

ACTS
OF THE
Second Annual Session
OF THE
Two Hundred and Fifth Legislature
OF THE
STATE OF NEW JERSEY
AND
Thirty-Fifth Under the New Constitution

CHAPTERS 171-386



1993

New Jersey State Library

REORGANIZATION PLAN

(2173)

REORGANIZATION PLAN DIVISION OF JUVENILE SERVICES

NOTICE OF A PLAN FOR THE TRANSFER OF THE DIVISION OF JUVENILE SERVICES AND RELATED FUNCTIONS FROM THE DEPARTMENT OF CORRECTIONS TO THE DEPARTMENT OF HUMAN SERVICES

TAKE NOTICE that, on March 22, 1993, Governor James J. Florio hereby issues the following Reorganization Plan (No.001-1993) providing for the transfer of the Division of Juvenile Services and related functions from the Department of Corrections to the Department of Human Services.

GENERAL STATEMENT OF PURPOSE

The Division of Juvenile Services was created in 1978 by the Commissioner of Corrections pursuant to his authority under Public Law 1976, Chapter 98, (N.J.S.A.30:1B-1 et seq.). The Division fulfills the obligations and mandate of the Department of Corrections regarding juvenile offenders by, first, protecting the public from juvenile criminal offenders; second, separating juvenile offenders from the adult offender population; and third, creating an environment which encourages rehabilitation of offenders and their reintegration into the community.

The purpose of this Reorganization Plan is to implement the recommendation of the Governor's Cabinet Action Group on Juvenile Justice (which was established by Executive Order No. 27 (1991)) to create an efficient governmental structure which protects the public from further criminal acts by adjudicated youth and best promotes the rehabilitation of juvenile offenders in the most appropriate setting. Through its research, the Action Group found that a comprehensive program would need to be established, one that provides a number of alternatives, ranging from secure placement in juvenile institutions for violent youth offenders to day treatment type programs in the youth's community to reintegrate the rehabilitated offender or non-violent offender into the community.

The Cabinet Action Group recognized the great variety of human service needs of those youth committed to the Division of Juvenile Services in the Department of Corrections. These juve-

niles require a myriad of services in the areas of mental health, developmental disabilities, health, substance abuse and remedial education. Additionally, many of these youth come from dysfunctional or non-existent families or from communities in crisis, and they are often victims of neglect, physical, psychological, or sexual abuse.

In the course of its work, the Cabinet Action Group examined the programs of the major State departments with the purpose of recommending the placement of the Division of Juvenile Services in the State-level department which best matches the needs of these juveniles. It became evident that the present position of the Division of Juvenile Services within the Department of Corrections is not the best placement. In fact, because of the paramount problems stemming from the unrelenting increase in the adult offender population, the Department of Corrections is not designed to provide the sanctions and services needed by juveniles, resulting in the Division of Juvenile Services accessing resources outside of the department. Therefore, the present placement of the division is not the most efficient placement for appropriate programs or for long-term cost efficiency.

In examining all the other possible State-level departments, i.e., Department of Human Services, Department of Law and Public Safety, Department of Community Affairs, Department of Health, and Department of Education, it became evident that the Department of Human Services is the most appropriate.

The Department of Human Services already provides many of the services required by youth committed to the Division of Juvenile Services, namely, mental health, services for the developmentally disabled, abused and neglected, case management, and educational services. In addition, the Department of Human Services has experience with providing secure 24-hour care. As a result, the recommendation by the Governor's Cabinet Action Group on Juvenile Justice is to transfer the Division of Juvenile Services from the Department of Corrections to the Department of Human Services.

This transfer of the Division of Juvenile Services from the Department of Corrections to the Department of Human Services recognizes the inter-relationship of the already existing services in the Department of Human Services and the needs of youth committed to the Division of Juvenile Services. This Plan will develop a rational approach to the juvenile delinquency problem by better implementing a range of dispositions as designed in the Code of Juvenile Justice enacted in 1982. The Reorganization

Plan is designed to protect society from further criminal acts by these juveniles not only by maintaining maximum and medium-security institutions for the dangerous and incorrigible but also by increasing the chances of rehabilitation to break the cycle of crime. It will also provide the State with a structure for future improvements to the juvenile justice system.

This Reorganization Plan proposes that the institutions, programs, personnel, powers, and responsibilities listed herein and heretofore administered by the Division of Juvenile Services in the Department of Corrections be transferred to the Department of Human Services, thereby creating a Division of Juvenile Services in the Department of Human Services. The statutory and administrative powers and responsibilities of the Commissioner of Corrections as they apply to juveniles committed to the Department of Corrections will be transferred to the Commissioner of Human Services.

These actions will promote the policy objectives of protecting the public while increasing the efficiency of providing a coordinated range of rehabilitative services in the most appropriate environment for juvenile offenders. By moving the secure care institutions for juveniles into the Department of Human Services, restrictive facilities and services will be available for those juveniles who are a danger to the public. For juveniles who do not pose a danger to the public, the new placement of the division will more easily match the needs of these troubled juveniles to services offered through the Department of Human Services. The effective programs already begun by the Division of Juvenile Services in the Department of Corrections can be more easily augmented. Additionally, placement of Juvenile Services in the Department of Human Services will enable the division to be in a better position to access additional federal funds for health care and rehabilitation programs. The result will be a better designed, more efficient and cost-effective approach to rehabilitating juveniles in New Jersey.

Therefore, in accordance with the provisions of the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find with respect to each reorganization included in this Plan that each is necessary to accomplish the purposes set forth in section 2 of the act and will do the following:

1. Promote more effective management of the Executive Branch and its departments because it will more appropriately group similar functions within already existing agencies;
2. Promote better and more efficient execution of the law by integrating the State's mandate to protect the public from juvenile

offenders, provide services to at-risk youth and rehabilitate adjudicated juveniles;

3. Group, coordinate and consolidate functions in a more consistent and practical way according to major purposes; and

4. Eliminate duplication and overlapping of effort by consolidating certain functions and result in a more efficient use of state and federal funds.

THE PROVISIONS OF THE REORGANIZATION PLAN ARE
AS FOLLOWS:

A. This reorganization provision will transfer the Division of Juvenile Services from the Department of Corrections to the Department of Human Services. This transfer of placement will enable the division not only to maintain and administer secure facilities for the dangerous or incorrigible offender but also to provide better services to rehabilitate and remediate the problems of other juvenile offenders. In addition, this transfer of placement will better enable the Commissioner of Human Services to plan for and implement programs which prevent young people from becoming involved with or further involved with the juvenile justice system. Further, this transfer will assist the Department of Human Services in its attempt to obtain federal funding for programs needed by, and/or already provided to, these juveniles with State funds.

Therefore, I hereby order the following reorganization:

1. a. The powers, duties and functions of the Commissioner and the Department of Corrections contained in P.L.1976, c.98 (C.30:1B-1 et seq.) as applied to the commitment, incarceration and rehabilitation of juvenile offenders pursuant to the New Jersey Code of Juvenile Justice, P.L.1982, c.77, as amended (C.2A:4A-20 et seq.), are continued and are transferred to the Commissioner and Department of Human Services, except as hereinafter provided.

b. The powers, duties and functions of the Commissioner and the Department of Corrections concerning the confinement and transfer of juvenile offenders pursuant to P.L.1918, c.147, as amended (C.30:4-81 et seq.), are continued and transferred to the Department of Human Services, except as hereinafter provided.

c. The Division of Juvenile Services of the Department of Corrections, including the functions, powers and duties assigned by the Commissioner of Corrections to it pursuant to P.L.1976, c.98 (C.30:1B-

l et seq.), is continued and is transferred to and constituted as the Division of Juvenile Services in the Department of Human Services.

d. Subject to the provisions of paragraph j. of this subsection, all programmatic, administrative and support staff presently comprising the Division of Juvenile Services, Department of Corrections, are transferred to the Division of Juvenile Services, Department of Human Services, with all of their present powers, duties and responsibilities and any other powers, duties and responsibilities contained herein.

e. A proportionate share of those support services or funds to purchase such services presently housed in the Department of Corrections' Central Office utilized for the support of the Division of Juvenile Services, Department of Corrections shall be transferred from the Department of Corrections to the Department of Human Services. These transfers shall be made by agreement between the Commissioner of Corrections and the Commissioner of Human Services after determining the number and type of positions presently utilized for support of the division and the appropriateness of transferring personnel, positions or funding.

f. It is the intention of this Reorganization Plan that Corrections Officers continue to work at, and provide security for, maximum and medium-security institutions. To that end, the Department of Corrections shall provide security by Corrections Officers for the institutions delineated in sections A. 2.a. and A. 2.b. of this Reorganization Plan and any other maximum or medium-security institution developed by the Division of Juvenile Services for juvenile offenders. This shall be accomplished by a Memorandum of Understanding to be executed by the Commissioners of Human Services and Corrections. All Corrections Officers and positions providing these services shall maintain their Civil Service titles along with all their powers, duties, responsibilities, and rights held pursuant to New Jersey law and regulation.

g. Nothing in this Reorganization Plan shall be construed to deprive any person of any tenure rights or of any right to protection provided him or her by Title 11A of the New Jersey Statutes, Civil Service, or under any pension law or retirement system.

h. It is the intention of this Reorganization Plan that resources continue to be provided for the education of juvenile offenders whose custody and supervision shall be transferred to the Department of Human Services and those offenders between the ages of 18 and 21 whose custody and supervision shall remain with the Department of Corrections, and, accordingly, existing and future

monies, personnel, and other educational resources shall be appropriately apportioned between the Departments of Human Services and Corrections, with both Commissioners addressing and resolving questions involved in such apportionment. To that end, all funds for the education of juvenile offenders whose custody and supervision shall be transferred to the Department of Human Services by this Reorganization Plan and collected pursuant to the "State Facilities Education Act of 1979," P.L.1979, c.207, as amended (C.18A:7B-1 et seq.) (SFEA), are to be forwarded and hereafter given to the Commissioner of Human Services and used according to the provisions of the SFEA. The Commissioner of Corrections shall forward to the Department of Human Services and the Department of Education an accurate census of those juvenile offenders who will be transferred to the Department of Human Services. This report will allow appropriate budget planning by the Department of Human Services and fund allocation by the Department of Education for the education of these juvenile offenders.

All federal and State educational grants and contract funds received for these juvenile offenders are redesignated and shall be immediately forwarded to the Commissioner of Human Services and used accordingly.

Nothing contained in this Reorganization Plan shall be construed to affect funds received pursuant to the provisions of the SFEA for those persons under the age of 21 years whose custody is not transferred by this Reorganization Plan from the Department of Corrections to the Department of Human Services. The Department of Corrections shall continue to receive such funds to be used according to the provisions of the SFEA.

i. The powers, duties, and responsibilities of the Office of Education created and established in the Department of Corrections pursuant to the "State Facilities Education Act of 1979," P.L.1979, c.207, s.12 (C.18A:7B-8), for the education of those juvenile offenders whose custody is transferred to the Department of Human Services and those juvenile offenders whose custody will be given to the Department of Human Services subsequent to the effective date of this Reorganization Plan are hereby transferred to the Office of Education in the Department of Human Services pursuant to P.L.1979, c.207, s.13 (C.18A:7B-9).

j. Anything hereinbefore stated to the contrary notwithstanding:

(1) All current Division of Juvenile Services employees affected by the transfer of the Division of Juvenile Services from the Department of Corrections to the Department of Human Ser-

vices will have three months to make a decision to stay within the Department of Corrections. During this three-month period, each employee shall remain in his or her Department of Corrections position and retain all rights and emoluments thereto. Anyone deciding to remain in Corrections at the conclusion of the three-month period will move to available positions within a reasonable period of time, allowing for the need of Human Services to hire to fill the position being vacated. Any employees who wish to remain in Corrections and who cannot be immediately accommodated at the conclusion of the three-month period will have rights to transfer as positions become available, second only to applicable special re-employment rights. Anyone choosing to move to Human Services shall retain all seniority earned at the Department of Corrections.

(2) All current Division of Juvenile Services employees who were impacted by the most recent round of layoffs, and who wish to transfer to the Department of Human Services, as well as former Division of Juvenile Services employees who were so impacted, will have special re-employment rights as follows:

They will be given the opportunity to select priority special re-employment rights to either the Department of Human Services or the Department of Corrections. This choice shall be exercised upon the conclusion of the three-month period specified in subparagraph 1 above, by formal notice to the Department of Personnel. Regardless of which department is selected for priority rights, former and current Juvenile Services employees will retain special re-employment rights over regular re-employment and open competitive lists on a Statewide basis.

(3) Employees will have promotional rights in the Department they select for employment. The existing promotional lists for Juvenile Services employees established under the Division of Juvenile Services unit scope will be transferred to and usable for promotional opportunities within the Division of Juvenile Services in the Department of Human Services for those employees who opt to remain with Human Services. Employees who opt to remain with the Department of Corrections will not be eligible for appointment from these lists and will establish their promotional rights in the Department of Corrections. However, employees who opt to remain

with the Department of Corrections but cannot be immediately accommodated at the conclusion of the of the three-month period will have their promotional rights preserved until their transfer back to the Department of Corrections can be effectuated.

(4) There will be a written agreement between the Commissioner of Corrections and the Commissioner of Human Services that, in accordance with N.J.S.A.18A:28-6.1, teachers who are transferred from the Department of Corrections to the Department of Human Services shall retain all tenure or if non-tenured all time served toward tenure.

(5) As stated in this Reorganization Plan, after the juvenile population is moved to the Department of Human Services there will continue to be education funding for eligible youth 18 to 21 and any other juveniles remaining in the Department of Corrections.

2. a. The New Jersey Training School for Boys created pursuant to P.L.1918, c.147, as amended (C.30:1-7), and previously transferred to the Commissioner of Corrections pursuant to P.L.1976, c. 98, s.8 (C.30:1B-8), is continued and along with all those juveniles committed thereto by court order, law, classification, regulation or contract, are hereby transferred from the Department of Corrections to the Division of Juvenile Services, Department of Human Services.

b. The Juvenile Medium Security Center created pursuant to P.L.1918, c.147, as amended (C.30:1-7), and previously transferred to the Commissioner of Corrections pursuant to P.L.1976, c.98, s.8 (C.30:1B-8), is continued and, along with all those juveniles committed thereto by court order, law, classification, regulation or contract, are hereby transferred from the Department of Corrections to the Division of Juvenile Services, Department of Human Services.

c. All residential and day care facilities and programs established pursuant to the powers delegated to the Division of Juvenile Services, Department of Corrections, by the Commissioner of Corrections pursuant to his powers contained in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth committed to participate therein by court order, law, classification, regulation or contract, are hereby transferred to the Division of Juvenile Services, Department of Human Services.

d. All furnishings and equipment presently located in the institutions and programs of the Division of Juvenile Services, Department

of Corrections, transferred herein are also transferred to the Division of Juvenile Services, Department of Human Services.

e. All operating and capital funding demarcated for the aforesaid institutions and programs of the Division of Juvenile Services, Department of Corrections, are to be transferred by agreement between the Commissioner of Corrections and the Commissioner of Human Services for use in the Division of Juvenile Services, Department of Human Services.

3. a. The powers, duties, responsibilities and membership of the Institutional Board of Trustees established for the New Jersey Training School for Boys pursuant to P.L.1918, c.147, as amended (C.30:4-1 et seq.), previously transferred to the jurisdiction of the Commissioner of Corrections pursuant to P.L.1976, c.98, s.21 (C.30:1B-21), is continued and transferred to the jurisdiction of the State Board of Institutional Trustees of the Department of Human Services. The State Board of Institutional Trustees of the Department of Human Services shall select and appoint members to the Institutional Board of Trustees for the New Jersey Training School for Boys as their existing terms expire, pursuant to N.J.S.A.30:4-1 et seq.

b. Notwithstanding any provision contained in this Reorganization Plan, the Commissioner of Corrections and the Commissioner of Human Services shall develop a procedure for transferring custody of committed juveniles who have reached the age of 18 during their commitment, from the Department of Human Services to the Department of Corrections in instances where the public safety, safety of juvenile offenders, or control of the program is threatened and necessity requires placement in an adult corrections program.

c. Nothing contained in this Reorganization Plan shall affect or transfer the custody of juveniles convicted of adult offenses pursuant to N.J.S.A.2A:4A-26 and N.J.S.A.2A:4A-27.

B. This transfer of the Juvenile Monitoring Unit will ensure inspections of the county detention centers and compliance of the centers to standards developed for juvenile offenders. As one part of the comprehensive system, these detention centers serve a critical role in the juvenile justice system and must also be safe for the juveniles residing therein.

Therefore, I hereby order the following reorganization:

1. a. All functions, powers and duties of the Commissioner of Corrections with respect to all juvenile detention facilities throughout the State pursuant to P.L.1982, c.77, s.18 (C.2A:4A-37), are hereby transferred to the Commissioner of Human Services.

b. The powers, duties and responsibilities of the Commissioner of Corrections for establishing standards and monitoring of juvenile detention facilities pursuant to P.L.1982, c.77, s.18 (C.2A:4A-37), are hereby transferred to the Commissioner of Human Services. All existing agreements made between county governments and the Department of Corrections concerning juvenile detention centers are hereby modified to transfer the responsibilities, duties and obligations specified in these agreements between the county governments and the Department of Corrections to between the county governments and the Department of Human Services.

c. The Juvenile Detention Monitoring Unit, Department of Corrections, established pursuant to the powers of the Commissioner of Corrections pursuant to N.J.S.A.30:1B-1 et seq., to fulfill the obligations of the Department of Corrections in monitoring juvenile detention centers throughout the State pursuant to the federal "Juvenile Justice and Delinquency Prevention Act of 1974," as amended, and pursuant to N.J.S.A.2A:4A-37, is continued and transferred along with its staff, powers, duties and responsibilities to the Department of Human Services.

C. This reorganization provision changes legal custody of juvenile parolees from the Department of Corrections to the Department of Human Services. The Plan also changes the reporting requirements of the State Parole Board, from the Department of Corrections to the Department of Human Services to ensure an efficient means of fulfilling the mandate of the law under the Parole Act of 1979, P.L.1979, c.441 (C.30:4-123.45 et seq.).

Therefore, I order the following reorganization:

1. a. The powers, duties and functions of the State Parole Board established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.), regarding juvenile offenders are continued. The State Parole Board will, however, file all of its reports and recommendations regarding juveniles with the Department of Human Services rather than the Department of Corrections as stipulated in N.J.S.A.30:4-123.45 et seq. In addition, pursuant to P.L.1979, c.441, s.15 (C.30:4-123.59), the legal custody of each juvenile parolee shall be transferred to the

Department of Human Services. Supervision of juvenile parolees shall remain under the Bureau of Parole within the Department of Corrections until such time that an agreement between the Commissioner of Human Services and the Commissioner of Corrections in consultation with the State Parole Board effectuates a transfer of this function to the Department of Human Services. At all times supervision of the juvenile parolees shall be in accordance with the rules of the State Parole Board.

b. All funding, programs and positions created to provide juvenile parole services by the Bureau of Parole within the Department of Corrections are continued and shall be transferred to the Department of Human Services by agreement between the Commissioner of Human Services and the Commissioner of Corrections in consultation with the State Parole Board. Such agreement shall also specify appropriate changes in the reporting requirements, funding, positions, and administrative housing and support for the district juvenile parole officers.

D. This reorganization provision will promote closer cooperation among the various departments responsible for the provision of services to troubled youth by coordinating services and making more services available to juveniles in a more timely fashion, thereby preventing juveniles from becoming involved in the juvenile justice system and rehabilitating those juveniles already involved before they commit additional or more serious crimes. The creation of an Advisory Council on Juvenile Justice, essentially combining the Governor's Cabinet Action Group on Juvenile Justice with additional public and legislatively appointed members, will further this cooperative and better coordinated effort to provide effective juvenile services.

Therefore, I hereby order the following reorganization:

1. a. The Commissioner of Human Services shall establish an Advisory Council on Juvenile Justice. The Advisory Council shall consist of no less than 20 nor more than 25 members, who shall serve without compensation but may be reimbursed for reasonable expenses incurred during performance of their duties for the Advisory Council, and shall include:

The Commissioner of Human Services, who shall serve as
Chairperson;
The Attorney General;
The Commissioner of Corrections;
The Commissioner of Education;

The Commissioner of Health;
The Commissioner of Labor;
The Commissioner of Community Affairs;
The Public Advocate; and

Between seven and twelve public members, chosen by the Commissioner of Human Services on the basis of their expertise or interest in making long-term improvements to the juvenile justice system.

In addition, the Administrative Director of the Courts shall be invited to participate on the Advisory Council. Also, the President of the Senate and the Speaker of the General Assembly shall each be asked to select two individuals chosen on the basis of their expertise or interest in making long-term improvements to the juvenile justice system to serve as members of the Advisory Council.

b. The Advisory Council shall assist the Commissioner of Human Services to:

1. Expand the range of disposition options available to the Court, consistent with the Code of Juvenile Justice, including the sharing of resources to allow for more appropriate intervention at the local level;

2. Develop a range of services for committed youth, in particular those youth in secure settings under the jurisdiction of the Commissioner of Human Services;

3. Work with the county youth services commissions and assist the Commissioner of Human Services in fulfilling the statutory responsibilities outlined in P.L.1982, c.80, s.16, as amended (C.2A:4A-91); and

4. Report to the Governor and the Legislature on an annual basis as to issues, programs, and the setting of budgetary and policy priorities.

c. The Commissioner of Human Services is authorized to call upon any department or agency of state government to provide such information, resources, or other assistance deemed necessary to discharge the responsibilities outlined above.

d. The Commissioner of Human Services shall file a report with the Governor and Legislature within 12 months of the effective date of this Reorganization Plan on the transfer of the Division of Juvenile Services from the Department of Corrections to the Department of Human Services and shall thereafter report annually to the Governor and the Legislature on the operation of the Division of Juvenile Services in the Department of Human Services.

GENERAL PROVISIONS

1. Whenever in any law, rule, regulation, order, contract, document judicial or administrative proceeding or otherwise, reference

is made to the Commissioner or the Department of Corrections regarding a juvenile or juvenile offender as defined in P.L.1982, c.77, as amended (C.2A:4A-20 et seq.), the same shall mean and refer to the Commissioner of the Department of Human Services.

2. All transfers directed by this plan shall be made in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

3. All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies.

A copy of this Reorganization Plan was filed on March 22, 1993, with the Secretary of State and the Office of Administrative Law (for publication in the New Jersey Register). This Plan shall become effective in 60 days on May 21, 1993, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan. This Reorganization Plan shall be implemented on July 1, 1993, or such earlier date as the Governor may designate by Executive Order.

TAKE NOTICE that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the public laws and in the New Jersey Register under a heading "Reorganization Plans."

Filed March 22, 1993.

Effective May 21, 1993.

