

**CHAPTER 91****TRANSFER OF ADJUDICATED DELINQUENTS  
TO THE NEW JERSEY DEPARTMENT OF  
CORRECTIONS****Authority**

N.J.S.A. 52:17B-170, 52:17B-171 and 52:17B-175; and 28 CFR 31.

**Source and Effective Date**

R.2008 d.153, effective May 15, 2008.  
See: 40 N.J.R. 97(a), 40 N.J.R. 3747(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, expires on May 15, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, was adopted as emergency new rules by R.1997 d.266, effective May 29, 1997 (expired July 28, 1997). See: 29 N.J.R. 2711(a). The concurrent proposal of Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, was adopted without change by R.1997 d.349, effective August 18, 1997. See: 29 N.J.R. 2711(a), 29 N.J.R. 3733(b).

Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, was readopted as R.2002 d.406, effective November 19, 2002. See: 34 N.J.R. 3198(a), 34 N.J.R. 4472(a).

Chapter 91, Transfer of Adjudicated Delinquents to the New Jersey Department of Corrections, was readopted as R.2008 d.153, effective May 15, 2008. See: Source and Effective Date.

Subchapter 2, Transfer, was renamed Transfer and Requirement for Transfer Hearing; and Subchapter 3, Transfer Hearing, was adopted as new rules by R.2014 d.141, effective September 2, 2014. See: 45 N.J.R. 1941(a), 46 N.J.R. 1896(b).

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**SUBCHAPTER 1. GENERAL PROVISIONS****13:91-1.1 Purpose**

This chapter sets forth the rules for the transfer of juveniles from the care and custody of the Commission to the Department, as authorized by N.J.S.A. 52:17B-175.e.

Amended by R.2014 d.141, effective September 2, 2014.  
See: 45 N.J.R. 1941(a), 46 N.J.R. 1896(b).

Rewrote the section.

**13:91-1.2 Scope**

These rules apply to the New Jersey Juvenile Justice Commission and the New Jersey Department of Corrections and establish the regulations for transferring the custody and care of adjudicated delinquents 18 years of age or older.

**13:91-1.3 Definitions**

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

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

“Commission” means the New Jersey Juvenile Justice Commission.

“Commissioner” means the Commissioner of the New Jersey Department of Corrections.

“Department” means the New Jersey Department of Corrections.

“Deputy Executive Director” means the Deputy Executive Director of the New Jersey Juvenile Justice Commission.

“Executive Director” means the Executive Director of the New Jersey Juvenile Justice Commission.

“Hearing officer” means an impartial hearing officer designated by the Attorney General or designee to hear requests for transfers of juveniles from the care and custody of the Commission to DOC under the provisions of N.J.A.C. 13:91-3, Transfer Hearing.

“Interested party” means:

1. A person who is related to the juvenile through blood, marriage, adoption, civil union, or domestic partnership and including a stepparent;
2. A person appearing on a list of visitors approved under the provisions of N.J.A.C. 13:95-20.4;
3. A legal or other representative; or
4. A member of the clergy.

“Juvenile,” for the purpose of transfers to DOC under this chapter, means an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission and who is residing in a juvenile facility.

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

“Juvenile’s representative” means either the Ombudsman or private counsel selected, retained, and paid for by the juvenile, as determined under the provisions of N.J.A.C. 13:91-3.7.

“Juvenile Reception Classification Committee” (JRCC) means a group of Commission staff persons that have been designated to make decisions related to the needs of adjudicated delinquents from admission to discharge.

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

“Secure Care Administrator” means the manager employed by the Commission who oversees the administration of the juvenile facilities.

“Superintendent” means the chief executive officer of a juvenile facility.

Amended by R.2002 d.406, effective December 16, 2002.  
See: 34 N.J.R. 3198(a), 34 N.J.R. 4472(a).

Added “Deputy Executive director” and rewrote “Juvenile facility”.  
Amended by R.2014 d.141, effective September 2, 2014.  
See: 45 N.J.R. 1941(a), 46 N.J.R. 1896(b).

Deleted definition “Adjudicated delinquent”; added definitions “Attorney General”, “Hearing officer”, “Interested party”, “Juvenile”, “Juvenile’s representative” and “Ombudsman”; and rewrote definition “Juvenile facility”.

### 13:91-1.4 Forms

(a) The following forms related to the transfer of juveniles are available through the Juvenile Reception Classification Committee:

1. Form 101, Request to Transfer to the New Jersey Department of Corrections;
2. Form 102, Transfer Hearing Form; and
3. Form 103, Voluntary Transfer Request Form.

Amended by R.2014 d.141, effective September 2, 2014.  
See: 45 N.J.R. 1941(a), 46 N.J.R. 1896(b).  
Rewrote the section.

## SUBCHAPTER 2. TRANSFER AND REQUIREMENT FOR TRANSFER HEARING

### 13:91-2.1 Transfer criteria; transfer hearing

(a) A juvenile who has reached the age of 18 may be transferred to the Department, only when the Superintendent, Secure Care Administrator, and Executive Director have approved a determination of the JRCC that the threshold criteria set forth in (b) below have been satisfied and:

1. The juvenile voluntarily requests a transfer to the Department by signing the Voluntary Transfer Request Form, Form 103; or

2. The determination has then been upheld after a hearing before a hearing officer under the provisions of N.J.A.C. 13:91-3.

(b) The threshold criteria for transfer of a juvenile to the Department are:

1. The juvenile demonstrates disruptive behavior, and that his or her continued presence in the juvenile facility threatens:
  - i. The safety of the public, juvenile facility staff, or other juveniles; or
  - ii. The ability of the Commission to operate the juvenile facility in a stable, safe, and orderly manner;

2. The juvenile’s maturity level and criminal sophistication makes the juvenile inappropriate for the available Commission programs; or

3. The juvenile’s continued presence in the juvenile facility impedes the effective delivery of the programs, services, and sanctions developed and implemented by the Commission to meet the special needs of the juvenile-aged offenders committed to the care, custody, and control of the Commission.

Repeal and New Rule, R.2014 d.141, effective September 2, 2014.  
See: 45 N.J.R. 1941(a), 46 N.J.R. 1896(b).

Section was “Criteria upon which an adjudicated delinquent 18 years of age or older may be considered for transfer”.

### 13:91-2.2 JRCC recommendation; administrative reviews

(a) When the JRCC determines that the threshold requirements of N.J.A.C. 13:91-2.1(b) have been satisfied, the chair of the JRCC shall complete Form 101, recommending transfer of the juvenile to the Department, and shall submit the form, along with a copy of a classification summary, progress notes, and a narrative report describing the reasons for the transfer request, to the Superintendent.