem-solving to include efforts to resolve problems through communication when there has been a failure in normal channels of resolution.

#### **10A:17-4.4 Caseload and staffing**

(a) Social work caseload ratios shall be designed to provide the social worker with sufficient opportunity for the delivery of services necessary for the effective maintenance of social services to each inmate.

(b) Caseloads shall be assigned at the discretion of the Social Work Supervisor. A lower staff/inmate ratio may be established for specific inmate populations such as, but not limited to, those in Close Custody Units.

(c) Caseloads shall be assigned in a manner that shall eliminate duplication of work and help ensure consistent coverage.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), inserted ", but not limited to, "preceding "those in Close Custody Units".

#### 10A:17-4.5 Staff training

(a) The Social Work Supervisor shall be responsible for providing information regarding training opportunities for the social work staff including, but not limited to, Departmental and outside agency training programs, workshops, seminars and conferences.

(b) In accordance with correctional facility/unit internal management procedures, all social work staff new to the correctional facility/unit shall receive general orientation to the policies, organizational structure, programs and regulations of the correctional facility/unit and the Department of Corrections.

(c) As needed, social work staff shall receive training in the following areas to include, but not be limited to:

1. Correctional facility/unit safety, security and orderly operation;
2. Counseling and treatment skills;
3. Communications;
4. Inmate rules and regulations;
5. Inmate rights and responsibilities;
6. Specific inmate group and population issues;
7. Fire and first-aid procedures;
8. Medical issues; and
9. Any other issues that are pertinent to the provision of social services.

(d) Training records shall be maintained by the correctional facility/unit Social Work Supervisor or designee regarding staff training and development.

#### 10A:17-4.6 Social work manual

(a) The Social Work Supervisor in conjunction with the Associate Administrator or appropriate Assistant Superintendent and the social work staff shall develop a manual for the practice of social work and the maintenance and delivery of social service within the correctional facility/unit. This manual shall include, but is not limited to, the:

1. Purposes, responsibilities and procedures for the operation of the Social Work Department;
2. Guidelines for establishing priorities for social work program activities;
3. Guidelines for handling referrals;
4. Guidelines for the management of specific populations within the correctional facility;

5. Caseload and staffing ratios;
6. Policies regarding staff training; and
7. Procedures for social work interaction and referrals to other departments or agencies.

(b) Copies of the Social Work Manual shall be distributed or made available to:

1. The appropriate Assistant Commissioner;
2. The Central Office liaison;
3. The Administrator;
4. The Associate Administrator or appropriate Assistant Superintendent(s);
5. The Director of Custody Operations;
6. The correctional facility/unit administrative staff;
7. All Social Work Department staff; and
8. Any other correctional facility/unit staff deemed necessary by the Administrator or designee, or the Supervisor of the Social Services Department.

(c) The Social Work Manual shall be reviewed, amended as necessary and approved by the Administrator or designee and a copy shall be submitted to the Social Work Advisory Committee by June 30 of each year. The Social Work Advisory Committee shall respond in writing to the Central Office liaison with recommendations.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted references to Administrator for references to Superintendent throughout.

#### 10A:17-4.7 Reports

(a) Copies of monthly and annual Social Work Department reports shall be submitted to the correctional facility Administrator or designee and the Central Office liaison who shall provide copies of these reports to the Social Work Advisory Committee.

(b) Reports of unusual incidents or events shall be handled in accordance with N.J.A.C. 10A:21, Reports.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrator" for "Superintendent".

#### 10A:17-4.8 Records of information

(a) The Supervisor of Social Work shall ensure that confidential social service records are securely maintained and handled in accordance with N.J.A.C. 10A:22, Records.

(b) Information regarding inmates shall not be provided to, or discussed with, unauthorized persons. Inmate information shall be handled in accordance with N.J.A.C. 10A:19, Public Information, and N.J.A.C. 10A:22, Records.

(c) Access to records and information by social work students preparing for the professional field of social work or a closely related discipline shall be:

1. Handled in accordance with N.J.A.C. 10A:1-10, Research;
2. Handled in accordance with N.J.A.C. 10A:22, Records; and
3. Conducted under the supervision of the correctional facility/ unit Supervisor of Social Work or designee.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).  
In (b), added "N.J.A.C. 10A:22, Records".

## SUBCHAPTER 5. RELIGION

### 10A:17-5.1 Freedom of religious affiliation and voluntary worship

(a) Each inmate has the right to freedom of religious affiliation and voluntary religious worship while incarcerated, but the exercise of such right may be subject to reasonable restrictions.

(b) Inmates in the general population of a correctional facility who desire to participate in a religious service, meeting or activity that has been approved by the Administrator or designee shall be permitted to do so unless there is a threat to the safe, secure or orderly operation of the correctional facility.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), substituted "Administrator" for "Superintendent".

### 10A:17-5.2 Religious proselytizing inmate

(a) No person shall disparage an inmate's religious beliefs or deliberately seek to persuade an inmate to change his or her religious affiliation.

(b) While under the jurisdiction of the New Jersey Department of Corrections, an inmate shall not be prevented from voluntarily changing religious preference.

(c) An inmate may change religious affiliation by contacting the chaplain who represents the faith group to which the inmate is seeking affiliation.

### 10A:17-5.3 Inmate attendance at community religious activities

(a) Inmates with the Department of Corrections, including satellite units, except as established in (b) below, shall not be permitted to attend worship services and/or religious activities in the community.

(b) Worship service and/or religious activity attendance by inmates residing in residential community programs shall be governed by the contract between the New Jersey Department of Corrections and the provider, and the provisions of N.J.A.C. 10A:20.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), substituted "residential community programs" for "community residential centers".

### 10A:17-5.4 Physical facilities and equipment

(a) Dependent upon available resources and consistent with internal discipline, order, safety and security, the correctional facility shall provide adequate space and equipment so as to enable inmates to:

1. Participate in worship services or other religious rites;
2. Receive religious education; and
3. Receive religious counseling.

(b) During all phases of any religious program, the rules and policies related to the internal discipline, order, safety and security of the correctional facility shall be in effect.

### 10A:17-5.5 Inmate orientation

(a) During orientation, inmates shall be informed of the following:

1. Chaplaincy services;
2. Religious activities; and
3. Other aspects of the religious program.

### 10A:17-5.6 Scheduling of religious activity

(a) All religious services, activities or meetings shall be coordinated and scheduled by the Supervisor of Chaplaincy Service, Chaplain, or other designated staff person, subject to approval of the Administrator or designee.

(b) Factors to be considered when scheduling religious activities shall include, but are not to be limited to:

1. Availability of staff;
2. Availability of space;
3. Availability of time; and
4. The maintenance of a secure and orderly operating correctional facility.

(c) The weekly schedule of religious services and activities shall be posted on each housing unit's bulletin area and in other appropriate areas of the correctional facility. The schedule shall indicate the following:

1. Kind of religious service or activity being held;
2. Day(s) provided;

3. Time (beginning and ending);
4. Location; and
5. Person or group conducting activity.

(d) Any additions or changes in religious services and activity shall be promptly posted.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrator" for "Superintendent"; in (c), substituted "other appropriate areas" for "conspicuous and accessible areas" in the introductory paragraph.

#### 10A:17-5.7 Restrictions on congregate religious services

When, in the opinion of the Institutional Classification Committee (I.C.C.) and the Administrator, there is substantial evidence that disruptive or illicit activity has occurred or is likely to occur, one or more inmates may have their attendance at group worship restricted or denied, or a scheduled religious service, activity or meeting may be canceled or terminated.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent".

#### 10A:17-5.8 Control of religious ritualistic elements

(a) Religious ritualistic elements, including, but not limited to, sacramental wine, fragrance oil in approved containers and matzo, which are necessary as part of the religious service, may be brought into the correctional facility only by the Chaplain or a volunteer religious group leader from the community.

(b) The highest ranking custody supervisor on duty shall be responsible for the secure storage of religious ritualistic elements.

(c) When religious ritualistic elements are to be used, these elements shall be issued by the highest ranking custody supervisor on duty only to the Chaplain or a volunteer religious group leader from the community.

(d) The Chaplain or a volunteer religious group leader from the community shall be responsible for the use and return of any excess religious ritualistic elements to the highest ranking custody staff supervisor on duty for secure storage following the use of the elements at religious services.

#### 10A:17-5.9 Religious diets

(a) An inmate who cannot eat the food served to the general population because of the inmate's religious beliefs may request a religious vegetarian diet. Upon review and approval of the request by the Chaplain of the correctional facility in accordance with this subchapter, nutritionally balanced vegetarian meals shall be provided to the inmate in place of the food served to the general population.

(b) A vegetarian entrée shall be provided at each of the three meals of the day (breakfast, lunch and dinner), seven days per week.

(c) All vegetarian diet meals, unless otherwise indicated, will be served as complete meals and not in supplement to, or as a choice between other dietary meals and regular meals.

Amended by R.1999 d.380, effective November 1, 1999.

See: 31 N.J.R. 2125(a), 31 N.J.R. 3338(a).

Rewrote (a) and (b).  
Petition for Rulemaking.  
See: 37 N.J.R. 1555(a).

#### 10A:17-5.10 Request for placement on and removal from the religious vegetarian diet list

(a) In order to be considered for placement on the list of inmates approved for vegetarian diets, the inmate must complete Sections I and II of Form 370-I Religious Vegetarian Diet, which may be obtained on request from the housing unit Social Worker.

(b) The inmate shall forward Form 370-I Religious Vegetarian Diet, with Sections I and II completed, to the correctional facility Chaplain for review.

(c) The Chaplain may interview an inmate who has requested placement on the list of inmates approved for vegetarian diets if deemed necessary. In no case shall the interview be used to proselytize the inmate.

(d) The approved Form 370-I Religious Vegetarian Diet shall be forwarded by the Chaplain to the Institutional Classification Committee (I.C.C.) and the Chaplain shall notify the inmate.

(e) The Institutional Classification Committee shall submit the name of an inmate who has been approved for placement on a vegetarian diet to the Food Service Department.

(f) The disapproved Form 370-I Religious Vegetarian Diet shall be forwarded by the Chaplain to the Classification Department and the Chaplain shall notify the inmate. The Chaplain's decision is not subject to being overruled by the Institutional Classification Committee (I.C.C.).

(g) Disapproved requests for placement on a religious vegetarian diet may be appealed by the inmate in writing to the Administrator or designee. The Administrator or designee shall approve or disapprove the appeal within five business days and provide a written statement of reasons for the decision.

(h) Any inmate who wishes to be added or deleted from the list of inmates approved for vegetarian diets shall provide 30 calendar days written notice to the correctional facility Chaplain using Form 370-I Religious Vegetarian Diet.

(i) An inmate who is receiving a religious vegetarian diet is not permitted to possess, purchase from the commissary, or consume food that is prohibited by the inmate's religious dietary laws. Documentation of any violation of this provision shall result in removal of the inmate from the religious vegetarian diet list and the inmate shall not be eligible to reapply for 90 calendar days.

Amended by R.1999 d.380, effective November 1, 1999.  
See: 31 N.J.R. 2125(a), 31 N.J.R. 3338(a).  
Rewrote (g); and added (i).

#### **10A:17-5.11 Religious holidays**

(a) Religious holidays of recognized faith groups shall be acknowledged.

(b) Special religious services or activities may be scheduled for inmates of a particular faith so those inmates may observe their religious holidays. The scheduling of these special religious services and activities shall depend upon the following:

1. Availability of correctional facility space;
2. Availability of staff for supervision; and
3. Other essential operational considerations.

#### **10A:17-5.12 Receiving and sending religious material**

(a) Inmates shall be permitted to receive through the mail and retain religious literature and the indicia of religion, such as missals, prayer books, shawls and prayer rugs.

(b) Inmates shall be permitted to send out of the correctional facility religious literature or indicia of religion, such as missals, prayer books, shawls and prayer rugs.

(c) The receipt, retention or sending out of religious material is subject to the restrictions and procedures in N.J.A.C. 10A:3-6 Contraband and Disposition of Contraband, and N.J.A.C. 10A:18 Mail, Visits and Telephone.

Petition for Rulemaking.  
See: 37 N.J.R. 1239(a).

#### **10A:17-5.13 Interfaith religious activity within the correctional facility**

(a) Although the Chaplain shall serve the correctional facility as a minister of the faith which he or she represents, the Chaplain shall not limit counseling, pastoral or other ministerial activities and/or responsibilities to inmates of the Chaplain's religious preference and affiliation.

(b) Where only one Chaplain serves the correctional facility, he or she shall cooperate with representatives of other faith groups that have been approved to minister to inmates in the correctional facility.

(c) Inmates of various religious preferences and affiliations shall be permitted to participate in the religious activities and services of other faith groups whenever it is feasible and appropriate.

(d) No person shall disparage the beliefs of an inmate participating in the authorized religious activities and/or services of other faith groups or deliberately seek to persuade an inmate to change religious affiliation.

(e) No chaplain(s) or religious volunteer(s) shall teach or interpret the beliefs or practices of a faith other than their own faith.

#### **10A:17-5.14 Community volunteers for religious activities**

(a) Community volunteers for religious activities shall be recruited, oriented, trained and evaluated in accordance with N.J.A.C. 10A:17-2 Volunteer Service Program.

(b) The Chaplain shall be the immediate supervisor of volunteers for religious activities, and shall familiarize the volunteers with the rules in this subchapter and any other internal management procedures pertaining to religious activities.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), substituted "internal management procedures" for "rules" preceding "pertaining to religious activities".

#### **10A:17-5.15 Chaplaincy service for inmates confined to the infirmary, hospital or Close Custody Units**

(a) The Chaplain may visit an inmate confined to a Close Custody Unit and/or the inmate may request and be provided religious counseling or pastoral services in compliance with N.J.A.C. 10A:5 and N.J.A.C. 10A:4-10.

(b) The Chaplain may visit inmates confined to the correctional facility infirmary or hospital and inmates may request religious counseling or pastoral services. These services shall be provided by the Chaplain or a volunteer religious group leader from the community.

(c) The correctional facility Chaplain may visit inmates who are patients in a community hospital and inmates may request religious counseling, inmate marriage information, civil union information, or other pastoral services.

(d) The procedure for requesting religious counseling or pastoral services shall be outlined in the Inmate Handbook published pursuant to N.J.A.C. 10A:8-3.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (c), inserted "inmate marriage information" preceding "or other pastoral services"; in (d), substituted "services" for "service" following "pastoral".

Amended by R.2007 d.315, effective October 15, 2007.  
See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

In (c), inserted "civil union information".

#### **10A:17-5.16 Chaplaincy services for inmates in satellite units**

Inmates assigned to satellite units may receive counseling or pastoral services provided by the Chaplain (see N.J.A.C. 10A:17-6, Correctional Facility/Unit Chaplaincy) or a volun-

teer religious group leader from the community (see N.J.A.C. 10A:17-2, Volunteer Service Program).

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).  
Inserted N.J.A.C. references throughout.

#### 10A:17-5.17 Nontraditional religions

(a) Correctional facility Administrators shall not be required to provide every religious sect or group with:

1. Outside clergy;
2. Space; and/or
3. Schedule time for religious activity.

(b) An inmate belonging to a nontraditional religion may be permitted to practice his or her religion if the Administrator determines, after consultation with the Chaplain and the Coordinator, Chaplaincy Services, that the religion is entitled to official recognition within a correctional facility/unit, and that the practice of this religion would not threaten or otherwise interfere with the internal discipline, safety, security or orderly operation of the correctional facility/unit.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrators" for "Superintendents" in the introductory paragraph; in (b), inserted "/unit" following "facility" throughout.

#### 10A:17-5.18 Initiating religious groups within the correctional facility/unit

(a) An inmate who wishes to organize a religious group which is not already officially recognized in the correctional facility/unit shall submit a written request to the Administrator which contains the following information:

1. The official name of the religious organization or religion;
2. The names of all correctional facility/unit religious group members known to the inmate;
3. The name, address and affiliation of the person(s) who is to lead the religious service who must be able to comply with the procedures established in N.J.A.C. 10A:17-2;
4. A description of religious beliefs or theology, including religious literature or scripture utilized;
5. A description of ritual practices, including time and manner of conducting religious services;
6. A description of any indicia of religion and religious ritualistic elements;
7. A statement of the group's religious goals and objectives; and
8. A list of the religious holidays, with explanations as to purpose of each.

(b) The Administrator shall, after consultation with the Chaplain and the Coordinator, Chaplaincy Services, consider all relevant factors which shall include, but are not limited to, the following:

1. Safety of inmates and staff;
2. Security and the orderly operation of the correctional facility; and
3. The availability of time and space.

(c) The Administrator shall determine whether the religious group shall be granted official recognition within the correctional facility and shall provide a written notice of the decision to the following:

1. The Chaplain;
2. The Coordinator, Chaplaincy Services; and
3. The inmate(s) who submitted the request.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), inserted "/unit" following "facility" in the introductory paragraph and inserted "/unit religious group" following "facility" in 2; substituted "Administrator" for "Superintendent" throughout.

#### 10A:17-5.19 Ministerial services to the staff

Upon request, the Chaplain shall provide pastoral services to the correctional facility/unit staff, and shall be available for counseling especially in periods of bereavement, emergencies and other crisis situations.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).  
Inserted "/unit" following "facility".

#### 10A:17-5.20 Clergy from the community

(a) Clergy from the community who wish to provide ministerial services to an inmate may be approved for a contact visit with an inmate in compliance with N.J.A.C. 10A:18-6.

(b) An inmate who wishes to receive visits during regularly scheduled visit times from clergy from the community shall submit to the person designated by the Administrator the name of the clergy to be added to the inmate's visitor list as established in N.J.A.C. 10A:18-6.3.

(c) Special visits from clergy from the community must be authorized by the correctional facility Administrator or designee in compliance with N.J.A.C. 10A:18-6.5.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" throughout.

#### 10A:17-5.21 Files and records

(a) During reception into a correctional facility, each inmate's religious preference shall be recorded in his or her classification record.

(b) The inmate shall promptly notify the Classification Officer of any change in religious affiliation, which shall then be entered into the inmate's classification record.

(c) In accordance with the written internal management procedures of the correctional facility, the Chaplain shall have access to records of inmates except medical, psychological and those records deemed confidential as established in N.J.A.C. 10A:22, Records. Medical, psychological or confidential records shall be released only when specifically authorized by a signed statement from the inmate. The Chaplain may enter into the records any information deemed pertinent to the treatment of inmates.

(d) The Coordinator, Chaplaincy Services or designee shall maintain a record of the following:

1. All religious denominations or groups which are represented in the correctional facility;
2. The names, addresses and religious affiliation of all part-time Chaplains;
3. Volunteer religious group leaders or groups from the community who are permitted to conduct religious activities in the correctional facility; and
4. Worship services and related activities that are scheduled weekly.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (c), inserted "internal management" preceding "procedures".

#### 10A:17-5.22 Reports

(a) The Supervisor of Chaplaincy Services, Chaplain or other designated staff person shall submit monthly and annual reports of chaplaincy activities to the Administrator or designee.

(b) Copies of monthly and annual reports shall be forwarded by the Supervisor of Chaplaincy Services, Chaplain or designated staff person to the Coordinator, Chaplaincy Services.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrator" for "Superintendent".

## SUBCHAPTER 6 CORRECTIONAL FACILITY/UNIT CHAPLAINCY

### 10A:17-6.1 Coordinator, Chaplaincy Services

(a) The Coordinator, Chaplaincy Services shall be responsible for the overall planning and implementation of religious programs within State correctional facilities/units.

(b) The Coordinator, Chaplaincy Services, shall provide consultation, support and coordination to all administrative units on matters related to chaplaincy services and religious activities.

(c) The Coordinator, Chaplaincy Services, shall monitor and evaluate chaplaincy services and religious activities.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), inserted "/units" following "facilities".

### 10A:17-6.2 Consultation with the Coordinator, Chaplaincy Services

The Administrator or designee shall consult with the Coordinator, Chaplaincy Services, on professional, technical and administrative matters related to correctional facility/unit chaplaincy and religious activities.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" and inserted "unit" following "facility".

### 10A:17-6.3 Coordination and supervision of religious activities

(a) The Supervisor of Chaplaincy Services, Chaplain or other designated staff person shall be responsible to the Administrator or designee for coordinating and supervising the religious activities of the correctional facility/unit and ensuring that the requirements of N.J.A.C. 10A:17-5, Religion, are fulfilled.

(b) If the correctional facility does not have a Supervisor of Chaplaincy Services, the Administrator shall designate a staff person to be responsible for coordinating and supervising the religious activities of the correctional facility/unit.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" and inserted "unit" following "facility" throughout.

### 10A:17-6.4 Correctional facility Chaplains

(a) Each correctional facility Chaplain shall:

1. Serve as minister of the faith he or she represents;
2. Serve as liaison between correctional facility/unit authorities, the inmates whose faiths are not represented in the correctional facility/unit and the representatives of those faiths in the community;
3. Provide ministerial services to staff members when requested;
4. Represent the correctional facility/unit in matters regarding religious activities in the community as they relate to the programs of the correctional facility/unit; and
5. Serve as liaison to community clergy, to encourage their understanding of confined persons with special

needs and to enlist the cooperation of community clergy in planning correctional facility/unit religious activities.

(b) Each Chaplain shall keep informed of new developments and trends in correctional facility chaplaincy services.

(c) Each Chaplain shall remain in good standing with his or her denomination, and the Chaplain shall be permitted to attend meetings and conferences that are essential to his or her professional standing.

(d) The Supervisor of Chaplaincy Services or a staff person designated by the Administrator shall prepare monthly and annual reports of the religious activities of the correctional facility pursuant to N.J.A.C. 10A:17-5.22 and 6.8.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Inserted "/unit" following "facility" throughout; in (d), substituted "Administrator" for "Superintendent" and amended N.J.A.C. reference.

#### 10A:17-6.5 Recruiting chaplains

(a) The Coordinator, Chaplaincy Services and the Chaplaincy Consulting Committee shall be responsible for recruiting candidates for chaplaincy positions and for increasing the public awareness of the vital need for chaplaincy services in a correctional facility setting. Recruitment may be done on a personal basis and/or by advertising.

(b) The Coordinator, Chaplaincy Services may place advertisements for a vacant correctional facility chaplaincy position in interdenominational publications such as, but not limited to, newspapers and newsletters.

(c) When recruiting for a vacant correctional facility chaplaincy position, all documents obtained from the applicant(s), such as an application(s) and/or resume(s) shall be forwarded to the Coordinator, Chaplaincy Services for review, verification of credentials and filing pursuant to N.J.A.C. 10A:17-6.9.

(d) When recruiting candidates for correctional facility chaplaincy positions, emphasis shall be placed on the following:

1. Academic credentials;
2. Experience; and
3. Other qualifications needed to provide the services of the position.

#### 10A:17-6.6 Chaplaincy Consulting Committee

(a) The purpose of the Chaplaincy Consulting Committee is to help ensure that:

1. Religious ministry is provided for persons while incarcerated in the correctional facilities/units of the Department of Corrections;

2. The concerns of the religious community are represented in the development and implementation of religious policies practiced in correctional facilities/units; and

3. Inmates are provided their right to freedom of religious affiliation(s) and voluntary worship in accordance with the rules established in this chapter.

(b) The Chaplaincy Consulting Committee shall be responsible for recruiting, interviewing and recommending candidates to fill correctional facility chaplaincy positions.

(c) The Chaplaincy Consulting Committee shall consist of the following:

1. Representatives from the religious community appointed as official representatives of their respective faith groups;
2. Representatives from the Department of Corrections and Human Services designated by their respective Commissioners;
3. Representatives from the New Jersey State Institutional Chaplains Association; and
4. The Coordinator, Chaplaincy Services.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), inserted "/units" following "facilities" throughout.

#### 10A:17-6.7 Selecting chaplains

(a) The Coordinator, Chaplaincy Services shall maintain a file of resumes of applicants for chaplaincy positions pursuant to N.J.A.C. 10A:17-6.9.

(b) When a vacancy in a chaplaincy position occurs at a correctional facility, the Administrator or designee shall notify the Coordinator, Chaplaincy Services who shall be responsible for notifying the Chaplaincy Consulting Committee.

(c) The Chaplaincy Consulting Committee shall review all applications and arrange interviews for the applicants who meet the qualifications for the correctional facility chaplaincy position.

(d) Upon completion of the interviews, the Chaplaincy Consulting Committee shall recommend two or more candidates to the Administrator. The Administrator may request the names of additional candidates for consideration should the Administrator deem such action necessary.

(e) The Administrator shall select the applicant to fill the vacancy.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" throughout.

**10A:17-6.8 Reports**

(a) The Supervisor of Chaplaincy Services, Chaplain or a staff person designated by the Administrator shall submit monthly and annual reports of chaplaincy activities to the Administrator or designee.

(b) Copies of monthly and annual reports shall be forwarded by the Supervisor of Chaplaincy Services, Chaplain or a designated staff person to the Coordinator, Chaplaincy Services.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (a), substituted "Administrator" for "Superintendent" throughout.

**10A:17-6.9 Files and records of the Coordinator, Chaplaincy Services**

(a) The Coordinator, Chaplaincy Services, shall maintain files containing up-to-date resumes and applications of qualified candidates who are interested in correctional facility chaplaincy positions.

(b) The Coordinator, Chaplaincy Services shall maintain copies of the monthly and annual reports of religious activities submitted to the Administrator or designee.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), substituted "Administrator" for "Superintendent".

**SUBCHAPTER 7. INMATE MARRIAGE AND CIVIL UNION****10A:17-7.1 Procedure for submitting a request to marry or enter into a civil union**

(a) An inmate who is 18 years of age or older and wishes to marry or enter into a civil union while serving a sentence at a State correctional facility shall submit a written request on Form 380-I Marriage/Civil Union Request Form to the Administrator of the correctional facility at which the inmate is currently assigned at least 120 calendar days in advance of the proposed date of the wedding or civil union solemnization.

(b) An inmate may submit a request to marry or enter into a civil union outside of the correctional facility if the inmate is eligible for escorted or unescorted furlough and the correctional facility has a furlough program, or the inmate may submit a request to marry or enter into a civil union within the correctional facility if the inmate is ineligible for furlough or prefers that the marriage ceremony or civil union solemnization be performed at the correctional facility.

(c) An inmate who is confined in a community medical facility may submit a request to marry or enter into a civil union to the Administrator of the correctional facility at which the inmate is currently assigned.

(d) A request to marry or enter into a civil union shall include:

1. The name of the inmate;
2. The number of the inmate;
3. The name of the intended spouse or the partner in a civil union couple;
4. The address of the intended spouse or the partner in a civil union couple;
5. The ages of the intended spouse or the partner in a civil union couple and the inmate;
6. The present marital status of the inmate and the intended spouse or partner in a civil union couple;
7. The proposed date of the ceremony or civil union solemnization, to include:
  - i. A request for approval to use the correctional facility chapel on the proposed date, including the type of ceremony or civil union solemnization preferred, such as civil or religious; or
  - ii. A request for a furlough to coincide with the proposed date of marriage or civil union, including the address where the ceremony or civil union solemnization will be performed;
8. The name and credentials of the individual to perform the civil/religious wedding ceremony or civil union solemnization;
9. A summary of the action, if any, the inmate has taken regarding compliance with the requirements for:
  - i. A marriage license or civil union license; and
  - ii. Other provisions of State law;
10. A signed statement from the inmate indicating the inmate and/or intended spouse or partner in a civil union couple will pay in advance all expenses incurred including, but not limited to:
  - i. The marriage or civil union license;
  - ii. The provision of custody staff dependent on the inmate's custody classification (N.J.A.C. 10A:3-9);
  - iii. The fee per custody staff which is the maximum salary of a Senior correction officer at time and a half;
  - iv. The State vehicle mileage cost established by the Director, Division of Budget and Accounting;
  - v. The projected number of meals of the escorts and inmate based on the rate in the current State of New Jersey Travel Regulations; and
  - vi. The tolls and parking expenses;

11. A signed statement from the inmate indicating there are no legal restrictions, which would prohibit the marriage or civil union under law; and

12. If an inmate is confined in a community medical facility at the time he or she submits a request to be married or to enter into a civil union, the inmate shall indicate, based upon the inmate's knowledge of his or her current diagnosis or prognosis whether he or she anticipates that the marriage ceremony or civil union solemnization will likely need to be conducted at the community medical facility.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote the section.

Amended by R.2007 d.315, effective October 15, 2007.  
See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

Section was "Procedure for submitting a request to marry". Inserted language concerning civil unions throughout.

#### Case Notes

Prison administrator's denial of inmate's request to marry a non-inmate violated inmate's constitutional right to marry. *Vazquez v. Dept. of Corrections*, 348 N.J.Super. 70, 791 A.2d 281.

### 10A:17-7.2 Decision on requests to marry or enter into a civil union

(a) The decision of approval or disapproval of an inmate's request to marry or enter into a civil union shall be made by the Administrator who shall make use of a designated committee to assist in the decision making. The committee shall consist of:

1. The Social Work Supervisor;
2. A chaplain;
3. A custody staff person with the rank of Lieutenant or above; and
4. Any other staff member(s) designated by the Administrator.

(b) Upon receipt of the inmate's request to marry or enter into a civil union, the Administrator shall refer the request to the committee for an in-depth review.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" throughout; added (c).

Amended by R.2006 d.291, effective August 21, 2006.  
See: 38 N.J.R. 1641(a), 38 N.J.R. 3307(b).

Deleted (c).

Amended by R.2007 d.315, effective October 15, 2007.  
See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

Section was "Decision on requests to marry". In the introductory paragraph of (a) and in (b), inserted "or enter into a civil union".

### 10A:17-7.3 Committee considerations

(a) The committee shall consider an inmate's request to marry or enter into a civil union and submit written recom-

mendations for approval or disapproval to the Administrator within 120 calendar days of the request.

(b) An inmate's request to marry or enter into a civil union may be considered for approval if:

1. The inmate does not have any detainers or pending charges that would be legally affected by the marriage or civil union;
2. The inmate's marriage or civil union would not interfere with a valid penological interest or present a risk to security or the orderly operation of the correctional facility; and
3. The inmate is able to comply with all of the requirements of the State laws governing marriage or civil union.

(c) The committee may hold a premarital conference meeting with the inmate and the intended spouse or partner in a civil union couple at the correctional or community medical facility to clarify any social, legal or financial issues regarding the impending marriage or civil union.

(d) An inmate's request to marry or enter into a civil union may be considered and recommended for approval when the inmate can meet the criteria in (b) above.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote the section.

Amended by R.2007 d.315, effective October 15, 2007.  
See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

In (a), the introductory paragraph of (b) and (d), inserted "or enter into a civil union"; in (b)1, (b)2, (b)3 and (c), inserted "or civil union"; in (b)2, inserted "interfere with a valid penological interest or"; and in (c), inserted "or partner in a civil union couple".

### 10A:17-7.4 Notification of decision

(a) The Administrator or designee shall provide to the inmate written notification of approval or disapproval of the request to marry or enter into a civil union as soon as possible after receiving and reviewing the recommendation of the committee.

(b) The notification shall indicate:

1. Whether the inmate's request for a furlough to coincide with the proposed date of marriage or civil union has been approved; or
2. Whether the inmate's request for use of the correctional facility for the marriage ceremony or civil union solemnization on the proposed date is approved; and
3. The time, date and place of marriage or civil union.

(c) If the correctional facility is to be used for the ceremony or solemnization and the date requested by the inmate is in conflict with previously scheduled activities, the Administrator may select an alternate date which is mutually convenient for the correctional facility and the inmate.

(d) The Administrator or designee shall notify the Social Services Supervisor and, if a correctional facility religious ceremony was requested, the correctional facility chaplain of the approval or disapproval of the request to marry or enter into a civil union.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Added (b)3; deleted (d) and recodified former (e) as (d); substituted "Administrator" for "Superintendent" throughout.

Amended by R.2007 d.315, effective October 15, 2007.  
See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

In (a) and (d), inserted "or enter into a civil union"; in (b)1 and (b)3, inserted "or civil union"; in (b)2, inserted "or civil union solemnization"; and in (c), inserted "or solemnization".

### 10A:17-7.5 Social Services Department

(a) A staff member from the Social Services Department shall be assigned to act as an advisor to assist the inmate and the intended spouse or partner in an civil union couple and to assist with any social, legal (such as, but not limited to, the marriage license or civil union license requirements) or financial issues regarding the impending marriage or civil union.

(b) If there is to be a civil marriage ceremony or civil union solemnization, the staff member of the Social Services Department shall review, arrange and coordinate plans for the ceremony, the witnesses required by law (see N.J.S.A. 37:1-17), and the request to a civil official who will perform the ceremony or civil union solemnization (see N.J.S.A. 37:1-13 for persons authorized to solemnize marriages or civil unions).

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote the section.

Amended by R.2007 d.315, effective October 15, 2007.  
See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

In (a), inserted "or partner in an civil union couple", "or civil union license" and "or civil union"; and in (b), inserted "marriage", inserted "or civil union solemnization" twice and inserted "or civil unions".

### 10A:17-7.6 Correctional facility chaplain

(a) If an inmate's request for a religious service or solemnization is approved, the chaplain shall interview the inmate to determine the specific faith-group requirements which need to be met.

(b) The decision as to whether the chaplain shall perform a marriage or civil union is within the chaplain's sole discretion.

(c) The chaplain, clergy or other authorized religious leader scheduled to perform the ceremony or civil union solemnization shall be granted the opportunity to conduct pre-marital sessions, such as, counseling in preparation for the solemnization of the marriage or civil union. Such sessions shall be arranged in accordance with correctional or community medical facility internal management procedures to ensure the secure and orderly operation of the facility.

(d) The chaplain shall review, arrange or coordinate plans for the ceremony or civil union solemnization, the witnesses required by law (see N.J.S.A. 37:1-17), and the verification of the credentials of the officiating clergy person or authorized religious leader, if the ceremony or civil union solemnization is not to be performed by the chaplain.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (c), inserted "or community medical" following "in accordance with correctional" in the second sentence; in (d), substituted "the witnesses required by law (see N.J.S.A. 37:1-17), and the verification of the credentials" for "including the notification" preceding "of the officiating clergy person".

Amended by R.2007 d.315, effective October 15, 2007.  
See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

In (a), inserted "or solemnization"; in (b), inserted "or civil union"; in (c), inserted "or civil union solemnization" and "or civil union"; and in (d), inserted "or civil union solemnization" twice.

### 10A:17-7.7 Marriage ceremony or civil union solemnization

(a) All aspects of the marriage or civil union solemnization ceremony shall be conducted in accordance with this subchapter and correctional facility/unit internal management and operational procedures, such as, but not limited to, procedures related to visitors to ensure the secure and orderly operation of the facility.

(b) A marriage ceremony or civil union solemnization conducted within the correctional or community medical facility shall be private with no attendant publicity.

(c) The marriage ceremony or civil union solemnization may be performed by one of the following officiants who is authorized by law to perform marriages or civil union solemnizations in the State of New Jersey:

1. The correctional facility chaplain; or
2. A religious leader or other person from the community.

(d) Witnesses and family members shall not exceed six in number, excluding the officiant. For those instances in which the inmate and the intended spouse or partner in a civil union couple have a large number of verified relatives, to include parent, legal guardian, spouse, partner in a civil union couple, child and sibling who wish to attend, the Administrator may authorize family members in excess of six people to attend the marriage ceremony or civil union solemnization.

(e) Pursuant to N.J.A.C. 10A:18-6 and correctional facility internal management procedures regarding visits, the witnesses from the community must be on the inmate's approved visiting list or receive authorization from the Administrator to attend the marriage ceremony or civil union solemnization.

(f) Inmates from the same correctional facility may attend the marriage ceremony or civil union solemnization held at the correctional facility but their attendance shall not increase the maximum total of six witnesses and/or family members.

The Administrator may refuse to permit an inmate(s) and/or limit the number of inmates permitted to attend the marriage ceremony or civil union solemnization in order to maintain security and the orderly operation of the correctional facility.

(g) The Administrator may authorize the use of wedding or solemnization attire, flowers, musical instruments, electronic musical equipment, and/or the taking of pictures at the marriage ceremony or civil union solemnization in accordance with the secure and orderly operation of the correctional facility.

(h) Photographers and/or musical groups from the public shall not be permitted to attend the marriage ceremony or civil union solemnization under any circumstances.

(i) The intended spouse or partner in a civil union couple may give the inmate a ring that is a smooth band with no stones to possess and wear. The Supervisor of Chaplaincy shall ensure that the ring is recorded on the inmate's property card.

(j) Pursuant to N.J.S.A. 37:1-17, the person performing the ceremony shall indicate on the certificate of marriage section of the marriage license or the certificate of civil union section of the civil union license, the date and place of the marriage or civil union. The certificate of marriage or the certificate of civil union shall also contain the signature and residence of at least two witnesses who were present at the marriage ceremony or civil union solemnization.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote the section.

Amended by R.2007 d.17, effective January 16, 2007.  
See: 38 N.J.R. 4159(a), 39 N.J.R. 216(a).

In (d), deleted "immediate" preceding "family members" twice; and in (f), deleted "immediate" preceding "family members".

Amended by R.2007 d.315, effective October 15, 2007.

See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

Section was "Marriage ceremony". Inserted "or civil union solemnization" throughout; in the introductory paragraph of (c), inserted "or civil union solemnizations"; in (d), inserted "partner in a civil union couple" and "partner in a civil union couple,"; in (g), inserted "or solemnization"; in (i), inserted "or partner in a civil union couple" and deleted "wedding" preceding "ring" twice; and in (j), inserted "or the certificate of civil union section of the civil union license," "or civil union" and "or the certificate of civil union".

### **10A:17-7.8 Reception activities and consummation of the marriage or civil union**

(a) There shall be no reception activities after a marriage ceremony or civil union solemnization has been performed within a correctional or community medical facility.

(b) The correctional or community medical facility shall not provide accommodations for the consummation of the marriage or civil union following the ceremony.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Inserted "or community medical" following "correctional" throughout.

Amended by R.2007 d.315, effective October 15, 2007.

See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

Section was "Reception activities and consummation of the marriage". In (a), inserted "or civil union solemnization"; and in (b), inserted "or civil union" and deleted "marriage" preceding "ceremony".

### **10A:17-7.9 Fees and costs**

(a) The correctional or community medical facility shall not be responsible for any costs related to the marriage or civil union of an inmate.

(b) Financial obligations for such items as marriage licenses, civil union licenses and fees for the person officiating, other than a full or part-time staff member of the correctional facility, shall be assumed by the marriage partners or the partners in a civil union couple.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Rewrote (a).

Amended by R.2007 d.315, effective October 15, 2007.

See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

In (a), inserted "or civil union"; and in (b), inserted "civil union licenses" and "or the partners in a civil union couple".

### **10A:17-7.10 Inmate name change due to marriage or civil union**

(a) Inmates who wish to change their name due to marriage or civil union shall complete the requirements for a legal name change pursuant to N.J.A.C. 10A:6-3 prior to the amendment of Department of Corrections records to reflect the inmate name change

(b) Department of Corrections records and computerized inmate information records shall be amended to reflect the legal inmate name change that has been processed in accordance with this subsection.

New Rule, R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Amended by R.2007 d.315, effective October 15, 2007.

See: 39 N.J.R. 2442(a), 39 N.J.R. 4402(a).

Section was "Inmate name change due to marriage". In (a), inserted "or civil union".

## **SUBCHAPTER 8. RECREATION AND LEISURE TIME ACTIVITIES**

### **10A:17-8.1 Staff assigned to Recreation and Leisure Time Activities Program**

(a) The Supervisor of Recreation shall be responsible for the direction and supervision of the Recreation and Leisure Time Activities Program of the correctional facility.

(b) Volunteers may be used to assist the recreation staff in designated program activities (see N.J.A.C. 10A:17-2, Volunteer Service Program).

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b), deleted "Recreation and leisure time" preceding "program activities".

#### **10A:17-8.2 Inmate recreation aides or paraprofessionals**

(a) Inmates may be assigned to the Recreation and Leisure Time Activities Program to serve as inmate recreation aides or paraprofessionals.

(b) Inmate recreation aides or paraprofessionals may be utilized as:

1. Scorekeepers;
2. Demonstrators;
3. Projectionists;
4. Referees;
5. Officials;
6. Equipment managers;
7. Clerks;
8. Arts and crafts aides; and/or
9. Aides in other recreation related tasks.

(c) Inmate recreation aides or paraprofessionals shall be trained by the recreation staff and receive close supervision from a staff member.

(d) When inmate participation in the Recreation and Leisure Time Activities Program constitutes a regular work assignment, the inmate shall be paid as an inmate recreation aide or paraprofessional.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (b)9, substituted "recreation" for "recreational"; in (d), deleted "In instances" at the beginning of the sentence.

#### **10A:17-8.3 Physical facilities utilized by the Recreation and Leisure Time Activities Program**

(a) Each correctional facility may provide the following for the assemblage or recreational activities of general population inmates:

1. An auditorium, large area and/or gymnasium that may include a stage, a screen upon which films may be projected and other multipurpose equipment; and
2. An outdoor recreational area of sufficient size to accommodate athletic activities.

(b) These physical facilities shall contain only equipment that is appropriate for the safe and orderly operation of the correctional facility and complies with correctional facility internal management procedures regarding the assemblage of and recreation for general population inmates.

(c) Each correctional facility shall provide sufficient indoor and outdoor recreational areas for inmates in Close Custody Units.

(d) Each correctional facility shall establish policies and procedures for the provision of recreation and leisure time activities to inmates assigned to the satellite unit(s) under the jurisdiction of the correctional facility.

#### **10A:17-8.4 Recreational equipment**

(a) Regulation recreational equipment shall be used for all athletic activities.

(b) Inmates shall be instructed in the proper use and care of recreational equipment.

(c) Each correctional facility shall provide facilities for television viewing depending upon the availability of authorized operable equipment.

(d) Where appropriate for the housing unit, sufficient quiet games may be supplied.

(e) Inmates may be permitted to have only those personal electronic devices approved by the correctional facility Administrator or designee. These devices shall be subject to restrictions established by the correctional facility Administrator or designee based upon the following factors:

1. The maintenance of security;
2. The suppression of unnecessary noise;
3. The availability of space;
4. The capability of the electrical system; or
5. Other factors related to the secure and orderly operation of the correctional facility.

(f) Each correctional facility and satellite unit(s) may utilize film equipment of appropriate size to accommodate classroom or general inmate entertainment use.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (e), substituted "Administrator" for "Superintendent" throughout.

#### 10A:17-8.5 Recreation and leisure time needs assessment

As part of the orientation process, each correctional facility shall complete an assessment of the recreation and leisure time interests and skills of newly admitted inmates and provide the inmates with information related to the recreation and leisure time activities that are available at the correctional facility.

#### 10A:17-8.6 Scheduling active and quiet recreation

(a) Planned recreation program activities shall be scheduled year round, and athletic activities shall be scheduled according to the season.

(b) Active recreation may include organized or unorganized athletics or other recreational activities.

(c) Inmates shall be given the opportunity to participate in a minimum of one hour of active recreation per day.

(d) Inmates shall also be given the opportunity to participate in a minimum of one hour of quiet recreation per day. Inmates may watch television, read, play quiet games, participate in some organized club, or work in arts and crafts.

(e) When weather permits, appropriate quiet activities may be moved to an outdoor area.

(f) When all scheduled activities and other assignments are completed, inmates may be permitted to do hobby work authorized by the Administrator or designee in their housing units or other approved locations in the correctional facility

unless such activity interferes with the maintenance of security or the orderly operation of the correctional facility.

(g) Recreation for inmates in Close Custody Units shall be provided in accordance with N.J.A.C. 10A:5 and 10A:4-10.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (f), substituted "Administrator" for "Superintendent".

#### Case Notes

Failure to comply with requirement in consent judgment, that each inmate be given an opportunity for one hour of exercise; fine of \$20 per day per inmate. Essex County Jail Inmates v. Amato, D.N.J.1989, 726 F.Supp. 539.

#### 10A:17-8.7 Instruction in athletic and other recreation skills

In order to encourage inmates to participate in a variety of recreational activities, instruction in the rules and skills required for participation may be provided.

#### 10A:17-8.8 Showers

The opportunity to shower shall be available to inmates after participating in an active recreation program, unless such activity interferes with the maintenance of security or the orderly operation of the correctional facility.

#### 10A:17-8.9 Arts and crafts program

(a) An organized arts and crafts program authorized by the Administrator or designee may be provided, when available, under the direction of an assigned instructor on a regular basis.

(b) Inmates may participate in arts and crafts activities authorized by the Administrator or designee in classrooms, housing units or other approved locations in the correctional facility, unless such activity interferes with the maintenance of security or the orderly operation of the correctional facility.

(c) Hobby kits and materials for arts and crafts, that have been approved by the Administrator, may be purchased at the commissary.

(d) Inmates shall not engage in the hobby of collecting any items that are redeemable, such as, but not limited to, stamp collecting.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (c), substituted "commissary" for "canteen"; in (d), inserted " , but not limited to, " preceding "stamp collecting"; substituted "Administrator" for "Superintendent" throughout.

#### 10A:17-8.10 Music

(a) The music program, when available, shall be directed by a qualified music instructor who shall adapt the music program to the needs of the inmates.

(b) A separate practice area, with sufficient storage space is desirable for the music program, so long as sufficient room is available.

(c) Inmate vocal groups, instrumental groups and soloists may perform for the inmate general population and for groups who visit the correctional facility.

(d) Appearances of guest artists from the general public may be prearranged when appropriate and authorized by the Administrator or designee.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (d), substituted "Administrator" for "Superintendent".

#### 10A:17-8.11 Publications

(a) A staff member shall be assigned to supervise the content and production of publications.

(b) Articles and materials that are written by inmates shall be reviewed for content by the Administrator or designee and approved or disapproved prior to publication (see N.J.A.C. 10A:18-4.9).

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Deleted (a); recodified former (b) and (c) as (a) and (b); in new (b), substituted "Administrator" for "Superintendent".

#### 10A:17-8.12 Films

Films authorized for showing by film license contracts for general entertainment may be shown to inmates in the general population as determined and approved by the Administrator or designee. Films shall not be shown when such general entertainment interferes with the maintenance of security, the orderly operation of the correctional facility and/or when budgetary constraints do not allow.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent".

#### 10A:17-8.13 Clubs and special interest groups

(a) Clubs may be formed for inmates interested in specific games, such as, but not limited to, chess and bridge in accordance with N.J.A.C. 10A:12, Inmate Groups.

(b) Groups may be formed for inmates who are interested in current events, book discussions and other interests in accordance with N.J.A.C. 10A:12, Inmate Groups.

(c) All inmate clubs and groups shall be supervised by staff members and club/group activities shall be reported monthly to the Administrator or designee.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

In (c), substituted "Administrator" for "Superintendent".

#### 10A:17-8.14 Entertainment within correctional facilities

(a) Entertainment, such as variety shows and choral groups, may be brought into the correctional facility from the community at the discretion of the Administrator.

(b) Inmates may be permitted to utilize their talents by participating in dramatic skits, variety shows and other similar correctional facility activities that have been approved by the Administrator or designee when such do not affect the maintenance of the secure and orderly operation of the correctional facility.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" throughout.

#### 10A:17-8.15 Community entertainment

Inmates assigned to correctional facilities within the Department of Corrections shall not be permitted to participate in any community based trip.

#### 10A:17-8.16 Staff reference area on recreation

(a) Each correctional facility may subscribe to several recreation and physical education journals and newsletters.

(b) Each correctional facility may provide a reference area where current books on recreation and physical education may be available for use by recreation staff members.

#### 10A:17-8.17 Budget requests

The Supervisor of Recreation shall submit an annual budget request to the Administrator or designee which specifies the resources necessary to purchase materials, equipment and supplies to conduct the Recreation and Leisure Time Activities Program.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent".

#### 10A:17-8.18 Report of major recreation and leisure time activities

The Supervisor of Recreation shall submit a monthly report to the Administrator or designee which indicates all major recreation and leisure time activities conducted that month and the number of inmates who participated in each activity.

Amended by R.2003 d.403, effective October 20, 2003.

See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent".

#### 10A:17-8.19 Written internal management procedures

Each correctional facility Administrator or designee shall ensure that written internal management procedures governing the Recreation and Leisure Time Activities Program are developed in accordance with this subchapter. These internal management procedures shall be made available to all personnel involved and shall be reviewed at least annually and amended as necessary.

Amended by R.2003 d.403, effective October 20, 2003.  
See: 35 N.J.R. 2780(a), 35 N.J.R. 4894(b).

Substituted "Administrator" for "Superintendent" and inserted "internal management" preceding "procedures" throughout.

## SUBCHAPTER 9. REFERRAL OF HANDICAPPED CHILDREN FOR ADULT EDUCATIONAL SERVICES

### 10A:17-9.1 Definitions

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

"Multidisciplinary treatment team" means an evaluation team consisting of a psychologist, a learning disability teacher consultant, a social worker and any other professional who may be involved in the evaluation or treatment of a child in a State facility.

"Student" means a person up to the age of 21 years, residing in a State facility which is operated by, or under contract with the State, who have not received a high school diploma and who have been determined eligible for special education.

"Age 21" means the attainment of the 21st birthday by June 30.

### 10A:17-9.2 Referral process

(a) The Multidisciplinary Team at a State facility shall provide written notice to the parent or legal guardian of a student who is placed in the facility when:

1. The student attains the age of 18; or
2. The student is over the age of 18 when placed in the facility and the student is not entitled to receive tuition free education services after the age of 21.

(b) Educationally handicapped pupils attaining age 21 during the school year shall be provided required services for the balance of that school year.

(c) Written notice shall describe in detail the parents' or guardians' opportunity to consent to having the student's name or other relevant information forwarded in a report to the Office of Educational Services and the Commissioner of the Department of Corrections for the purpose of determining whether the student will need educational services after the age of 21 and, if so, recommend possible adult educational services consistent with N.J.A.C. Titles 6 and 6A, Education.

(d) Upon the written consent of the parent or legal guardian, the Multidisciplinary Team shall forward the student's name and other relevant information in a report to the Office of Educational Services, Department of Correc-

tions, for the development of a recommendation for adult educational services. A copy of this report shall be forwarded, by the Office of Educational Services to the Commissioner of the Department of Corrections and the Commissioner of the Department of Education.

(e) The report shall contain such information as defined in N.J.A.C. 6:28 which contributes to the evaluation of the student's handicapping condition, including but not limited to the:

1. Results of physical and psychological examinations;
2. Relevant information presented by the parent or legal guardian and teacher;
3. Most recent individualized education plan; and
4. Results of the most recent examinations and evaluations performed.

(f) The Multidisciplinary Team is not required to perform any examinations or evaluations not otherwise required by law.

(g) The Office of Educational Services, Department of Corrections, in consultation with the Commissioner of the Department of Education or designee, shall determine whether a student will need adult educational services and, if the need will exist, shall recommend appropriate educational programs operated or approved by the Departments of Corrections and Education which may be available when the student attains the age of 21.

(h) The Commissioner of the Department of Corrections may conduct an evaluation of the student to determine if adult educational services will be needed.

(i) The recommendation for all programs shall be made available to the parent or guardian of the student no later than six months before the student attains the age of 21.

(j) If the Commissioner of the Department of Corrections determines that the student will not require adult educational services, the Commissioner of the Department of Corrections or designee shall notify the student's parent or guardian in writing of the determination no later than six months before the student attains the age of 21.

(k) The Office of Educational Services, Department of Corrections, shall compile and submit an annual report, to the Departments of Corrections and Education on or before October 1 of each year, which shall not contain individually identifying information. The annual report shall contain:

1. The number of cases submitted to the Office of Educational Services;
2. The type and severity of the handicapping condition involved in each case; and
3. Any other necessary information.