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RULE PROPOSALS

LAW AND PUBLIC SAFETY

JUVENILE JUSTICE COMMISSION

42 N.J.R. 48(a)

Proposed Readoption: N.J.A.C. 13:93

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

Manual of Standards for Juvenile Detention Commitment Programs

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Anne Milgram, Attorney General and Chair, Shavar Jeffries, Attorney General's Designee.

Authority: N.J.S.A. 2A:4A-43c; 18A:7B-5; 52:17B-170e(4), (9) and (15); 52:17B-171a(5); and 52:17B-176a(1), (6), (7) and (9).

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

Proposal Number: PRN 2010-011.

Submit written comments on or before March 5, 2010 to:

John Wolff

Administrative Practice Officer

New Jersey Juvenile Justice Commission

1001 Spruce Street - Suite 202

Trenton, New Jersey 08638

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, the Manual of Standards for Juvenile Detention Commitment Programs, N.J.A.C. 13:93, is scheduled to expire on June 1, 2010. The Juvenile Justice Commission has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally proposed.

The New Jersey Code of Juvenile Justice, N.J.S.A. 2A:4A-20 et seq., permits the Family Court, upon an adjudication of delinquency, to sentence a juvenile to a term of incarceration for a maximum of 60 consecutive days in a county-operated juvenile detention facility. County detention commitment programs must be approved by the Commission in accordance with N.J.S.A. 2A:4A-43c.

County detention facilities may house both juveniles who have been adjudicated and sentenced by the court, as well as youth residing at the facility on predispositional status. In 2007, 312 juveniles were committed to juvenile detention facilities Statewide under the program, compared to 9,046 juveniles admitted to juvenile detention facilities on a predispositional basis. While a wide range of programs are available for both groups of youth, the Commission requires an augmented program for the youth on commitment status in order to satisfy the rehabilitative element of their disposition. The rules proposed for readoption establish the minimum standards, which must be met by all county juvenile detention facilities seeking to establish and operate a juvenile detention commitment program.

Through 2008, seven counties operated programs approved by the Commission. These facilities are located in the following counties: Bergen, Cumberland, Middlesex, Morris, Ocean, Sussex and Warren. On December 31, 2008 Warren County closed its juvenile detention facility and is now utilizing the Morris County juvenile detention facility.

In counties that utilize the commitment program, usually only one or two youth may be on commitment status at any given time. Youth on commitment status must have been adjudicated delinquent, and for the most part, will have similar profiles as the youth on predispositional status.

While the Juvenile Code mandates county responsibility to provide care and custody for juveniles awaiting court disposition for delinquent offenses, additional services and care are necessary in those juvenile detention facilities that also desire to accept adjudicated delinquents for short-term commitment programs. The rules proposed for readoption establish the minimum standards, which must be met by all county juvenile detention facilities seeking to establish and operate a juvenile detention commitment program.

The following is a description of the subchapters of N.J.A.C. 13:93 proposed for readoption.

Subchapter 1, Introduction, covers the purpose, scope and definitions used in the chapter.

Subchapter 2, Legal Provisions, provides for the legal authority for commitment to a juvenile detention facility, and the legal authority of the Commission.

Subchapter 3, Eligibility Requirements, provides that only those counties in which an approved juvenile detention facility is located or those counties that have a contract with another county that has an approved juvenile detention facility are eligible to participate in the Juvenile Detention Commitment Program.

N.J.A.C. 13:93-3 also stipulates the criteria required by the Commission for participation in the Juvenile Detention Commitment Program.

Subchapter 4, Manual of Standards for Juvenile Detention Facilities, adopts by reference, the rules concerning the Manual of Standards for County Juvenile Detention Facilities. These rules are codified at N.J.A.C. 13:92.

Subchapter 5, Population Capacity, specifies the capacity, which a juvenile detention facility may make available for a commitment program and the required population statistics that are to be maintained.

Subchapter 6, Monitoring, Inspection and Evaluation, provides for population and capacity monitoring and program inspections.

Subchapter 7, Program Proposal, requires submission of a program proposal to the Commission prior to certification of a facility to receive juvenile commitments.

Subchapter 8, Admissions, requires that only juveniles adjudicated delinquent are eligible for a juvenile detention commitment program and prohibits admissions when a facility has reached its maximum population capacity as determined by the Commission.

Subchapter 9, Classification, provides that each juvenile is to be evaluated, classified and assigned to sleeping accommodations and program groups based on a classification evaluation.

Subchapter 10, Program Description, provides that each facility receiving juvenile commitments must maintain a written program plan that describes the facility's overall goals and philosophy.

Subchapter 11, Program Requirements, requires that an initial written treatment plan be developed by the facility's social worker and other detention center staff within one week of a juvenile being committed to the program and sets forth requirements for social and medical services, educational and recreational programs, behavior management and grievance procedures.

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

Social Impact

The rules proposed for readoption without amendments have a positive social impact on juvenile detention facilities, the juveniles in residence at these facilities and the community in general. The readoption of these minimum standards of care and service will continue to ensure that only those facilities that provide an acceptable program of rehabilitation and have adequate space will be permitted by the Commission to receive juveniles under the juvenile detention commitment program.

Economic Impact

It is estimated that in 2006, the total cost to operate juvenile detention commitment programs in the State of New Jersey was \$ 1.2 million. The readoption of these rules will not cause any further burden on the counties participating in the commitment program. Therefore, little or no economic impact is expected.

Federal Standards Statement

The rules proposed for readoption comply with 28 CFR 31.303 and do not exceed the standards or requirements imposed by Federal law. Therefore, a Federal standards analysis is not required.

Jobs Impact

The rules proposed for readoption will not result in an increase or decrease in the number of jobs in New Jersey.

[page=49] **Agriculture Industry Impact**

The rules proposed for readoption will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The rules proposed for readoption 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 disposition options for juveniles charged as delinquent under the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:4A-20 et seq. Therefore, a regulatory flexibility analysis is not required.

Smart Growth Impact

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

Housing Affordability Impact

The rules proposed for readoption will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the regulation would evoke a change in the average costs associated with housing because the rules concern only disposition options for juveniles adjudicated delinquent under the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:4A-20 et seq.

Smart Growth Development Impact

The rules proposed for readoption will not have an impact on smart growth and there is an extreme unlikelihood that the regulation 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 disposition options for juveniles charged as delinquent under the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:4A-20 et seq.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:93.