

LAW AND PUBLIC SAFETY

JUVENILE JUSTICE COMMISSION

General Provisions; County Youth Services Commissions; and State/Community Partnership Grant Program

Proposed Readoption with Amendments: N.J.A.C. 13:90

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable David Samson, Attorney General and Chair, Lori E. Grifa, Attorney General's Designee.

Authority: N.J.S.A. 52:17B-169, 52:17B-170, 52:17B-171, 52:17B-179 and 52:17B-180.

Calendar Reference: See Summary below for explanation of exception to calendar requirements.

Proposal Number: PRN 2002 - 303.

Submit written comments by October 18, 2002 to:

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New Jersey Juvenile Justice Commission
P.O. Box 107
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The agency proposal follows:

Summary

The Juvenile Justice Commission is proposing to readopt the rules at N.J.A.C. 13:90 with amendments. These rules outline the organizational structure of the Juvenile Justice Commission, the procedures counties must utilize to establish county youth services commissions, and the planning and allocation process for the State/Community Partnership Grant Program. The rules at N.J.A.C. 13:90 were originally adopted and became effective on July 21, 1997 (see 29 N.J.R. 317(a) and 3261(b)). The rules at

N.J.A.C. 13:90 are scheduled to expire on January 17, 2003, pursuant to N.J.S.A. 52:14b-5.1c. The Juvenile Justice Commission has reviewed these rules and has determined them to be necessary, reasonable, understandable and proper for the purpose for which they were originally promulgated.

Since the original adoption of the rules at N.J.A.C. 13:90, county youth services commissions have been established throughout the State of New Jersey. Significant efforts at both the State and county levels have produced significant strides in the development of partnerships between the State Juvenile Justice Commission and the counties youth services commissions. These partnerships have benefitted the public, juveniles and the juvenile justice system. In partnership with the Juvenile Justice Commission, the county youth services commissions individually and collectively have substantially expanded programs, services and sanctions available to the juvenile population targeted by the State Community Partnership Grant Program which includes the Family Court Services Grant Program. The knowledge gained through the experience of implementing the Partnership program has led the Juvenile Justice Commission to conclude that amendments to the existing rules at N.J.A.C. 13:90 are in order to continue to refine the work of the Commission, the county youth services commissions and the Partnership Program. The Commission has further determined that technical and grammatical amendments and substantive amendments as more fully described below are appropriate at this time.

The subchapters are described as follows:

Subchapter 1 sets forth the general provisions and definitions for the chapter.

N.J.A.C. 13:90-1.1 sets forth the purpose of the chapter. N.J.A.C. 13:90-1.2 outlines the organizational structure of the Juvenile Justice Commission. N.J.A.C. 13:90-1.3 explains the role of the Executive Board of the Juvenile Justice Commission. N.J.A.C. 13:90-1.4 defines the role of the Advisory Council of the Juvenile Justice Commission. N.J.A.C. 13:90-1.5 outlines the role of the Executive Director of the Juvenile Justice Commission. N.J.A.C. 13:90-1.6 sets forth the definitions of words and terms used in the chapter.

Subchapter 2 provides the guidelines for membership and the responsibilities of county youth services commissions. N.J.A.C. 13:90-2.1 defines the purpose of county youth services commissions. N.J.A.C. 13:90-2.2 presents the scope of the subchapter relevant to the organizational requirements for county youth services commissions, their duties and responsibilities. N.J.A.C. 13:90-2.3 requires each county to create a youth services commission to identify, plan and oversee the implementation of community-based sanctions and services for juveniles within the county that are charged or adjudged as delinquent and to establish delinquency prevention programs. N.J.A.C. 13:90-2.3 also provides guidance relevant to options counties may exercise in establishing their commissions; requires each county commission to submit planning documents for Commission approval in order to receive funding through the Partnership Program; and requires each county to designate adequate staff or organization to administer the duties and responsibilities of the commission as set forth in the chapter. N.J.A.C.13:90-2.4 provides requirements and guidance relevant to the composition of the commission's membership for the purpose of ensuring that members of the

commission are knowledgeable about and experienced with the juvenile population targeted by the Partnership Program and the needs of this population within the county. N.J.A.C. 13:90-2.5 requires that each commission establish and submit to the Commission for approval, bylaws for the commission to ensure compliance with the rules at N.J.A.C. 13:90 and applicable State statutes. N.J.A.C. 13:90-2.6 sets forth requirements for electing commission chairpersons who are knowledgeable about and experienced with the juvenile population targeted by the Partnership Program and the needs of this population within the county. N.J.A.C. 13:90-2.6 also sets forth requirements for commissions to establish standing committees within their organizational structure to ensure that issues to be targeted through the Partnership Program relevant to the identified juvenile population are considered by the commission. N.J.A.C. 13:90-2.7 sets forth meeting requirements for the purpose of ensuring that the commission and its committees convene regularly to perform their duties and responsibilities. N.J.A.C.13:90-2.8 requires that each commission prepare and adopt a conflict of interest policy to ensure that its members perform their duties and responsibilities in accordance with applicable laws. N.J.A.C.13:90-2.9 sets forth the duties and responsibilities of the county commission.

Subchapter 3 addresses the criteria, procedures and requirements for the participation in the Partnership Program. N.J.A.C. 13:90-3.1 and 3.2 define the purpose and scope of the State/Community Partnership Grant Program. The subchapter sets forth the rules necessary to implement the Partnership Program thereby allowing counties and their youth services commissions to apply for and receive funding to

implement plans for services and sanctions for juveniles within the county that are charged or adjudged as delinquent and to establish delinquency prevention programs. N.J.A.C. 13:90-3.3 defines terms used in the subchapter. N.J.A.C.13:90-3.4 provides the purpose and goal of the State/Community Partnership Program and requires the establishment of county youth services commissions or other bodies as specified in the rules by counties wishing to participate in the Partnership Program (thereby receiving funding to establish services and sanctions). N.J.A.C. 13:90-3.5 sets forth rules regarding the allocation of Partnership funds; requires counties to seek support from all available Federal, State and local sources to supplement their Partnership funding; and establishes a formula upon which the Commission shall allocate Partnership funding to counties. N.J.A.C. 13:90-3.6 also sets forth rules requiring commissions to engage in a planning process utilizing categories of juvenile services and sanctions that foster attainment of the goals of the State Community Partnership Program as established by N.J.S.A 52:17B-179. In addition, N.J.A.C. 13:90-3.6 sets forth the application requirements to be followed by counties to establish programs. The application process requires counties to submit periodic comprehensive plans and regular updates of those plans to the Commission for approval. The requirements for the planning process and documentation are specified at N.J.A.C. 13:90-3.6. Further, N.J.A.C.13:90-3.6 requires the Executive Director of the Juvenile Justice Commission to review and as appropriate, in accordance with the rules of the chapter, approve the county's plan. N.J.A.C. 13:90-3.7 sets forth that no cash or in-kind match by a county is required to receive Partnership funding. N.J.A.C. 13:90-3.8, 3.9 and 3.10 establish requirements for

disbursement of Partnership funding to counties, contracting requirements and the management of the funds. N.J.A.C.13:90-3.11 requires commissions to monitor and evaluate those programs of services and sanctions funded through the Partnership Program to determine the effectiveness of the programs in meeting their goals and to ensure financial accountability.

The amendments proposed are described as follows.

N.J.A.C.13:90-1.2(c) and 3.1 are being amended to correct typographical errors in citation notations.

N.J.A.C. 13:90-1.4(b) is being amended to add a new provision at N.J.A.C. 13:90-1.4(b)5. The provision reflects the recent amendment to the Commission's enabling legislation at N.J.S.A. 52:17B- 169 et seq. made by P.L. 2001, c. 408. The amendment to the statute expands the responsibilities of the Commission's Advisory Council to include the principles of restorative justice.

N.J.A.C. 13:90-1.5(b)1 is being amended to correct a spelling error in the current regulation.

N.J.A.C. 13:90-2.3(d) is being amended to add the following sentence at the end of the existing rule text "The plan shall account for the multiple funding streams, State and Federal, administered by the Commission and allocated to counties for juvenile justice_purposes." Since N.J.A.C. 13:90 was originally adopted, the Juvenile Justice Commission has obtained additional State and Federal monies which are allocated to county commissions through their county government. The proposed amendment will help ensure that these multiple funding streams are considered when each county

commission prepares and submits its comprehensive plan of sanctions and services for juveniles to the Commission. Paragraphs (a)18 and 19 at N.J.A.C 13:90-2.9 are also being similarly amended to ensure that programs funded through a county commission with multiple funding streams from the Juvenile Justice Commission are monitored and evaluated.

The proposed amendment at N.J.A.C. 13:90-2.4 adds a new first sentence to subsection (b) which will provide clarity as to the type of experience and background commission members should have that will be helpful when considering matters related to juvenile justice and the work of the county commission. County commissions are charged with the responsibility of identifying, planning and overseeing the implementation of community-based sanctions and services for juveniles charged or adjudged as delinquent, and delinquency prevention programs. Effective planning appropriate to the needs of the targeted juvenile population within the county, awareness of the goals of the Partnership Program and the duties and responsibilities of the commission will be enhanced if members have a working knowledge of its county's youths, existing services and sanctions and the programmatic gaps requiring the attention of the commission.

N.J.A.C. 13:90-2.4(b)1 is being amended to include that the Superior Court Family Part Judge who hears delinquency matters in the county may be designated to the county commission by the Presiding Judge of the Family Part of the Superior Court as his or her designee.

N.J.A.C. 13:90-2.4(b)2 is being revised to reflect the correct title of the lead

Family Division administrator in the vicinage and to include the Assistant Family Division Manager in the county as an option for membership. The proposed amendment will permit commissions within the jurisdiction of a multiple county vicinage to include, as an option in their membership, the lead Family Division staff member assigned to their county.

N.J.A.C. 13:90-2.4(c) is being amended for grammatical purposes. Subsection (c) is also being amended to specify the designation of a Family Court Judge as a member of the county Youth Services Commission as provided by N.J.A.C.13:90-2.4(b)1.

N.J.A.C. 13:90-2.4(e) is being amended to change the word “may” to “shall” in order to require rather than recommend that a Juvenile Justice Commission Court Liaison be an ex-officio member of the county commission. These Commission staff members are the liaisons between the Commission and the county commissions. Court Liaisons play a significant role in explaining Commission policy relevant to the State Community Partnership Grant Program and ensuring that the work of county commissions complies with Commission regulatory requirements. As an ex-officio member, the Court Liaison has no voting privileges. The amended text continues to recommend ex-officio membership by representatives of the divisions of the Department of Human Services and representatives from the Departments of Labor, Education, Health and Senior Services and Community Affairs.

N.J.A.C. 13:90-2.4(f) is being amended to expand the voting membership of the county commission to afford all non ex-officio members an opportunity to vote on

matters before its commission.

N.J.A.C. 13:90-2.6(a) is being amended to delete language that is no longer relevant. The proposed amendment requires the county commission to elect a chairperson in accordance with commission bylaws.

N.J.A.C. 13:90-2.6(b)2 is being amended to add the words “a continuum of” to the rule text, before “Sanctions and services.” The addition of these words will help ensure that the commission through its committees develops a variety and full spectrum of services and sanctions for those juveniles targeted by the Partnership and other funding sources administered by the Commission rather than a more limited homogeneous number of services and sanctions.

N.J.A.C. 13:90-2.7(a) is being amended. In order to ensure that the work of each commission is completed, the proposed amendment will allow the chairperson to schedule additional meetings as necessary in excess of the nine now annually required.

N.J.A.C. 13:90-2.9(a)20 is being added as a new provision to encourage the involvement of youth and families in the work of the commission as it plans services, sanctions and develops programs for juveniles in the county.

N.J.A.C. 13:90-3.2 is being amended for grammatical reasons.

N.J.A.C. 13:90-3.6(a) is being revised to allow commissions a greater latitude in prioritizing the needs of juveniles and the juvenile justice system in the county. The Juvenile Justice Commission will determine Statewide categories for Partnership Program funding. When developing plans for juveniles served through the Partnership Program, county commissions will now be able to prioritize those categories based

upon the individualized needs of their county. The proposed amendment will allow commissions greater flexibility and individuality in the planning process.

N.J.A.C. 13:90-3.6(a)3 is being amended to add the words “justice system” in order to provide clarity to the text and to distinguish juvenile justice institutions and facilities from other institutions and facilities serving this age group.

N.J.A.C. 13:90-3.7 is being amended to clarify that neither a cash nor an in-kind funding match by the county is required to receive Partnership funding.

N.J.A.C. 13:90-3.10(a) is being amended to add the word “all” before “Partnership funds” to the rule text. The addition of the word “all” will clarify the requirement that commissions are expected to account for the totality of the funds received from the Commission.

The proposal is not subject to the calendar requirements of N.J.S.A 52:14B-3(4) and N.J.A.C. 1:30-3.3(a) because the agency is providing a 60-day comment period.

Social Impact

The rules proposed for readoption have had a positive social impact on counties and local communities in that they support the juvenile justice reform initiative which is designed to protect the public, ensure accountability and foster rehabilitation of juvenile offenders. The proposed amendments are based upon the experience gained by the Commission and the county commissions since the rules were originally promulgated. The adoption of the proposed amendments will further enhance the implementation of the State/Community Partnership Program.

Economic Impact

The rules proposed for readoption establish the requirements for the application, allocation, disbursement, monitoring and evaluation of State financial support. This funding has helped to implement community-based delinquency prevention programs and sanctions and services for juveniles adjudicated or charged as delinquent. As such, the rules have had a positive economic impact on the ability of counties to address issues that relate to the delivery of services and sanctions to juveniles. The Commission does not anticipate that the rules proposed for readoption with amendments will have an economic impact on the Commission or any other department or agency of State government.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption and the proposed amendments do not pertain to any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The rules proposed for readoption and the proposed amendments relate to the organization of the Juvenile Justice Commission and the county youth services commissions, and the administration of the State/Community Partnership Grant

Program. The Juvenile Justice Commission does not anticipate that any jobs will be generated or lost if the rules proposed for readoption and the proposed amendments are adopted.

Agriculture Industry Impact

The Juvenile Justice Commission does not expect any agriculture industry impact from the rules proposed for readoption and the proposed amendments.

Regulatory Flexibility Statement

The rules proposed for readoption and the proposed amendments impose no reporting, recordkeeping or other compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules relate to the organization of the Juvenile Justice Commission and the county youth services commissions, and the administration of the State/Community Partnership grant Program. Therefore, a regulatory flexibility analysis is not required.

Smart Growth Impact

The rules proposed for readoption and the proposed amendments will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the proposed readoption may be found in the New Jersey

Administrative Code at N.J.A.C. 13:90.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

13:90-1.2 Organization

(a) - (b) (No change.)

(c) The Commission exercises the powers, duties and responsibilities set forth in N.J.S.A. [18A:17B-170] 52:17B-170 and such other powers as may be prescribed in other laws.

13:90-1.4 Advisory Council

(a) (No change.)

(b) The Advisory Council is responsible for advising the Executive Director on

the: 1. - 2. (No change.)

3. Actions to be taken to increase public awareness of the juvenile justice system and its needs; [and]
4. State Juvenile Justice Master Plan; and
5. Actions to be taken to ensure the programs, services and sanctions for juvenile offenders are striving to provide balanced attention to the protection of the community, imposing accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and developing competencies in the juveniles to enable

them to become responsible and productive members of the community.

(c) (No change.)

13:90-1.5 Executive Director

(a) (No change.)

(b) The Executive Director is responsible for:

1. Supervising and managing each juvenile facility and juvenile program operated by the Commission and [designate] designating the chief executive officer of each program;

2. - 4. (No change.)

SUBCHAPTER 2. COUNTY YOUTH SERVICES COMMISSION

13:90-2.3 Establishment

(a) - (c) (No change.)

(d) In order to qualify for funds from the Partnership Program, each county shall submit biennially and obtain Commission approval of a comprehensive plan of sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs which promotes the goals of the Partnership Program and which satisfies all additional requirements set forth in N.J.S.A. 52:17B-180a(2). The plan shall account for the multiple funding streams, State and Federal, administered by the Commission and allocated to counties for juvenile justice purposes.

(e) (No change.)

13:90-2.4 Membership

(a) (No change.)

(b) The commission shall be composed of members who have knowledge relevant to the county's population involved in, or at risk of involvement in the juvenile justice system. The membership of each commission shall include:

1. The Presiding Judge of the Family Part of the Superior Court of the vicinage within which the county is located, or a Superior Court Family Part Judge who hears delinquency matters in the county, as his or her designee;
2. [The case manager of the Family Part of the Superior Court of the vicinage within which the county is located] The Vicinage Family Division Manager or the Assistant Family Division Manager for the county;

3. - 18. (No change.)

(c) The members identified in [this] (b) above [,] may appoint designees to sit on the commission in their absence, except as provided in (b)1 above, provided that no more than one designee for any member may be appointed and further provided that the designee is qualified by knowledge and/or experience to perform the duties of a member of a commission. The names of designees [are] shall be submitted to the commission chairperson annually.

(d) (No change.)

(e) In addition to the members identified in (b) and (d) above, the membership of each commission [may] shall include as an ex-officio member[s], a Juvenile Justice

Commission [liaisons] Court Liaison and may also include as ex-officio members regional representatives of the Department of Human Services, and its divisions, and representatives of the Departments of Labor, Education, Health and Senior Services and Community Affairs.

(f) Each member appointed pursuant to (b) [and], (c) and (d) above shall be a voting member.

(g) (No change.)

13:90-2.6 Chairpersons and committees

(a) [The Presiding Judge of the Family Part of the Superior Court and/or the highest elected official of the county, or their designees, shall serve as chair or co-chairs of each commission through the calendar year 1997. Thereafter, the] The Chair of the commission shall be determined by the membership of the commission in accordance with commission bylaws.

(b) Each commission shall establish standing committees to consider issues relating to:

1. (No change.)
2. The development of a continuum of sanctions and services for juveniles adjudicated or charged as delinquent;

3. - 7. (No change.)

(c) (No change.)

13:90-2.7 Meetings

(a) Each commission shall meet no less frequently than nine times annually[,] and at such other times as designated by the chair. Meetings shall be held at such times and in such locations as to encourage maximum public attendance.

(b) - (c) (No change.)

13:90-2.9 Duties and responsibilities

(a) Each commission shall:

1. - 17. (No change.)

18. Monitor the operations of programs of sanctions and services and delinquency prevention receiving Partnership funds and/or other funds administered by the Juvenile Justice Commission with reference to compliance with rules established by the Commission; [and]
19. Monitor and evaluate the impact of programs of sanctions and services and delinquency prevention receiving Partnership funds and/or other funds administered by the Juvenile Justice Commission and prepare annually, a written report with relevant documentation to the Commission as part of the biennial comprehensive plan and annual update; and
20. Encourage the involvement of youth and families in the planning of services and sanctions and program development.

SUBCHAPTER 3. STATE/COMMUNITY PARTNERSHIP GRANT PROGRAM

13:90-3.1 Purpose

This subchapter sets forth rules to implement the Partnership Program established for the purposes set forth in N.J.S.A. [52A:17B-179] 52:17B-179.

13:90-3.2 Scope

[These] The rules in this subchapter address the criteria and procedures applicable to counties and youth services commissions as they relate to the application for, and the allocation, disbursement and monitoring and evaluation of grants through, the Partnership Program.

13:90-3.6 Application and planning process

(a) The Juvenile Justice Commission [annually determines] shall determine the Statewide [priorities] categories for Partnership funding, and recognize[s] the priorities of the counties as determined through the county planning process[,], consistent with the statutory goals of the Partnership which include:

1. - 2. (No change.)
 3. Reducing overcrowding in State juvenile justice system institutions and [other] facilities to ensure adequate bed space for serious, violent and repetitive offenders;
 4. - 7. (No change.)
- (b)-(c) (No change.)

13:90-3.7 County match

No cash or in-kind match by a county is required [for] to receive Partnership funding.

13:90-3.10 Funds management

(a) Each county shall expend and account for all Partnership funds in accordance with those laws and procedures for expending and accounting for its own funds. Each county shall adhere to generally accepted accounting principles for state and local governments, including, for example, governmental accounting and financial reporting standards promulgated by the Governmental Accounting Standards Board. Fiscal control and accounting procedures of the counties shall be sufficient to:

1. - 2. (No change.)

(b) - (d) (No change.)

Lori E. Grifa
Attorney General's Designee
Chair, Juvenile Justice Commission
Executive Board

Date