

CHAPTER 100**CLASSIFICATION ASSIGNMENT PROCESS
FOR JUVENILES****Authority**

N.J.S.A. 52:17B-170e(5) to (9), (14), (18), and (20) to (22);
52:17B-175(e); 52:17B-176; 52:17B-178; and 52:17B-186.

Source and Effective Date

R.2011 d.094, effective February 23, 2011.
See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 100, Classification Assignment Process for Juveniles, expires on February 23, 2018. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 100, Classification Assignment Process for Juveniles, was adopted as new rules by R.2005 d.330, effective October 3, 2005. See: 37 N.J.R. 1168(a), 37 N.J.R. 3851(a).

Chapter 100, Classification Assignment Process for Juveniles, was readopted as R.2011 d.094, effective February 23, 2011. See: Source and Effective Date. See, also, section annotations.

Subchapter 2, Reception and Assignment Process, was renamed Reception and Assignment Process; Parole Contract Agreements by R.2012 d.097, effective May 21, 2012. See: 43 N.J.R. 3125(a), 44 N.J.R. 1618(b).

Subchapter 2, Reception and Assignment Process; Parole Contract Agreements, was renamed Reception and Assignment Process; Parole Contract Agreement by R.2014 d.138, effective September 2, 2014. See: 45 N.J.R. 1945(a), 46 N.J.R. 1902(a).

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SUBCHAPTER 1. GENERAL PROVISIONS**13:100-1.1 Purpose**

The purpose of this chapter is to establish uniform procedures governing the assignment, reassignment and transfer of juveniles to and from Commission facilities.

13:100-1.2 Scope

This chapter shall apply to all juveniles committed to the custody of the Commission.

13:100-1.3 Definitions

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

“Board” means the New Jersey State Parole Board.

“Classification Committee” means a group of Commission staff members that have been designated to make decisions related to the assignment or reassignment of juveniles to Commission facilities and to programs and activities within Commission facilities.

“Commission” means the New Jersey Juvenile Justice Commission.

“Director of Operations” means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission’s secure and non-secure facilities.

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

“Facility” means any facility operated by or contracted with the New Jersey Juvenile Justice Commission which houses juveniles.

“Initial Classification Custody Document (ICCD)” means the instrument used to guide the selection of a custody level for all newly committed juveniles. The ICCD is a scale to assess the severity of a juvenile’s current and prior record, and the juvenile’s cooperation with past correctional interventions. The instrument is used as an aid in determining placement.

“Initial Classification Custody Document Score” means the numerical value derived from the Initial Classification Custody Document.

“Judicial restriction date” means the date determined under the provisions of N.J.S.A. 2A:4A-44 to be either one-third of a juvenile’s imposed sentence, in the case of an adjudication for conduct that if committed by an adult would be a crime of the first, second, or third degree, or one-fourth of such sentence, in the case of an adjudication for conduct related to all other crimes, in both cases, as calculated going forward from the original date of sentence and as may be reduced by any applicable credits.

“Juvenile” means an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be

served under the custody of the New Jersey Juvenile Justice Commission, and who is residing in a Commission facility.

“Juvenile parolee” means an adjudicated delinquent who has been released from a Commission facility on parole, and/or post-incarceration supervision, and who is subject to the jurisdiction of the New Jersey State Parole Board.

“Non-secure facility” means a Commission or Commission-contracted community program that does not employ custody officers and whose security is provided by civilian staff.

“Parole contract agreement” means the agreement provided for by P.L. 2009, c. 330 (N.J.S.A. 30:4-123.67) between the Commission, the New Jersey State Parole Board, and a juvenile or juvenile parolee that, if the terms of which are fulfilled by the juvenile or juvenile parolee, would result in a specified reduction of the juvenile parolee's parole term or the juvenile's primary parole eligibility date.

“Reception and Assessment Facility (RAF)” means a secure facility to which newly admitted juveniles are assigned pending classification and placement within the Commission.

“Reclassification and Custody Document (RCCD)” means the instrument used to review each juvenile's adjustment to the initial classification assignment, and to subsequent reclassification assignments, to determine whether movement to a new custody level is warranted.

“Reclassification Score” means the numeric value derived from an objective classification scoring instrument (the RCCD) to evaluate a juvenile's adjustment subsequent to initial classification to determine custody level and assignment.

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

“Superintendent” means the chief executive officer of any Commission facility, which houses juveniles.

Amended by R.2011 d.094, effective March 21, 2011.
See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

Added definition “Classification Committee”; and deleted definitions “Institutional Classification Committee (ICC)” and “Juvenile Classification Committee (JCC)”.

Amended by R.2012 d.097, effective May 21, 2012.
See: 43 N.J.R. 3125(a), 44 N.J.R. 1618(b).

Added definitions “Judicial restriction date”, “Juvenile parolee” and “Parole contract agreement”.

Amended by R.2014 d.138, effective September 2, 2014.
See: 45 N.J.R. 1945(a), 46 N.J.R. 1902(a).

Added definition “Board”; and rewrote definitions “Judicial restriction date” and “Parole contract agreement”.

males. Except for educational and recreational activities, sight and sound separation shall be maintained between male and female juveniles.

(b) Upon admission to an RAF, a juvenile shall be assigned to a housing unit within the facility.

(c) The reception process shall be completed as soon as possible after a juvenile is admitted to an RAF, and in any event within three weeks from the date of admission.

(d) Each juvenile shall be provided with an orientation session as soon as possible, and in any event within one week of admission to an RAF unless compelling security or safety reasons dictate otherwise, or if to do so would adversely affect the orderly operations of the facility. Topics of orientation sessions shall include, but shall not be limited to:

1. Rights and privileges of juveniles;
2. Work opportunities;
3. Secure facility services;
4. Recreation and leisure time activities;
5. Grooming and hygiene;
6. Personal property;
7. Housekeeping;
8. Juvenile discipline; and
9. Time and sentences.

(e) During the initial reception process, a detailed social history and medical/dental examination, including a substance abuse evaluation, shall be completed for each juvenile and assessments shall be made with respect to the juvenile's psychological, educational and vocational needs. Every juvenile shall be evaluated and assessed by a child study team, and Individual Education Programs, as defined and required under provisions of the Individual with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq., and Section 504 Plans, as defined and provided for under the Rehabilitation Act of 1973, 29 U.S.C. §§701 et seq., shall be developed or revisited for juveniles identified as having disabilities as defined in those statutes. All results shall be recorded in a comprehensive information format maintained for individual juveniles.

(f) An admissions summary for each juvenile shall be developed from a compilation of the information identified in (e) above, and all other available relevant sources, including the Pre-disposition Report, police investigation files, automated case tracking systems, and records of prior involvement with law enforcement and correctional authorities. Information provided shall include, but not be limited to, the juvenile's:

1. Current offense;
2. Length of sentence;

SUBCHAPTER 2. RECEPTION AND ASSIGNMENT PROCESS; PAROLE CONTRACT AGREEMENT

13:100-2.1 Initial reception

(a) The Commission shall operate separate and distinct reception and assessment facilities (RAFs) for males and fe-

3. Prior court history, if any;
4. Family situation;
5. Psychiatric or psychological report summaries;
6. Medical condition; and

7. Academic and vocational assessment, including special education needs and disability services and accommodations.

(g) The needs of the juvenile shall be determined by reviewing the results of the assessments in (e) and (f) above. The issues to be considered when identifying a juvenile's needs shall include, but need not be limited to, the juvenile's:

1. Family situation;
2. Social, emotional and psychological profile;
3. Medical and dental condition;
4. Educational and vocational profile;
5. Peer relationships;
6. Substance abuse evaluation; and
7. Current and prior facility adjustment.

(h) At the end of the reception and assessment process, the juvenile shall appear before a Classification Committee for assignment to an appropriate Commission facility.

Amended by R.2011 d.094, effective March 21, 2011.

See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

In (e), deleted a comma following the first occurrence of "juvenile", and substituted "in a comprehensive information format maintained for individual juveniles" for "on the juvenile's Comprehensive Information Assessment (CIA) form"; and in (h), substituted "a Classification Committee" for "the JCC".

13:100-2.1A Parole contract agreement

(a) All committed juveniles incarcerated in Commission facilities who have not yet reached their judicial restriction date, and all juvenile parolees, are authorized and shall be encouraged to apply for a parole contract agreement, as provided for under the provisions of P.L. 2009, c. 330 (N.J.S.A. 30:4-123.67).

(b) During the assessment process provided for in N.J.A.C. 13:100-2.1(e), social services staff shall:

1. Explain to the juvenile the opportunities and obligations presented under a parole contract agreement;
2. Encourage the juvenile to make an application for a parole contract agreement; and
3. Offer to the juvenile assistance in completing and filing all necessary and incidental paperwork.

(c) Under the provisions of N.J.S.A. 30:4-123.67(c), upon approval of the juvenile's or juvenile parolee's application for a parole contract agreement, the Board shall specify com-

ponents necessary for the agreement. Upon acceptance of the agreement by the Commission, the Board, and the juvenile or juvenile parolee, the Board shall reduce the agreement to writing and monitor compliance with the parole contract agreement at least once every 12 months.

New Rule, R.2012 d.097, effective May 21, 2012.

See: 43 N.J.R. 3125(a), 44 N.J.R. 1618(b).

Amended by R.2014 d.138, effective September 2, 2014.

See: 45 N.J.R. 1945(a), 46 N.J.R. 1902(a).

Section was "Parole contract agreements". Added (c).

13:100-2.2 Classification Committees

(a) A separate Classification Committee shall be established for male and for female juveniles, each of which shall be chaired by the Director of Operations or designee. Additional members shall be appointed by the Executive Director, or designee, and shall be drawn from both secure and non-secure operating units of the Commission.

(b) Classification Committees shall meet as needed, but in any event not less frequently than biweekly. Minutes shall be kept of all meetings and shall be maintained on the Juvenile Information Management System (JIMS), or on such other computerized information management system as may be determined by the Executive Director.

Amended by R.2011 d.094, effective March 21, 2011.

See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

Section was "Juvenile Classification Committees". Rewrote (a); deleted former (b); recodified (c) as (b); and in (b), substituted "Classification Committees" for "The JCC".

13:100-2.3 Responsibilities of Classification Committees

(a) Classification Committees shall be responsible for determining the classification, initial assignment and transfer of juveniles to, between and from Commission facilities. Assignments and transfers contemplated herein include, but are not necessarily limited to those:

1. Between secure facilities, including an RAF;
2. Between a non-secure facility and a secure facility; and
3. From a secure facility to the Department of Corrections.

(b) The initial assignment of a juvenile shall be based on the information secured in accordance with N.J.A.C. 13:100-2.1(e) through (g), and on the juvenile's Initial Classification Custody Document Score.

(c) Subsequent reassignment and transfer of a juvenile through a Classification Committee shall be based upon:

1. The factors set forth in N.J.A.C. 13:100-2.1(e) through (g);
2. The juvenile's objective classification scores;
3. The ongoing assessments of the juvenile's needs and progress;

4. The safety and security of the juvenile, other juveniles, staff and the public; and

5. The need for secure and orderly operation of Commission facilities.

Amended by R.2011 d.094, effective March 21, 2011.

See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

Section was "Responsibilities of a Juvenile Classification Committee". In the introductory paragraph of (a), deleted "Each Juvenile" preceding "Classification", and substituted "Committees" for "Committee"; in the introductory paragraph of (c), deleted "Juvenile" preceding "Classification"; and in (c)2, substituted "objective classification scores" for "Reclassification and Custody Document Score".

13:100-2.4 Juveniles ineligible for assignment to non-secure facilities

(a) Assignment of a juvenile to a non-secure facility is prohibited when:

1. The commitment being reviewed involves a homicide or an offense involving fire-setting behavior;

2. There is currently pending against the juvenile in New Jersey, or in any jurisdiction, either a juvenile charge that in New Jersey would be classified as a first or second degree offense, or any non-municipal adult charge; or

3. The juvenile has a current sentence involving a term of incarceration to an adult State or county correctional facility.

(b) A juvenile committed for conduct involving a sex offense may be assigned to a residential non-secure facility, provided that the residential non-secure facility has a program specifically designed to treat sex offenders.

Amended by R.2011 d.094, effective March 21, 2011.

See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

In (a)1, deleted ", a sex offense" following "homicide"; and added (b).

13:100-2.5 Emergency transfer procedures

(a) A request for an emergency transfer of a juvenile may be made by the Superintendent, and shall be directed to the Director of Operations or designee, in such form and with such supporting documentation as the Director of Operations shall require.

(b) As soon as feasible, the Director of Operations or designee shall review a request and approve or reject the transfer of the juvenile in writing, setting forth the reasons for approval or rejection. If approved, the requesting facility shall notify the receiving facility in order to make the arrangements necessary to effectuate the transfer.

(c) The Superintendent of the receiving facility shall schedule the transferred juvenile for review by the next meeting of the relevant Classification Committee.

Amended by R.2011 d.094, effective March 21, 2011.

See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

In (a), deleted "his or her" preceding "designee"; in (b), substituted "As soon as feasible, the" for "The", deleted "his or her" preceding and "immediately" following "designee shall", and inserted a comma following "writing"; and in (c), substituted "relevant Classification Committee" for "JCC".

13:100-2.6 Non-emergency transfers

A staff recommendation for a non-emergency transfer of a juvenile shall be referred to the appropriate Classification Committee, which shall make a decision on the appropriateness of the recommendation at its next scheduled meeting.

Amended by R.2011 d.094, effective March 21, 2011.

See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

Deleted "Institutional" preceding "Classification".

13:100-2.7 Juvenile requests for transfer

(a) A juvenile has the right to make a request for transfer to another Commission facility. All such requests shall be in writing and submitted to a social worker. The written request shall include the juvenile's name, current facility, the name of the facility the juvenile is seeking to transfer to and the reason for the transfer request. The social worker shall forward the juvenile's written request to other personnel, as appropriate, and to the appropriate Classification Committee for further consideration.

(b) When considering a juvenile's request for transfer to another facility, Classification Committees shall consider the same factors as set forth in N.J.A.C. 13:100-2.3(c).

(c) Any determination by a classification committee to grant or to deny a juvenile's request for transfer shall promptly be communicated to the juvenile.

Amended by R.2011 d.094, effective March 21, 2011.

See: 42 N.J.R. 2596(a), 43 N.J.R. 738(a).

In (a), deleted a comma following the second occurrence of "transfer to", and deleted "Institutional" preceding "Classification"; deleted former (b); recodified former (c) and (d) as (b) and (c); and in (b), deleted "the Institutional" preceding "Classification" and "and the JCC" preceding "shall", and substituted "Committees" for "Committee".

13:100-2.8 Juvenile classification files

Juvenile classification files shall be maintained at each facility with respect to the juveniles housed therein, or at such other location as may be determined by the Executive Director. An electronic back-up file shall be maintained at the Commission's Office of Classification.