

NEW JERSEY JUVENILE JUSTICE COMMISSION

N.J.A.C. Title 13, Law and Public Safety
Chapter 90. Juvenile Justice Commission

Specially Adopted New Rules at Subchapter 4

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SUBCHAPTER 4. RESTORATIVE AND TRANSFORMATIVE JUSTICE FOR YOUTHS
AND COMMUNITIES PILOT PROGRAM

13:90-4.1 Purpose

This subchapter sets forth rules to implement the Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot Program) established pursuant to P.L. 2021, c. 196. The purpose of the Pilot Program is to develop innovative, restorative, and transformative justice continuums of care in the four municipalities of Camden, Newark, Paterson, and Trenton that include two components: restorative justice hubs and community-based enhanced reentry wraparound services to be provided within each restorative justice hub.

13:90-4.2 Scope

The rules in this subchapter address the criteria and procedures for the awarding, disbursement, monitoring, and evaluation of grants through the Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot Program), and for applications that must be submitted by the four pilot counties to the Commission in order to receive Pilot Program funding.

13:90-4.3 Participants

- (a) The Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot Program) is established to support young people being released from a Juvenile Justice Commission (Commission) facility and to help prevent young people in New Jersey from entering the youth justice system in the first instance. Services provided by each restorative justice hub established pursuant to this subchapter shall be made available to youth who reside in the pilot municipalities and who are referred by: school administrators, in lieu of suspension, expulsion, or referral to law enforcement for a school-based incident; a local law enforcement official, as part of a stationhouse adjustment or in lieu of formal charging; the court, as part of a diversion, detention alternative, deferred disposition, or probation disposition; the Commission, for youth transitioning home from a Commission facility; a county juvenile detention center, for youth transitioning home from detention; and the Children's System of Care (CSOC) within the Department of Children and Families, or other appropriate party, for youth who are aging out of, or not eligible for, CSOC services.
- (b) County youth services commissions in Camden, Essex, Mercer, and Passaic counties are eligible to participate in the Pilot Program.

13:90-4.4 Allocation

- (a) Monies in the Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot Program) grant fund (Fund) shall be allocated equally among the four county youth services commissions.
- (b) When awarding monies in the Fund, and consistent with the priorities set forth at P.L. 2021, c. 196, each county shall prioritize funding service providers located in and employing

residents of the four municipalities served by the Pilot Program.

(c) The Pilot Program shall operate for a period of two years, exclusive of the time required to implement the grant application and award process and to initiate the Pilot Program.

(d) At the conclusion of the two-year Pilot Program, the Commission will transfer any monies remaining to the State/Community Partnership Grant Program fund pursuant to P.L. 2021, c. 196.

13:90-4.5 Administrative funds; restriction on use of program funds

(a) In accordance with P.L. 2021, c. 196, no more than 15 percent of the monies set forth at N.J.A.C. 13:90-4.4 shall be used by the county youth services commissions for administrative purposes.

(b) Administrative funds provided are to be used for the overall management and implementation of the Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot Program). This includes, but is not limited to, the hiring of staff responsible for reviewing applications; providing technical assistance to funded programs; reviewing, approving, and processing all programmatic and fiscal reports and any programmatic and budget changes; monitoring overall contract compliance; providing restorative justice training to relevant stakeholders; and collecting required data.

(c) Upon demonstration by a county that adequate administrative funds to support program management, monitoring, and other purposes identified at (b) above are available from sources other than the Pilot Program, the Executive Director of the Commission, or designee, shall approve the allocation of administrative funds directly to the provision of services.

(d) Funds granted by the Commission expressly for the provision of services shall not be

used by the county for administrative purposes.

13:90-4.6 No supplanting of funds

A county shall not use Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot 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, including those administered and distributed through the Commission (that is, State/Community Partnership Grant Program).

13:90-4.7 Commission determination and review

The Commission shall have the authority to review and approve all county applications and certifications submitted pursuant to N.J.A.C. 13:90-4.10 to ensure compliance with program requirements. The timeframe to submit applications, and for the review and approval by the Commission, shall be set forth in the application for funding provided pursuant to N.J.A.C.

13:90-4.10.

13:90-4.8 County match not required

No cash or in-kind match by a county is required to receive Restorative and Transformative Justice for Youths and Communities Pilot Program funding.

13:90-4.9 Disbursement schedule

The Commission shall issue to each county, a schedule for the disbursement of Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot

Program) funding upon approval of the county application. The Commission shall provide, as upfront funding to the county for startup costs, an initial disbursement in the amount of 25 percent of the award, and the remainder of the funds will be reimbursed on a quarterly basis after the initial disbursement of funds has been expended. Each county shall provide to its funded provider, as upfront funding for startup costs, an initial disbursement of 25 percent of the funded provider's total award.

13:90-4.10 Funding applications

(a) In a format to be determined by the Commission, a county participating in the Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot Program) shall submit a single funding application for the entire two-year Pilot Program. The funding application shall address two components. The first component of the Pilot Program shall include restorative justice hubs. Each of the four Pilot Program municipalities shall have one restorative justice hub. The second component shall include community-based enhanced reentry wraparound services to be provided within each restorative justice hub. Each submission shall include, at a minimum, the following items and information, and any other additional items and information deemed appropriate by the Commission:

1. A description of the overall program design and the services that will be funded by the county within the restorative justice hub, including a designation as to which services will be funded to support youth presently living in the community, which services will serve youth returning to the community from a Commission facility, and which services will serve both populations. These services and supports shall include, but are not limited to, the following:

- i. Mental health services;
- ii. Substance use disorders treatment and recovery;
- iii. Education support;
- iv. Employment services;
- v. Housing support;
- vi. Financial literacy and debt support services;
- vii. Life skills support services;
- viii. Social support services;
- ix. Preventative mentoring services; and
- x. Community conferences and/or peace circles to heal and repair harm

caused by youth as a result of their behavior;

2. A detailed description of both the nature and extent of the service needs of youth in the communities to be served by the Pilot Program that supports the need for the services included in the program design;

3. A detailed description of how activities and services funded by the Pilot Program shall:

- i. Increase participation in education, vocational programming, and employment;
- ii. Increase participation in mental health and well-being programming;
- iii. Decrease incidents of harmful and unlawful behavior;
- iv. Ensure restorative justice hubs establish working relationships with local law enforcement agencies, courts, prosecutors, and defense attorneys to support the diversion of

youth from arrest and prosecution and towards participation in restorative justice services provided in the hubs;

v. Promote the use of community conferencing and/or peace circles as a means to informally address delinquent behavior and to divert youth from formal justice system involvement;

vi. Improve the socioemotional and behavioral responses of youth within communities through the use of more appropriate and less punitive interventions, thereby establishing more restorative interventions; and

vii. Increase program participation rates in other restorative and transformative justice programs in the municipalities in which the Pilot Program is established;

4. A plan for ensuring providers, relevant personnel, and system stakeholders are provided appropriate training in restorative and transformative justice practices;

5. A plan for holding the public meeting required pursuant to P.L. 2021, c. 196 to announce the program and inform the public of the rules, regulations, and processes for applying for the grant funds under the Pilot Program;

6. A certification that funds provided under the Pilot 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;

7. The identity of the administrator of the county youth services commission;

8. A list of all personnel who are funded by or are otherwise responsible for the implementation of the Pilot Program;

9. A certificate executed by the county representing that the county, the Youth Services Commission, and funded providers are in compliance with all statutes, rules, and

regulations pertaining to the Pilot Program, including P.L. 2021, c. 196 and this subchapter; and

10. Efforts employed to ensure that supports and services are culturally appropriate.

(b) The Executive Director of the Commission, or designee, shall approve a county application for funding, provided that:

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

2. The application is in compliance with all applicable requirements of this subchapter and P.L. 2021, c. 196; and

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

13:90-4.11 Contracting requirements

(a) In consultation with the Executive Director of the Commission, or designee, each youth services commission shall engage in a Request for Proposal (RFP) process for providers, in accordance with applicable law, to implement the Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot Program). Notwithstanding other county contracting rules to the contrary, the RFP process conducted by each youth services commission as part of the Pilot Program must result in the award of a contract with a provider for the full duration of the Pilot Program.

(b) Notwithstanding existing local public contracting laws, each county must incorporate into their RFP any boiler plate language provided by the Commission to articulate components of the Pilot Program that applicants must adhere to, and before issuing their RFP share their draft RFP with the Commission in order to ensure it meets the goals and guidelines of P.L. 2021, c. 196 and this subchapter.

- (c) In accordance with P.L. 2021, c. 196, each county must ensure that each service provider participating in the Pilot Program receives intensive training in restorative and transformative justice practices prior to the implementation of services.
- (d) 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.
- (e) 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 the contract award.
- (f) Each youth services commission and each funded provider shall collect, maintain, and make available to the Commission any data required by the Commission to evaluate the Pilot Program and shall work with Commission staff or any third party the Commission engages to assist with the preparation of reports required pursuant P.L. 2021, c. 196.

13:90-4.12 Funds management

- (a) Each county shall expend and account for the Restorative and Transformative Justice for Youths and Communities Pilot Program (Pilot 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 Commission and the statutes authorizing the grant; and

2. Permit tracing of funds to a level of expenditure adequate to establish that the funds have been used in a manner consistent with applicable statutes.

(b) The 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 Pilot Program.

(d) In addition to any other audit requirements, the Commission reserves the right to conduct an audit of Pilot Program funds awarded to each county. Duly authorized representatives of the Commission shall have access for purposes of an audit and examination, to any relevant books, documents, papers, and records of the county, youth services commission, and provider agencies receiving Pilot Program funds.

(e) If an audit determines that funds have not been expended in accordance with P.L. 2021, c. 196, the Commission may: recoup any inappropriately expended upfront funds from the county; withhold future funding from the county; or decline to reimburse inappropriate expenditures not already funded.