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**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY**

**JUVENILE JUSTICE COMMISSION**

47 N.J.R. 617(a)

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

**Proposed Repeals and New Rules: N.J.A.C. 13:90-2.3 and 3.11**

**Proposed New Rules: N.J.A.C. 13:90-1.7, 1A.8, 2.5, 3.6, and 3.7**

**Proposed Repeal: N.J.A.C. 13:90-3.3**

[Click here to view Interested Persons Statement](#)

**Juvenile Justice Commission**

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable John Jay Hoffman, Attorney General and Chair, Deborah R. Edwards, Attorney General's Designee.

Authority: N.J.S.A. 2A:4A-76, 52:17B-169, 52:17B-170, 52:17B-171, 52:17B-176, 52:17B-179, and 52:17B-180.

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

Proposal Number: PRN 2015-027.

Submit written comments by May 15, 2015, either:

By mail to: John Wolff, Administrative Practice Officer

New Jersey Juvenile Justice Commission  
1001 Spruce Street - Suite 202  
Trenton, New Jersey 08638  
or by e-mail to: [Regulatory.Affairs@jjc.nj.gov](mailto:Regulatory.Affairs@jjc.nj.gov).

The agency proposal follows:

[page=618] **Summary**

The New Jersey Juvenile Justice Commission ("Commission" or "JJC") proposes to readopt with amendments N.J.A.C. 13:90, Juvenile Justice Commission. The rules at N.J.A.C. 13:90 were first adopted effective July 21, 1997 (see 29 N.J.R. 317(a); 3261(b)), and were readopted with amendments effective December 16, 2002 (see 34 N.J.R. 2594(a); 4471(a)), and again effective May 15, 2008 (see 40 N.J.R. 95(a); 3746(a)). Pursuant to N.J.S.A. 52:14B-5.1 the rules in this chapter are scheduled to expire on May 15, 2015; in accordance with N.J.S.A. 52:14B-5.1.c(2), the submission of this notice of proposal to the Office of Administrative Law extended that expiration date 180 days to November 11, 2015.

N.J.A.C. 13:90 contains organizational provisions for the Commission; it also contains rules governing both county youth services commissions and the State/Community Partnership Grant Program (Partnership Program), as provided for by N.J.S.A. 52:17B-179 (P.L. 1995, c. 283) and N.J.S.A. 52:17B-180 (P.L. 1995, c. 282).

N.J.A.C. 13:90-1 sets forth general provisions including the chapter's purpose (N.J.A.C. 13:90-1.1); the organizational structure of the Commission (N.J.A.C. 13:90-1.2); the powers and respon-

sibilities of the Commission's Executive Board (N.J.A.C. 13:90-1.3), Advisory Council (N.J.A.C. 13:90-1.4), and Executive Director (N.J.A.C. 13:90-1.5); and definitions (N.J.A.C. 13:90-1.6).

N.J.A.C. 13:90-1A provides a Request and Remedy Process, under which a juvenile may file and seek resolution of a complaint; grievance; comment; request for redress, assistance, action, change in conditions, or treatment; or other comment related to his or her incarceration.

N.J.A.C. 13:90-2 and 3 provide for county youth services commissions (CYSCs) and implement the Partnership Program. Under these provisions Partnership Program grants are allocated to county youth services commissions to support county-based facilities, sanctions, and services for juveniles adjudicated or charged as delinquent and programs for prevention of juvenile delinquency. Plans and applications for Partnership Program funds are prepared in each county by its youth services commission, which is also responsible for administrative oversight of program activities. Partnership Program activities supported by county youth service commissions have been instrumental in serving a number of essential purposes: They increase the range of court imposed sanctions for juveniles adjudicated delinquent; reduce overcrowding in state juvenile institutions and other facilities, thereby ensuring adequate bed space for serious, violent and repetitive offenders; reduce overcrowding in county detention facilities; provide greater access to community-based sanctions and services for minority and female offenders; and expand programs designed to prevent juvenile delinquency and promote public safety by reducing recidivism.

As authorized by N.J.S.A. 52:17B-180.b, the rules in N.J.A.C. 13:90-2 provide guidelines as to membership in and responsibilities of county youth service commissions.

N.J.A.C. 13:90-2.1 states that the purpose of Subchapter 2 is to establish rules that consolidate within a single community planning agency responsibility for planning, implementing, monitoring, and evaluating services and programs that make up the juvenile justice service system. N.J.A.C. 13:90-2.2 states that the scope of Subchapter 2 is to establish organizational requirements for county youth services commissions. N.J.A.C. 13:90-2.3 sets forth requirements related to establishment of county youth services commissions and for their receipt of Partnership Program funding from the Commission. N.J.A.C. 13:90-2.4 establishes requirements related to membership on county youth services commissions. N.J.A.C. 13:90-2.5 requires that each county youth services commission have by-laws that have been reviewed by the Commission to assure compliance with applicable rules. N.J.A.C. 13:90-2.6 provides for the chairperson and committees of county youth services commissions. N.J.A.C. 13:90-2.7 contains requirements as to the frequency of county youth services commission meetings and requires that such meetings comply with the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. N.J.A.C. 13:90-2.8 requires that each county youth services commission adopt a conflict of interest policy certified by county coun-

sel to be in compliance with applicable law. N.J.A.C. 13:90-2.9 sets out the specific duties and responsibilities of county youth services commissions.

N.J.A.C. 13:90-3 contains the rules that govern the Partnership Program, including provisions for the applications and plans submitted to the Commission by county youth services commissions when applying for Partnership Program grants.

N.J.A.C. 13:90-3.1 states that the purpose of Subchapter 3 is to set forth rules to implement the Partnership Program. N.J.A.C. 13:90-3.2 provides that the scope of Subchapter 3 is to establish procedures for the application for and the allocation, disbursement, monitoring, and evaluation of Partnership Program grants to counties and county youth services commissions. N.J.A.C. 13:90-3.3 provides a list of definitions of terms used in Subchapter 3. N.J.A.C. 13:90-3.4 defines participants in the Partnership Program. N.J.A.C. 13:90-3.5 contains requirements as to the allocation of Partnership Program funds, program funding formula, and permissible administrative costs. N.J.A.C. 13:90-3.6 sets forth procedural and substantive requirements related to applications for Partnership Program grants, including the requirement for a periodically updated comprehensive plan for needed sanctions and services for juveniles adjudicated or charged as and delinquency prevention programs. N.J.A.C. 13:90-3.7 clarifies that no cash or in-kind match is required for Partnership Program funding. N.J.A.C. 13:90-3.8 provides that Partnership Program funds are to be disbursed pursuant to county-specific schedules issued by the Commission upon approval of a county's application and comprehensive plan, as well as a prohibition against using Partnership Program funds to replace existing funding from other sources. N.J.A.C. 13:90-3.9 sets forth third-party contracting requirements. N.J.A.C. 13:90-3.10 contains funds management requirements for the Partnership Program, including requirements for financial reporting and program audit. N.J.A.C. 13:90-3.11 requires that the Commission monitor and evaluate activities funded under the Partnership Program.

The Commission proposes to make a number of amendments to N.J.A.C. 13:90 related to both the Request and Remedy process and to CYSCs and the programs they administer.

The Commission proposes new N.J.A.C. 13:90-1A.8 to comply with requirements under the Federal Prison Rape Elimination Act of 2003, PL 108-79 (PREA), by adding specific provisions for the filing of juvenile complaints of sexual abuse and sexual harassment, as those terms are defined by PREA regulations at 28 CFR 115.6.

The Commission proposes to amend provisions of Subchapters 2 and 3, related to CYSCs, for purposes of clarity, to ensure that the rules reflect actual best practices, and to bring within State/Community Partnership Grant Program regulatory framework related activities that are funded under the Family Court Services Program. These activities are carried out by the Commission in

part with funds appropriated to it for that purpose; historically these appropriations were to the Department of Human Services, but were later transferred to the Commission under the provisions of N.J.S.A. 52:17B-176.a(14). In addition, portions of the program are carried out with funds transferred annually to the Commission under the terms of a 2005 memorandum of agreement with the Administrative Office of the Courts that was executed under the authority of N.J.S.A. 2A:4A-76.

Under the State/Community Partnership Program grant funds are allocated by the State, acting by and through the Commission, to counties to be used to develop sanctions and services for juveniles adjudicated or charged as delinquent, and programs for the prevention of juvenile delinquency. These sanctions, services, and programs serve a number of essential purposes: They increase the range of court-imposed sanctions for juveniles adjudicated delinquent; reduce overcrowding in State juvenile institutions and other facilities, thereby ensuring adequate bed space for serious, violent, and repetitive offenders; reduce overcrowding in county detention facilities; provide greater access to community-based sanctions and services for minority and female offenders; and expand programs designed to prevent juvenile delinquency and promote public safety by reducing recidivism.

Plans and applications for State/Community Partnership Program funds are prepared in each county by a CYSC, which is also responsible for administrative oversight of program activities. Since 1996, annual appropriations have been between \$ 7.0 million and \$ 8.7 million.

As mentioned above, the Family Court Program is comprised of two elements. First, the Commission is successor to a program previously [page=619] funded and administered by the Department of Human Services. This program was designed to support the development of community-based services and programs to serve Family Court clients, and is carried out through funding to county youth services commissions. In 1995, appropriations for this program were transferred to the Commission by N.J.S.A. 52:17B-176.a(14), and the program has since been administered in coordination with the guidelines of the Partnership Program. This rulemaking is the first initiative to bring Family Court Program activities formally within Commission rules.

The second component of the Family Court Program derives its authority from N.J.S.A. 2A:4A-76 (P.L. 1982, c. 81). Enacted in 1982, the statute requires that each county have one or more juvenile-family crisis intervention units (FCIUs). FCIUs were to operate either (1) as a part of the court intake service; or (2) through other appropriate entities when approved under a county agreement with the Administrative Office of the Courts. Under a June 2005 *Memorandum of Understanding Between The State of New Jersey Judiciary, The New Jersey Department of Human Services (Office of Children's Services), and The New Jersey Juvenile Justice Commission* (MOU), as of January 1, 2006, annual funding for FCIUs that were previously operated as part of court in-

take services was transferred to the Commission. These amounts are now included in Family Court Services allocations administered by JJC along with the Partnership Program.

Activities funded by the Family Court Program serve purposes similar, or the same, as those of the State/Community Partnership Program. Since 1996, annual Family Court Services Program funding has been between \$ 3.55 million and \$ 4.36 million. Monies transferred under the MOU since 2006 have added an additional \$ 1.08 million.

In order to qualify for program funds, both under existing protocols and under the proposed amended rules, a county must submit a Comprehensive Youth Services Plan for approval by the Commission. See N.J.S.A. 52:17B-180.a. These comprehensive plans are prepared by the CYSCs, which are charged with planning and supervising the totality of services and programs for juveniles at risk of involvement with the juvenile justice system, including community-based sanctions and services for juveniles charged or adjudicated as delinquent and delinquency prevention programs, whether funded by or through the State of New Jersey or any other source or sources.

A subchapter-by-subchapter description of proposed substantive changes related to CYSCs and the programs they administer follows.

The Commission proposes to make changes to the definitions found in N.J.A.C. 13:90-1.6. The Commission proposes to add a definition for "designated entity," for those bodies. The Commission proposes technical amendments to the term "county youth services commission." The Commission proposes to delete the definition "partnership program" and replace it with new definition for "partnership grant program." The Commission further proposes to relocate the definitions currently located at N.J.A.C. 13:90-3.3 into this section, which pertains to the entire chapter. As part of the relocation of the Subchapter 3 definitions, the Commission proposes to add definitions for "Family Court Services Program," "Partnership/Family Court Program" (the combined Partnership and Family Court Services programs), "Partnership Grant Program," and for "juvenile justice service system," which is defined to mean the totality of services and programs within a county for juveniles at risk of involvement with the juvenile justice system, including community-based sanctions and services for juveniles charged or adjudicated as delinquent, as well as delinquency prevention programs, whether funded by the State or other sources. The Commission also proposes to amend "accounting records" to indicate that the records pertain to the components of the juvenile justice service system that are part of, or impact upon, the Partnership/Family Court Program, rather than contract awards funded by the Partnership (as formerly defined).

The Commission proposes to add new N.J.A.C. 13:90-1.7, Relaxation of rules. This provision is intended avoid any unintended unjust consequence that may inadvertently result from a strict adherence to rule technicalities.

The Commission proposes to substantially reorganize the provisions of N.J.A.C. 13:90-2.3, which is effectuated through a proposed repeal and replacement of the section. The existing rule seeks to implement the provisions of N.J.S.A. 52:17B-180.c, the provision cited above allowing for a county to designate a qualified entity to operate in place of a CYSC, but does not use the related statutory language. The Commission has amended the language to more closely track the provisions of N.J.S.A. 52:17B-180.c.

The Commission proposes to add new N.J.A.C. 13:90-2.3(a)2iv, which would require a designated entity to demonstrate its ability to comply with the statutory eligibility requirements of N.J.S.A. 52:17B-180.c before it can be approved by the Commission.

The Commission proposes to make a number of amendments to N.J.A.C. 13:90-2.4.

The provisions in the existing N.J.A.C. 13:90-2.4(d) requiring additional CYSC members to be drawn from "a wide range of public and community-based organizations" is proposed to be deleted. It is proposed to be replaced with new N.J.A.C. 13:90-2.4(a)19, which requires at least two members who have demonstrated knowledge relevant to the county's population involved in, or at risk of involvement in, the juvenile justice system, with no more than one selected from any one of a list of 11 categories, including:

1. The education sector;
2. Mental health, family counseling, child advocacy, domestic violence, and/or victims rights groups;
3. Parents or parent organizations;
4. Clergy;
5. Family Law practitioners as identified by the county bar association;
6. The minority concerns vicinage advisory committee of the Administrative Office of the Courts;
7. Civic organizations;
8. Representatives of major urban areas within the county;
9. Community youth;
10. Municipal youth services commissions; and
11. Other interested persons who deal with children.

Existing N.J.A.C. 13:90-2.4(e), relocated as subsection (b), is proposed for amendment to include the Department of Human Services as a potential non-voting ex-officio member. Existing subsection (f) is proposed for deletion as it is redundant with other language in this section. The Commission proposes to make a clarification to recodified N.J.A.C. 13:90-2.4(d). As amended, the provision would require that the appointment of discretionary members of a CYSC be made in such

a way as to fulfill the objective that CYSC membership reflect the racial, ethnic, and cultural demographic make-up of the county and the youth it serves. The existing provision fails to limit its scope to discretionary appointments, notwithstanding that the provision clearly cannot apply to non-discretionary appointments of sitting public officials.

The Commission proposes new N.J.A.C. 13:90-2.5, Administration of county youth service commissions, to state that the responsibility for administering a CYSC, including the oversight of a designated entity, rest with the county, to require that the day-to-day business of a CYSC be the responsibility of an administrator approved by the Commission, and to require that a county designate such additional staff and resources necessary or appropriate to administration of the CYSC (which is relocated from existing N.J.A.C. 13:90-2.3(e), proposed for repeal), among other requirements.

The Commission proposes to amend recodified N.J.A.C. 13:90-2.7, Chairpersons and committees to add a new requirement in subsection (a) that each CYSC have a chairperson and one or more co-chairpersons, each of whom must be a member of the CYSC who was selected by its members in accordance with the CYSC bylaws.

The Commission proposes to delete existing N.J.A.C. 13:90-2.6(b)2 and 3 as that information is covered in more detail in Subchapter 3. The Commission proposes to amend recodified N.J.A.C. 13:90-2.7(c), a provision which provides for non-member participation in CYSC committees. Under the existing provision, non-members of a CYSC may be included on CYSC committees. This provision could be interpreted to allow for committee action to be decided by a voting majority of non-members, an unintended result. Recodified N.J.A.C. 13:90-2.7(c), is proposed for amendment to clarify that non-members of a CYSC may be invited to sit on committees by vote of the CYSC, provided that the voting majority of a committee must at all times be made up of CYSC members.

[page=620] Using authority granted by N.J.S.A. 52:17B-180.b(2), the Commission proposes to amend a provision relating to the number of CYSC meetings required to be held annually. Recodified N.J.A.C. 13:90-2.8(a) is proposed for amendment to reduce the minimum required number of meetings from nine to six, but would add a new requirement that no more than eight weeks can elapse between meetings. This proposed amendment would also allow additional meetings as "deemed necessary" rather than as "designated" by the chair, and adds the Executive Director or designee as someone who may deem it necessary to hold an additional meeting. In conjunction with this change, the Commission proposes to delete existing N.J.A.C. 13:90-2.7(c), a provision that allows the Juvenile Justice Commission to give prior written approval permitting a CYSC to satisfy the required number of meetings by alternating meetings of the CYSC with meetings of its committees. The Commission proposes to replace it with a new requirement that no CYSC meeting



may be held unless presided over by a chairperson or by a co-chairperson. The Commission believes these amendments to be necessary and appropriate in order to avoid the recurrence of situations where many months have gone by without there being a meeting of a CYSC, and to ensure that all CYSC meetings are presided over by its properly designated leadership.

Recodified N.J.A.C. 13:90-2.10 sets out the duties and responsibilities of a CYSC. The Commission proposes to make a number of amendments to the rule for purposes of clarity and to reflect amendments proposed to be made to N.J.A.C. 13:90-3. Subsection (a) is proposed for amendment to state that approval is based on N.J.A.C. 13:90-3.11(d) and new paragraph (a)1 to set forth the triennial plan under N.J.A.C. 13:90-3.11. In addition, the Commission proposes to add requirements that CYSCs use the Commission's web-based Juvenile Automated Management System (JAMS) for periodic reporting purposes, and for the program monitoring and evaluation reports to be prepared and submitted in accordance with Commission established standards. The existing monitoring provision, N.J.A.C. 13:90-3.11 is proposed for repeal.

The Commission proposes to amend N.J.A.C. 13:90-3.2 to include within the subchapter's scope the comprehensive plans, periodic applications, and annual updates referred to in the subchapter.

N.J.A.C. 13:90-3.3 is proposed for repeal and the definitions are relocated to N.J.A.C. 13:90-1.6.

The Commission proposes to delete N.J.A.C. 13:90-3.5(a), (c), and (d). Recodified N.J.A.C. 13:90-3.5(a) is proposed for amendment to allow for adjustments in the allocations, but the formula remains unchanged. This formula applied to the original 1996 allocations of State/Community Partnership Program funds. In subsequent years, an existing year funding amount has provided a baseline for the succeeding year, subject to cost-of-living adjustments as may be issued by the Office of Management and Budget. The formula is retained as a tool to be used when necessary to adjust funding amounts to address changing program needs within individual counties. In addition, recodified N.J.A.C. 13:90-3.5(e) has been amended and recodified as N.J.A.C. 13:90-3.5(b); that provision is intended to reflect the requirements of N.J.S.A. 52:17B-180.f, which provides that if a county elects not to participate in the State/Community Partnership Grant Program established pursuant to N.J.S.A. 52:17B-179, the Commission is authorized to allocate and expend that county's share of Partnership Grant Program funding in a manner consistent with the Commission's Juvenile Justice Master Plan. The existing rule requires the allocation and expenditures provided for in the statute, whereas under the statute itself they are authorized, but not required. The proposed amendment brings the rule in conformance with the statute.

Existing N.J.A.C. 13:90-3.5(a) provides that counties are required to seek other sources of funding to supplement Partnership/Family Court Program funding. The substance of this provision, as well as a non-supplanting maintenance of effort provision found in the existing N.J.A.C. 13:90-3.8(b), are proposed for relocation to proposed new N.J.A.C. 13:90-3.7.

Existing N.J.A.C. 13:90-3.5(c) and (d) contain provisions that permit program funding to be used for salary and administrative overhead costs, address program management funds, and restrict the use of programmatic funding for program management purposes. The Commission proposes that these provisions be relocated to new N.J.A.C. 13:90-3.6 with proposed technical amendments.

Recodified N.J.A.C. 13:90-3.8 is proposed for amendment to delete subsection (b), the provision that addresses plan preparation and submission, and to amend and relocate it to new N.J.A.C. 13:90-3.11.

Existing N.J.A.C. 13:90-3.6(c) is proposed for deletion and replacement as new N.J.A.C. 13:90-3.8(b). The new subsection is intended to make explicit the Commission's authority to review county submitted plans and applications to ensure compliance with program requirements.

The Commission proposes new N.J.A.C. 13:90-3.11 to address requirements for the development and submission of county prepared triennial comprehensive plans, annual plan updates, and funding applications.

General submission requirements are set forth in proposed N.J.A.C. 13:90-3.11(a)1 and 2. Proposed new N.J.A.C. 13:90-3.11(a)3 requires that in each plan submission a county describe all Federal, State, and other sources to which the county has applied for funding to supplement monies provided under the Partnership/Family Court Program. This reporting requirement reflects a substantive requirement in proposed new N.J.A.C. 13:90-3.7.

Proposed new N.J.A.C. 13:90-3.11(b) and (c) require, respectively, the submission of plan updates, in the second and third years covered by a triennial plan, and that each triennial plan and update submission be accompanied by an annual funding application. Annual funding applications must contain disclosures as to the identity of CYSC members and personnel, personnel whose duties fall under the Partnership/Family Court Program, all funding sources and amounts for all programs that are part of the county's juvenile justice service system, and certificates of compliance.

Finally, the Commission proposes to add new N.J.A.C. 13:90-3.11(d), which states that the Commission will approve an application for funding, provided that the application is timely and complete, and that submitted documentation and the CYSC are in compliance with regulatory requirements.

Because the Commission has provided a 60-day comment period on the notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The rules proposed for readoption with amendments, new rules, and repeals will have a positive social impact on counties and local communities in that they support the juvenile justice reform initiative that is designed to protect the public, ensure accountability, and foster rehabilitation of juvenile offenders. The proposed changes are based upon the experience gained by the Commission and the CYSCs since the rules were originally promulgated, and if adopted will further enhance the implementation of the Partnership/Family Court Program. The changes to Subchapter 1A will increase protections for juveniles against the threat of sexual abuse and sexual harassment.

### **Economic Impact**

The costs associated with rules proposed for readoption with amendments, new rules, and repeals are met through the established budget process with funds allocated by the State. The Commission anticipates that the rules proposed for readoption with amendments, new rules, and repeals will not have an economic impact on the Commission or any other department or agency of the State government.

### **Federal Standards Statement**

The amendments to N.J.A.C. 13:90-1A comply with requirements set forth in 28 CFR 115.352 under the Federal Prison Rape Elimination Act of 2003, P.L. 108-79, relating to the exhaustion of administrative remedies for juvenile complaints of sexual abuse and sexual harassment, as those terms are defined in 28 CFR 115.6. A Federal standards analysis is not otherwise required because the balance of the rules proposed for readoption with amendments, new rules, and repeals are not adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements.

### **[page=621] Jobs Impact**

The Commission does not anticipate that any jobs either will be generated or lost if the rules proposed for readoption with amendments, new rules, and repeals are adopted.

**Agriculture Industry Impact**

The rules proposed for readoption with amendments, new rules, and repeals will have no impact on the agriculture industry in New Jersey.

**Regulatory Flexibility Statement**

The rules proposed for readoption with amendments, new rules, and repeals will impose no reporting, recordkeeping, or other compliance requirements upon small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., because they concern only county programs for the identification, planning, implementation, monitoring, and evaluation of community-based sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs, and will have no affect on small businesses. Therefore, a regulatory flexibility analysis is not required.

**Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments, new rules, and repeals will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing, because they concern only county programs for the identification, planning, implementation, monitoring, and evaluation of community-based sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs.

**Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments, new rules, and repeals will not have an impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, because the rules concern only county programs for the identification, planning, implementation, monitoring, and evaluation of community-based sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:90.

**Full text** of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:90-2.3, 3.3, and 3.11.

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### 13:90-1.6 Definitions

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

**"Accounting records"** means records that adequately identify authorizations, obligations, unobligated balances, assets, liabilities, outlays, expenditures, and income relating to components of the juvenile justice service system that are part of or impact upon the Partnership/Family Court Program.

...

**"Budgetary control"** means financial information related to performance or productivity data.

"County youth services commission" or **"youth services commission"** means the [single county designated agency] **county youth services commission established under the provisions of N.J.A.C. 13:90-2.3**, responsible for the **identification**, planning, implementation, monitoring, and evaluation of [a] community-based [plan of] sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs.

**"Designated entity"** means a council, commission, or agency designated by a county governing body and approved by the Executive Director under the provisions of N.J.A.C. 13:90-2.3(a)1.

**"Equipment"** means an item with an original unit cost of \$ 1,000 or more and an expected useful life of three or more years.

...

**"Family Court Services Program"** means Commission-funded county programs for juveniles involved or at risk of involvement with the Family Court and programs involving Juvenile Family Crisis Intervention Units established pursuant to N.J.S.A. 2A:4A-76.

**"Financial reporting"** means accurate, current, and complete disclosure of financial results of contract activities.

**"Internal control"** means effective control and accountability of cash, real and personal property, and other assets.

**"Juvenile justice service system"** means the totality of services and programs for juveniles at risk of involvement with the juvenile justice system, including community-based sanctions and services for juveniles charged or adjudicated as delinquent and delinquency prevention programs, whether funded by or through the State of New Jersey or any other source or sources.

["Partnership Program" or "Partnership" means the State/Community Partnership Grant Program established pursuant to N.J.S.A. 52:17B-179.]

**"Partnership/Family Court Program"** means the combined program administered by the Commission and comprised of the Partnership Grant Program and the Family Court Services Program.

**"Partnership Grant Program"** means the State/Community Partnership Grant Program established pursuant to N.J.S.A. 52:17B-179.

**"Proposal"** means a written document submitted by a provider in response to an RFP.

...

**"Request for Proposal (RFP)" means a written solicitation that defines services and sanctions and/or delinquency prevention programs required by a county and which invites written competitive responses from qualified providers.**

**"Source documentation" means accounting records, such as canceled checks, paid bills, payrolls, time and attendance records, and contract documents.**

### **13:90-1.7 Relaxation of the rules**

**(a) The rules of this chapter shall be construed to achieve just results, simplicity of procedure, fairness in administration, and elimination of unjustifiable expense and delay.**

**(b) The rules may be relaxed by the Executive Director in any instance where it shall be apparent to the Executive Director that strict adherence would result in an injustice to an individual or lead to results inconsistent with the best interests of the juveniles to be served by the programs provided for under this chapter.**

## **SUBCHAPTER 1A. REQUEST AND REMEDY PROCESS**

### **13:90-1A.1 Purpose**

**(a) The purposes of this subchapter [is] are to provide: [uniform]**

**1. Uniform** procedures applicable to all juveniles assigned to Commission facilities and programs for the filing and resolution of a juvenile complaint; grievance; comment; request for redress, assistance, action, change in conditions, or treatment; or other comment related to his or her incarceration or assignment to such a facility or program[.] ; **and**

**2. Grievance procedures for reporting allegations of sexual abuse and sexual harassment, in compliance with Federal regulations at 28 CFR 115.352, Exhaustion of Administrative Remedies, under the Federal Prison Rape Elimination Act of 2003 (P.L. 108-79).**

### **13:90-1A.8 PREA complaints**

**(a) A juvenile has the right at any time to submit a PREA Complaint Form alleging acts of sexual abuse or sexual harassment, as those terms are defined in the 28 CFR 115.6.**

**1. Third parties, including other juveniles, staff members, family members, attorneys, and outside advocates may assist juveniles in filing out PREA Complaint Forms.**

**i. A report of sexual abuse or harassment against a juvenile who is 18 years of age or older may be made directly to the Commission by any third-party, provided that the juvenile has consented to the making of the report. The Commission will not process any such [page=622] report by a third-party unless the consent requirement has been satisfied.**

**ii. With respect to a juvenile who is under the age of 18, his or her parent or guardian may report an incident of sexual abuse or sexual harassment on the juvenile's behalf without the juvenile's consent.**

**(b) The PREA Complaint Form:**

**1. If being filed by a juvenile, shall be deposited in a lockbox provided for under the provisions of N.J.A.C. 13:90-1A.3.**

**2. If being filed by a third party other than another juvenile, shall be mailed or faxed to the PREA Coordinator, as follows:**

**PREA Coordinator  
NJ Juvenile Justice Commission  
1001 Spruce Street - Suite 202  
Trenton, NJ 08638  
FAX: 609-943-4614**

**(c) Any juvenile may report an allegation that a juvenile is subject to a substantial risk of imminent sexual abuse to the Commission's Ombudsman, either by telephone or through filing a PREA Complaint Form.**



**(d) The processing and investigation of PREA complaints shall be carried out under the provisions of the PREA Policy.**

13:90-[1A.8] **1A.9** (No change in text.)

## **SUBCHAPTER 2. COUNTY YOUTH SERVICES COMMISSIONS**

### **13:90-2.1 Purpose**

This subchapter sets forth the rules that consolidate within a single county community agency the planning, implementation, monitoring, and evaluation of **services and programs** of the juvenile justice service system.

### **13:90-2.3 County youth services commissions and designated entities**

**(a) Each county shall establish and maintain a county youth services commission to plan, implement, monitor, and evaluate community-based sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs, consistent with the provisions of this subchapter and N.J.A.C. 13:90-3, including preparation of the triennial comprehensive plans, updates, and funding applications provided for in N.J.A.C. 13:90-3.11.**

**1. The county governing body may, upon annual written request approved by the Executive Director, elect to designate a designated entity to assume the responsibilities of a county youth services commission in that county, subject to the oversight of the county youth services commission provided for in N.J.A.C. 13:90-2.5(a).**

**2. Approval of such a request shall be contingent upon the governing body demonstrating to the satisfaction of the Executive Director that:**

**i. The membership of the designated entity is sufficiently representative of persons and agencies interested in the juvenile justice system to permit the entity to perform the duties and responsibilities of a county youth services commission;**

- ii. **The members of the designated entity are otherwise qualified to perform the duties and responsibilities of members of a county youth services commission;**
- iii. **The designated entity has the authority and responsibility to carry out the duties and responsibilities of a county youth services commission; and**
- iv. **The designated entity has demonstrated to the satisfaction of the Executive Director or designee the ability to comply with all applicable laws and rules, including the provisions of this subchapter and N.J.A.C. 13:90-3.**

#### 13:90-2.4 Membership of youth services commission

(a) Each **county youth services** commission shall consist of no fewer than [21] **20 voting** members [and shall include both voting and non-voting members.] , **as follows:**

[(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. (No change.)
2. The [Vicinage] **vicinage** Family Division Manager or the Assistant Family Division Manager [of the county];
3. The **vicinage** chief probation officer [of the county];
- 4.-5. (No change.)
6. The regional public defender [for the county];
- [7. The manager of the county district office of the Division of Youth and Family Services, Department of Children and Families;]
- 7. One official from the State agency responsible for issues of child abuse and neglect;**

8.-12. (No change.)

13. The director of the detention center [located in] **servicing** the county;

14.-16. (No change.)

17. A representative of the regional workforce investment board (WIB), established under Executive Order No. 36 (July 12, 1995); [and]

18. A representative of the business community in the county[.]; **and**

**19. At least two individuals from the following groups who have demonstrated knowledge relevant to the county's population involved in, or at risk of involvement in, the juvenile justice system. No more than one voting member may be appointed from any one group:**

**i. The education sector;**

**ii. Mental health, family counseling, child advocacy, domestic violence, and/or victims rights groups;**

**iii. Parents or parent organizations;**

**iv. Clergy;**

**v. Family Law practitioners, as identified by the county bar association;**

**vi. The minority concerns vicinage advisory committee of the Administrative Office of the Courts;**

**vii. Civic organizations;**

**viii. Representatives of major urban areas within the county;**

**ix. Community youth;**

**x. Municipal youth services commissions; and**

**xi. Other interested persons who deal with children.**

**(b) A Juvenile Justice Commission Court Liaison shall be a non-voting ex-officio member of a county youth services commission. In addition, one representative of each of the following State agencies may sit on a youth services commission as non-voting ex-officio members:**

**1. The Department of Human Services;**

**2. The Department of Labor and Workforce Development;**

**3. The Department of Education;**

**4. The Department of Health;**

**5. The Department of Community Affairs; and**

**6. The Department of Children and Families.**

(c) [The members identified in (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] **Each voting member identified in (a)2 through 19 above may be represented by a designee who** is qualified by knowledge and/or experience to perform the duties of a member of a **youth services** commission. The names of designees shall be submitted to the **youth services** commission chairperson annually.

[(d) In addition to the members identified in (b) above, the membership of each commission shall include persons who represent a wide range of public and private community-based organizations, for example, representatives of schools, mental health, family counseling, child advocacy, domes-

tic violence, and/or victims rights groups; parents; clergy; the Family Law practice section of the county bar association; the minority concerns vicinage advisory committee of the Administrative Office of the Courts; civic organizations; representatives of major urban areas within the county; youth representatives; municipal youth services commissions; and interested persons who deal with children.

(e) In addition to the members identified in (b) and (d) above, the membership of each commission shall include as an ex-officio member, a Juvenile Justice Commission Court Liaison and may also include as ex- [page=623] officio members regional representatives of the Department of Children and Families, 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), (c) and (d) above shall be a voting member.]

[(g)] **(d)** [The membership of each commission] **Appointments under (a)17 through 19 above shall be made in such a way as to fulfill the objective that membership of a county youth services commission** reflect the racial, ethnic, and cultural demographic make-up of the county and the youth in the county served by the sanctions and services and the delinquency prevention programs planned, implemented, monitored, and evaluated by the commission.

### **13:90-2.5 Administration of county youth services commissions**

**(a) Responsibility for administering a county youth services commission, including the oversight of a designated entity designated under the provisions of N.J.A.C. 13:90-2.3, shall rest with the county in which it sits.**

**(b) The day-to-day business of a county youth services commission shall be the responsibility of an administrator approved by the Commission.**

**1. The administrator shall be an individual who on the basis of education and prior job experience has demonstrated an understanding of and the ability to manage public grant programs.**

**(c) The Executive Director or designee shall establish guidelines and limitations for the reimbursement of reasonable salary and related fringe costs for the administration of programs and services funded in whole or in part through the Commission.**

**(d) The administrator shall maintain membership in, and shall regularly attend meetings of, the New Jersey Association of County Youth Services Commission Administrators.**

**(e) Each county shall designate such additional staff and organizational resources necessary or appropriate to administer the duties and responsibilities of its youth services commission.**

13:90-[2.5] **2.6** Bylaws

Each **youth services** commission shall adopt bylaws, which shall be submitted to the Juvenile Justice Commission for its review, to assure compliance with applicable rules.

13:90-[2.6] **2.7** Chairpersons and committees

(a) [The Chair of the] **A youth services** commission shall **have a chairperson and one or more co-chairpersons, each of whom shall** be [determined] **a member of the youth services commission selected** by [the membership of the commission] **its members** in accordance with **the youth services** commission's bylaws.

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

1. The development of a comprehensive youth services plan [that includes a needs assessment of sanctions and services for juveniles adjudicated or charged as delinquent and of delinquency prevention programs] **and updates prepared in accordance with the provisions of N.J.A.C. 13:90-3.11;**

[2. The development of a continuum of sanctions and services for juveniles adjudicated or charged as delinquent;.

3. The development of delinquency prevention programs;]

Recodify existing 4.-6. as **2.-4.** (No change in text.)

[7.] **5.** [Minority over-representation] **Racial disparity** in the juvenile justice system.

(c) If permitted by the bylaws of a **youth services** commission[, non-members may be included] **by vote of the youth services commission, individuals who are not members of the youth services commission may be invited to sit** on the committees established pursuant to (b) above, **provided that a voting majority of each committee shall at all times be made up of members of the county youth services commission.**

13:90-[2.7] **2.8** Meetings

(a) Each **youth services** commission shall meet no less frequently than [nine] **six** times annually, **provided that no more than eight weeks shall elapse between meetings** and at such other times as [designated] **deemed necessary** by the chair, **or by the Executive Director or designee.** Meetings shall be held at such times and in such locations as to encourage maximum public attendance.

(b) Each **youth services** commission shall comply with the provisions of the **Senator Byron M. Baer** Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

[(c) Upon the prior written approval of the Executive Director, each commission may satisfy the meeting requirement set forth in (a) above by alternating full commission meetings with committee meetings.]

**(c) No meeting shall be held unless presided over either by the chairperson or by a co-chairperson of the youth services commission.**

13:90-[2.8] **2.9** Conflict of interest policy

Each **youth services** commission shall adopt a written conflict of interest policy [which] **that** shall be submitted to the Commission with a written statement by county counsel that the policy is in compliance with applicable law.

13:90-[2.9] **2.10** Duties and responsibilities

(a) [Each] **Subject to review and approval of the Commission pursuant to N.J.A.C. 13:90-3.11(d), each youth services** commission shall:

**1. Prepare and submit the comprehensive triennial plan, out year updates, and annual funding applications provided for in N.J.A.C. 13:90-3.11, with respect to the totality of services and programs comprising the county's juvenile justice service system;**

[1.] **2. [Coordinate] Make recommendations to coordinate** and integrate existing sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs;

Recodify existing 2. and 3. as **3. and 4.** (No change in text.)

[4.] **5. Determine, through the collection and maintenance of data, the [breadth] nature and scope** of juvenile [offenses] **delinquency** and **related** problems in the county and identify the geographical regions within the county where such offenses and problems are most prevalent;

[5.] **6. [Identify gaps in the] Propose a system of sanctions and services for youth adjudicated or charged as delinquent, that includes identifying geographical regions within the county where existing programs do not satisfy the needs of such youth, and [develop and implement an appropriate plan] developing proposals for closing [the] gaps in the delivery of such sanctions and services;**

[6. Develop and implement delinquency prevention programs to meet the needs of youth in geographical regions within the county where existing programs do not satisfy the needs of the youth;

7. Seek to expand existing delinquency prevention programs to better meet the needs of the youth of the county and to ensure the maximum availability of service to the youth of the county;]



[8.] 7. Review, evaluate, and monitor through at least one site visit annually, existing sanctions and services under the jurisdiction, control, or proposed by the **county youth services** commission, for juveniles adjudicated or charged delinquent and existing delinquency prevention programs to determine effectiveness in meeting program goals and in ensuring financial accountability;

**8. Recommend to the county governing body, the approval or disapproval of contracts with providers seeking to participate in the Partnership/Family Court Program;**

9. Cooperate with other State, county, and municipal agencies **and other entities** in the planning of ongoing efforts relating to [delinquency prevention programs] **the county's juvenile justice service system;**

10. Inform the public of the [breadth] **scope** of juvenile offenses, the needs of youth in the county and the availability of sanctions and services, and advocate for the needs of youth;

11. Serve as [the] **an** advisory body of the county on issues relating to sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs;

12. (No change.)

13. Appoint liaisons to participate in planning and related activities with appropriate county bodies, [for example,] **such as** the Human Services Advisory Council, the Mental Health Board, the local council on Alcohol and Drug Abuse, and the County Interagency Coordinating Council, as invited, to maximize efficient and effective use of Partnership funds;

[page=624] 14. Determine whether a need exists, and if so, sponsor the establishment of multi-disciplinary teams (MDT's) to plan specific sanctions and services to individual youth: [as]

**i. As** an alternative to detention for a juvenile charged as delinquent; [as]

**ii. As** a recommendation for a disposition option for a judge of the Family Court upon an adjudication of delinquency; and[, as]

iii. **As** a component of aftercare following the commitment of a juvenile to the Juvenile Justice Commission by a judge of the Family Court;

15. Coordinate the planning of aftercare sanctions and services for juveniles returning to the community following commitment to **or placement with** the Juvenile Justice Commission by a judge of the Family Court;

[16. Comply with all applicable rules of the Commission;

17. Recommend to the county governing body, the approval or disapproval of contracts with providers seeking to participate in the Partnership;

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;

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 triennial comprehensive plan and annual update; and]

**16. Use the Commission's web-based Juvenile Automated Management System (JAMS) for purposes of periodic reporting to the Commission of programmatic, contract and contractor, fiscal, monitoring, and all other information material to juveniles served by the Partnership/Family Court Program and any other programs administered by the Commission;**

**17. Subject to review by the Executive Director or designee, prepare and submit written monitoring reports and evaluations:**

**i. Monitoring the operations of programs receiving Partnership/Family Court Program funds and/or other funds administered by the Juvenile Justice Commission for compliance with program requirements; and**

**ii. Evaluating the impact of those programs on targeted beneficiaries; and**

[20.] **18.** (No change in text.)

SUBCHAPTER 3. [STATE/COMMUNITY PARTNERSHIP GRANT] **PARTNERSHIP/FAMILY COURT PROGRAM**

13:90-3.1 Purpose

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

13:90-3.2 Scope

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] **for** the [allocation,] disbursement, [and] monitoring, and evaluation of grants through[,] the [Partnership] **Partnership/Family Court** Program, **and for comprehensive plans, applications, and updates required to be submitted by counties to the Commission in order to receive Partnership/Family Court Program funding.**

**13:90-3.3 (Reserved)**

13:90-3.4 Participants

(a) The [State/Community Partnership Grant] **Partnership/Family Court** Program is established to support [the facilities,] sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs through the award of grants allocated to county youth services commissions.

(b) Each county may participate in the [Partnership] **Partnership/Family Court** Program, provided that the county establishes a youth services commission or, in the alternative, receives approval from the Executive Director to designate another body to perform the duties and responsibilities of a youth services commission in accordance with the provisions of N.J.A.C. 13:90-[2.3(c)] **2.3(a).**

### 13:90-3.5 Allocation and funding formula

[(a) Partnership funds are distributed to all participating counties in compliance with these rules, through the youth services commissions or other county designated body approved by the Executive Director to provide needed sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs. Each county shall seek support from all available Federal, State and other sources to supplement the funding received through the Partnership.]

[(b)] **(a)** The Commission [shall determine] **may adjust** Partnership allocations **as it deems necessary in order to reflect changing needs in and among counties** by application of a formula, which shall include the following elements:

1.-3. (No change.)

[(c) Program management funds are applied to salary and the reasonable administrative costs that support staff hired to administer Partnership funds and other sanctions and services undertaken by the county in implementing the county comprehensive plan. Upon the approval of the Executive Director, program management funds may be directed into sanctions and services for juveniles adjudicated or charged as delinquent and/or delinquency prevention programs. Approval is conditioned upon the demonstration by a county that adequate program management, monitoring and administration funds are available from sources other than the Partnership.]

(d) Neither minimum base funds nor formula funds may be used for program management, monitoring and administration.

(e) The Commission allocates and expends, consistent with its Juvenile Justice Master Plan, the share of Partnership funding of any county that does not participate in the Partnership program.]

**(b) If a county elects not to participate in the Partnership Grant Program established pursuant to N.J.S.A. 52:17B-179, the Commission is authorized to allocate and expend that county's share of Partnership Grant Program funding in a manner consistent with the Commission's Juvenile Justice Master Plan.**

### 13:90-3.6 Program management funds; restriction on use of program funds

**(a) In accordance with procedural guidelines issued by the Executive Director or designee, program management funds may be applied to salary and the reasonable administrative costs for staff hired to support the administration of the county youth services commission and its programs, as provided for under the provisions of N.J.A.C. 13:90-2.5.**

**(b) Upon a demonstration by a county that adequate program management, monitoring, and administration funds are available from sources other than the Partnership/Family Court Program, the Executive Director or designee shall approve the allocation of program management funds directly to sanctions and services for juveniles adjudicated or charged as delinquent and/or delinquency prevention programs.**

**(c) Funds granted by the Commission expressly for sanctions and services for juveniles adjudicated or charged as delinquent and/or delinquency prevention programs shall not be used for program management, monitoring, or administrative purposes.**

**13:90-3.7 No supplanting of funds; obligation to seek additional funding**

**(a) A county shall not use Partnership/Family Court Program funds, directly or indirectly, to replace, supplant, reduce, eliminate, or otherwise substitute funding, including funding for capital construction and reconstruction, from any other sources used for services and programs for juveniles at risk of involvement with the juvenile justice system, including community-based sanctions and services for juveniles charged or adjudicated as delinquent and delinquency prevention programs.**

[page=625] **(b) On an ongoing basis, each county shall seek support from all available Federal, State, and other sources to supplement the funding received through the Partnership/Family Court Program.**

**13:90-[3.6] 3.8 [Application and planning process] Juvenile Justice Commission determination and review**

**(a) The Juvenile Justice Commission shall determine [the] Statewide categories for Partnership/Family Court Program funding, [and recognize] taking into consideration the priorities of**

the counties as determined through the county planning process consistent with the statutory goals of the Partnership/**Family Court Program**, which include:

1.-7. (No change.)

[(b) Each county shall submit biennially a comprehensive plan for needed sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs, or an annual update, as applicable. Each submission shall include:

1. A written report with relevant documentation, of the nature of the juveniles and juvenile offenders served by the sanctions and services and the juveniles served by the delinquency prevention programs;
2. A list of the membership of the county youth services commission or other approved county designated body, which list identifies the chair and the co- chair, and all staff, including the person responsible for the administration of Partnership funds;
3. Certification of compliance with all rules pertaining to county youth services commissions and the Partnership;
4. Efforts employed to ensure that sanctions and services are culturally appropriate; and
5. A written justification in support of a determination by a county to apply a portion of Partnership funding to hire additional county personnel to expand or implement county-operated sanctions and services. The justification shall demonstrate that county-operated sanctions and services provide the most efficient and expedient method to address a high priority of the Partnership and that the membership of the youth services commission or other approved county designated body has ratified the justification by a 2/3 vote. In no event shall a county allocate more than 1/3 of its Partnership funds for county-provided sanctions and services, unless such allocation results from a competitive RFP process in accordance with N.J.A.C. 13:90-3.9.]

[(c) The Executive Director reviews and, if appropriate under this chapter, approves the plan and the certification of compliance with this chapter.]

**(b) The Commission shall have the authority to review and approve all county plans, applications, updates, and certifications submitted in connection with the Partnership/Family Court Program to ensure compliance with program requirements.**

13:90-[3.7] **3.9** County match **not required**

No cash or in-kind match by a county is required to receive Partnership/Family Court Program funding.

13:90-[3.8] **3.10** Disbursement **Schedule**

[(a)] The [Executive Director] **Commission** shall issue to each county a schedule for the disbursement of Partnership/Family Court Program funding upon approval of the county plan and application **provided for in N.J.A.C. 13:90-3.11.**

[(b) No county shall utilize Partnership funding to supplant or replace existing funds or other resources from Federal, State or county government for existing juvenile justice related programs or for capital construction or renovation.]

**13:90-3.11 Comprehensive triennial plans, annual updates, and annual funding applications**

**(a) In a format and in accordance with a three-year cycle to be determined by the Commission under the authority of N.J.S.A. 52:17B-180.a(2), a county participating in the Partnership/Family Court Program shall submit a triennial comprehensive plan that identifies all services and programs under the county's juvenile justice service system and all sanctions and services for juveniles adjudicated or charged as delinquent and delinquency prevention programs. Each submission shall include, at a minimum, the following items and information:**

**1. A report, with supporting documentation, that describes the continuum of care provided by all programs and services that comprise the county's juvenile justice service system, together with demographic data with respect to juveniles served or affected by those services and programs, and divided into the following categories:**

**i. Delinquency prevention;**

**ii. Diversion;**

**iii. Detention;**

**iv. Disposition; and**

**v. Reentry;**

**2. A detailed description of the nature and extent of needs and recommendations for services and programs to meet those needs, with respect to each of the categories listed in (a)1i through v above; and**

**3. A description of all Federal, State, and other sources to which the county has applied to provide supplemental funding for services and programs for juveniles involved or at risk of involvement with the juvenile justice system, including community-based sanctions and services for juveniles charged or adjudicated as delinquent and delinquency prevention programs, together with a detailed itemization of all such funds received.**

**(b) Prior to the commencement of each of the second and third calendar years in the triennial cycle established by in (a) above, on or before a date to be determined annually by the Juvenile Justice Commission, each county shall submit to the Commission an update to the triennial comprehensive plan. At a minimum, each update shall:**

**1. Include a narrative description of program activity since filing of the triennial comprehensive plan;**

**2. Explain the extent to which the needs identified in the triennial comprehensive plan, under the provisions of (a)2 above are being addressed, and the extent to which they remain to be addressed;**



**3. Demonstrate specifically how activities funded by the Partnership/Family Court Program are addressing such needs;**

**4. A certification that funds provided under the Partnership/Family Court Program have not been used directly or indirectly, to replace, supplant, reduce, eliminate, or otherwise substitute funding, including funding for capital construction and reconstruction, from any other sources used for services and programs for juveniles involved or at risk of involvement with the juvenile justice system, including community-based sanctions and services for juveniles charged or adjudicated as delinquent and delinquency prevention programs; and**

**5. A certification that the county programs funded under Partnership/Family Court Program conform to the requirements of N.J.S.A. 52:17B-180.a(2).**

**(c) A county participating in the Partnership/Family Court Program shall also submit an annual funding application. At a minimum, each annual funding application shall include the following information:**

**1. The identity and qualifications of the administrator of the youth services commission;**

**2. A list of all personnel whose duties fall under the Partnership/Family Court Program;**

**3. Identification of all funding sources and amounts for all programs and services that are part of the county's juvenile justice service system;**

**4. The names and affiliations of all members of the county youth services commission and the identity of the chair and any co-chairs;**

**5. A certificate executed by the county representing that both the county and youth services commission are in compliance with all statutes, rules, and regulations pertaining to:**

**i. The Partnership/Family Court Program, including that it is in compliance with requirements set forth in N.J.S.A. 52:17B-180.a(2); and**

**ii. All other programs and services that are part of the county's juvenile justice service system;**

**6. Efforts employed to ensure that sanctions and services are culturally appropriate; and**

[page=626] **7. A detailed explanation and justification for any proposal to use program services funds under the Partnership Grant Program to hire additional county personnel in order to implement or expand county-operated sanctions and services.**

**i. Any such proposal shall have been approved by a 2/3 vote of the county youth services commission;**

**ii. The explanation and justification must demonstrate to the satisfaction of the Commission that county-operated sanctions and services provide the most efficient and expedient method to address a high priority of the Partnership/Family Court Program; and**

**iii. Unless pursuant to a competitive RFP process under the provisions of N.J.A.C. 13:90-3.12, a county may not allocate to county-provided sanctions and services more than 1/3 of the program component of a Partnership Grant Program allocation that has been awarded to program services by the Commission.**

**(d) The Executive Director or designee shall approve a county application for funding, provided that:**

**1. The application is timely submitted in proper form and is complete;**

**2. Both the application and the accompanying triennial comprehensive plan or update, as applicable, are in compliance with all applicable requirements of this chapter; and**

**3. The county youth services commission is otherwise in compliance with all applicable requirements of this chapter.**

(a) [Each] **In consultation with the Executive Director or designee, each youth services** commission shall engage in an RFP process for providers, in accordance with applicable law, to implement sanctions and services and delinquency prevention programs.

(b) Each **youth services** commission shall use its best efforts to involve community-based organizations and agencies, including minority service providers, in the implementation of the **Partnership/Family Court Program** through the RFP process.

(c) Each **youth services** commission shall establish a written appeal procedure that addresses the process by which a party may challenge an RFP and/or a recommendation to approve or disapprove a contract to the county governing body.

(d) Each **youth services** commission shall recommend the approval or disapproval of a contract award to particular providers to the county governing body which makes the final determination of contract award.

### 13:90-[3.10] **3.13** Funds management

(a) Each county shall expend and account for all **Partnership/Family Court Program** 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. Permit preparation of reports required by the [Juvenile Justice] Commission and the statutes authorizing the grant; and

2. (No change.)

(b) The [Juvenile Justice] Commission requires that each county ensure that providers maintain a financial management system that evidences adequate financial reporting, accounting records, internal control, budgetary control, source documentation, and procedures relating to the procurement, identification, use, and disposition of equipment.

(c) Each county shall develop and maintain a procedure that defines standards for an annual audit of programs funded through the Partnership/**Family Court Program**.

(d) In addition to any other audit requirements, the [Executive Director] **Commission** reserves the right to conduct an audit of Partnership/**Family Court Program** funds awarded to each county. Du-ly authorized representatives of the Commission shall have access for purposes of audit and ex-amination, to any relevant books, documents, papers, and records of the county, youth services commission, and/or provider agencies receiving Partnership/**Family Court Program** funds.