

benefit rates and do not pertain to housing production, either within Planning Areas 1 or 2, or within designated centers.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commissioner of the Department has evaluated this rulemaking and has determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 1. GENERAL PROVISIONS

12:235-1.6 Maximum workers' compensation benefit rates
 (a) In accordance with the provisions [of] at N.J.S.A. 34:15-12(a), the maximum workers' compensation benefit rate for temporary disability, permanent total disability, permanent partial disability, and dependency is hereby promulgated as being [\$1,065] **\$1,099** per week.
 (b) The maximum compensation shall be effective as to injuries occurring in the calendar year [2022] **2023**.

LAW AND PUBLIC SAFETY

(a)

JUVENILE JUSTICE COMMISSION

Juvenile Justice Commission

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

Proposed New Rule: N.J.A.C. 13:90-3.13

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Matthew J. Platkin, Acting Attorney General and Chair, via Derick D. Dailey, Attorney General 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; and P.L. 2021, c. 196.

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

Proposal Number: PRN 2022-111.

Submit written comments by November 5, 2022, to:

Christina O. Broderick
 Chief, Legal & Regulatory Affairs
 New Jersey Juvenile Justice Commission
 1001 Spruce Street-Suite 202
 Trenton, New Jersey 08638
 or electronically at: regulatory.affairs@jjc.nj.gov

The agency proposal follows:

Summary

The Juvenile Justice Commission (Commission) is the New Jersey agency responsible for providing youth corrections and parole services and for providing funding to encourage and enhance community-based services and sanctions for at-risk, court-involved, and delinquent youth. In carrying out its responsibilities, the Commission seeks to maintain a safe and respectful environment for the youth under its supervision, while at the same time delivering effective educational and rehabilitative services individually tailored to each youth under its care. Additionally, based on the philosophy that communities have a unique understanding of their local youth populations, the Commission administers several funding initiatives that encourage the development and enhancement of a continuum of community-based services and sanctions for at-risk, court-involved, and delinquent youth, from prevention programs to sentencing options and reentry support services.

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:90, which sets forth the organizational provisions of the Commission, as well as the rules

governing both county youth services commissions and the State/Community Partnership Grant Program (Partnership Program) in Subchapters 1, 2, and 3, was scheduled to expire on November 2, 2022. N.J.A.C. 13:90-4, which pertains to the Restorative and Transformative Justice for Youths Pilot Program, was specially adopted on December 2, 2021, and were scheduled to expire on December 2, 2023. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(2), the expiration dates of N.J.A.C. 13:90-1, 2, and 3 and 13:90-4 are extended 180 days to May 1, 2023, and May 30, 2024, respectively. The Commission has reviewed all of these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, in addition to minor technical amendments that do not affect the substantive meaning of the rules, the Commission proposes to readopt the rules at N.J.A.C. 13:90 in their entirety, with proposed amendments related to the Partnership Program, which are found at N.J.A.C. 13:90-2 and 3. N.J.A.C. 13:90-4, the rules for the Restorative and Transformative Justice for Youths and Community Pilot Program, is being proposed for re-adoption as a permanent part of N.J.A.C. 13:90. No changes have been made to the rules at Subchapter 4 specially adopted on December 2, 2021. However, because the rules were specially adopted, and there was previously no opportunity for notice and comment at the time of their initial adoption, the substance of those rules is set forth in the rule text in its entirety.

The substantive provisions of the rules proposed to be readopted by the Commission are summarized below. It should be noted that, throughout the chapter, minor clarifying and/or technical amendments are proposed that do not change the meaning of the text.

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 responsibilities of the Commission's Executive Board (N.J.A.C. 13:90-1.3), Advisory Council (N.J.A.C. 13:90-1.4), Executive Director (N.J.A.C. 13:90-1.5); and definitions (N.J.A.C. 13:90-1.6). A minor technical change is proposed at 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. Minor technical changes are proposed at N.J.A.C. 13:90-1A.2, 1A.6, and 1A.8.

N.J.A.C. 13:90-2 and 3 provide for county youth services commissions (CYSCs) and implement the Partnership Program. Pursuant to these provisions, Partnership Program grants are allocated to CYSCs 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 by each CYSC, which is also responsible for administrative oversight of program activities. Partnership Program activities supported by CYSCs 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 at N.J.S.A. 52:17B-180.b, the rules at 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. The proposed amendments to this

section are meant to clarify the makeup and voting rights of the members of the county youth services commissions and are designed to be more inclusive of the local community in the county youth services commissions, and specifically allow for designees to be included. More specifically, the Commission now requires that three of the discretionary voting members be designated as mandatory voting members of the county youth services commissions.

N.J.A.C. 13:90-2.5 outlines the administration of the county youth services commissions, including the qualifications of the administrator. The proposed amendments to this section are meant to specifically state the duties and responsibilities of the county youth services administrators.

N.J.A.C. 13:90-2.6 requires that each county youth services commission have bylaws that have been reviewed by the Commission to assure compliance with applicable rules. The proposed amendments to this section are meant to clarify and specifically state the minimum required contents of the bylaws for the county youth services commissions.

N.J.A.C. 13:90-2.7 provides for the chairperson and committees of county youth services commissions. The proposed amendments to this section are meant to clarify and specifically state the duties and working relationship between the county youth services administrators and the chairs of the county youth services commissions, as well as the roles of the various committees within the county youth services commissions. By clarifying the roles and intended purposes of the committees, the Commission believes these committees will be of greater benefit to the planning and implementation of each county youth services commission's goals.

N.J.A.C. 13:90-2.8 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. The proposed amendment to this section clarifies that up to half of the meetings each year may be held by video conference in order to increase overall attendance and community participation.

N.J.A.C. 13:90-2.9 requires that each county youth services commission adopt a conflict of interest policy certified by county counsel to be in compliance with applicable law.

N.J.A.C. 13:90-2.10 sets forth the specific duties and responsibilities of county youth services commissions. The proposed amendments to this section clarify the responsibilities of the county youth services commissions and the requirements for disclosure of certain plans and applications to the public. Several minor technical changes are proposed to this section.

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. The proposed amendment to this section requires that, if a county chooses to identify another body within the county to act as its youth service commission, the county identifies the staff person who will serve as the liaison to the designated body and the Commission.

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 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. The proposed amendment specifies the authority of the Commission to conduct compliance reviews of county applications and certifications.

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. The proposed amendment authorizes the Commission to provide upfront funding to counties to assist them in providing startup costs to providers.

N.J.A.C. 13:90-3.11 requires that the Commission monitor and evaluate activities funded under the Partnership Program. The proposed amendments require that counties demonstrate how input from youth, families, and the community has been obtained and move certain provisions of the Commission's evaluation procedures to the awards phase, which is covered at new N.J.A.C. 13:90-3.13, in order to streamline the application process at the county level. Several minor technical changes are proposed to this section.

N.J.A.C. 13:90-3.12 outlines contracting requirements for the county youth services commissions. The proposed amendment requires that the request for proposal process conducted by the county result in a contract award for the full duration of the county's triennial plan. This amendment is meant to streamline the contract and award process and to prevent disruption to the delivery of services under the Partnership Program.

Proposed new N.J.A.C. 13:90-3.13 is added to account for the award process for grants under the Partnership Program. This new rule sets forth the procedure for issuing an annual award package to the county youth services commissions.

Recodified N.J.A.C. 13:90-3.14, Funds management, is proposed for substantive amendment to allow for certain sanctions in the event that an audit determines that funds have not been expended in accordance with applicable law, including recoupment of inappropriately expended funds, withholding of future funds, or declining to reimburse inappropriate expenditures.

N.J.A.C. 13:90-4.1, describes the purpose of the Restorative and Transformative Justice for Youths and Community Pilot Program to be established in the four identified municipalities of Camden, Newark, Paterson, and Trenton, which includes creating restorative justice hubs and enhanced community-based enhanced wrap-around services.

N.J.A.C. 13:90-4.2 defines the scope of the proposed rules, which includes criteria and procedures for awarding and disbursing funds to the pilot counties and for monitoring and evaluating the use of funds by the pilot counties.

N.J.A.C. 13:90-4.3 defines the participants of the pilot program to include young people being released from a Commission facility and those at risk of entering the youth justice system. The counties eligible to receive pilot program funding include Camden, Essex, Mercer, and Passaic.

N.J.A.C. 13:90-4.4 states that funds shall be equally allocated among the county youth services commissions in the participating counties, and they should prioritize the award of program funds to providers located in and those employing residents of the pilot municipalities, and specifies the programs will operate for two years, with any unspent funds being transferred to the State/Community Partnership Grant Program.

N.J.A.C. 13:90-4.5 describes the circumstances under which funds may be used for administrative purposes, defines allowable administrative costs, and limits administrative funding to 15 percent of the total award made to each county youth services commission.

N.J.A.C. 13:90-4.6 explains that program funds cannot be used to supplant or replace existing funds.

N.J.A.C. 13:90-4.7 sets forth that the Commission has sole authority to review and approve applications for program funds and to ensure compliance with program requirements.

N.J.A.C. 13:90-4.8 explains that matching funds are not required to receive program funds.

N.J.A.C. 13:90-4.9 explains that the Commission will issue a disbursement schedule to each pilot county.

N.J.A.C. 13:90-4.10 sets forth that the Commission shall develop an application that must be completed and submitted by the pilot counties in order to receive funding and outlines the minimum components of that application.

N.J.A.C. 13:90-4.11 articulates contracting requirements for the pilot counties, specifies that county youth services commissions must engage in the request for proposal (RFP) process for providers, identifies minimum RFP requirements, and requires county youth services commissions to provide any data and information required by the Commission.

N.J.A.C. 13:90-4.12 explains that program funds are to be expended and accounted for in accordance with specific guidelines.

As 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 Commission is committed to providing programming, supports, and opportunities designed to help youth grow and thrive and to become independent, productive, and law-abiding citizens. The proposed amendments and new rule streamline some of the requirements for grant applications and give more structure to the requirements for the county youth services commissions. The rules proposed for readoption with amendments and a new rule are expected to have a positive social impact on the youth and local communities served by the county youth services commissions, as well as their families.

Economic Impact

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

Federal Standards Statement

N.J.A.C. 13:90-1A is compliant with the requirements set forth at 28 CFR 115.352 pursuant to 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 at 28 CFR 115.6. No substantive amendments to Subchapter 1A are proposed. A Federal standards analysis is not otherwise required because the balance of the rules proposed for readoption with amendments and a new rule are not adopted pursuant to 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.

Jobs Impact

The rules proposed for readoption with amendments and a new rule are not anticipated to generate new jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The rules proposed for readoption with amendments and a new rule do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments and a new rule will have no impact on the affordability of housing in New Jersey and will neither increase nor decrease the average cost of housing because the rules concern only county programs for the identification, planning, implementation, monitoring, and evaluation of community based-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 and a new rule will have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Area 1 or 2, or within designed centers, pursuant to 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.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for readoption with amendments and a new rule are expected to positively impact the youth justice system throughout the State. Research shows that the majority of youth involved in the youth justice system in New Jersey continue to be youth of color and from communities of color. Therefore, it is anticipated that the rules proposed for readoption with amendments and a new rule, which clarify the role of the county youth services commissions and streamline some of the processes for applying for partnership grants, will help prevent youth, particularly youth of color, from formal justice system involvement and from engaging in delinquency, and will also support youth committed to State custody as they transition back to the community, minimizing the likelihood of recidivism and future contact with the justice system.

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 proposed amendments, new rule, and N.J.A.C. 13:90-4 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.

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

SUBCHAPTER 1A. REQUEST AND REMEDY PROCESS

13:90-1A.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

...
 ["DCP&C"] "**DCP&P**" means the New Jersey Division of Child Protection and Permanency in the Department of Children and Families.

13:90-1A.6 Investigation and resolution; mandatory reporting requirements

- (a) (No change.)
- (b) To the extent permitted by considerations of security and integrity of any ongoing investigations, the request shall be assigned to the designated recipient identified by the juvenile on the Request and Remedy Form, with the following exceptions:

1. In accordance with the requirements [of] **at** N.J.S.A. 9:6-8.10, any request that gives reasonable cause to believe that a juvenile has been subjected to child abuse or acts of child abuse shall be reported immediately by the Executive Director, or designee, to [DCP&C] **DCP&P**. Any such report shall contain information as to the nature and extent of the child's injuries, abuse, or maltreatment, including any evidence of previous injuries, abuse, or maltreatment, and any other information that would be helpful with respect to the alleged child abuse and the identity of the perpetrator;

- 2.-3. (No change.)
- (c)-(f) (No change.)

13:90-1A.8 PREA complaints

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

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

i.-ii. (No change.)

(b) The PREA Complaint Form:

1. (No change.)

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

PREA Coordinator

NJ Juvenile Justice Commission

1001 Spruce Street-Suite 202

Trenton, NJ 08638

[FAX: 609-943-4614]

JJCPREA@jjc.nj.gov

(c)-(d) (No change.)

SUBCHAPTER 2. COUNTY YOUTH SERVICES COMMISSIONS

13:90-2.4 Membership of youth services commission

(a) Each county youth services commission shall consist of no fewer than [20] **23** voting members[, as follows]. **The county youth services commission shall consist of the following voting members:**

1. (No change.)

2. The vicinage Family Division Manager or the Assistant Family Division Manager **or senior staff person, as designee;**

3. The vicinage chief probation officer **or the vicinage assistant chief probation officer in charge of juvenile matters, as designee;**

4. The highest elected official of county government **or other elected official, or senior staff person, as designee;**

5. The county prosecutor **or the highest-ranking assistant prosecutor handling juvenile matters, as designee;**

6. The regional public defender **or the highest ranking assistant public defender handling juvenile matters, as designee;**

7.-12. (No change.)

13. The [director] **administrator(s)** of the detention center serving the county **or for the counties that do not operate a detention center, their detention liaison;**

14.-17. (No change.)

18. A representative of the business community **that serves at-risk and justice-involved youth** in the county; [and]

19. **A parent of an at-risk or justice-involved youth or a representative from an organization working on behalf of parents of an at-risk or justice-involved youth;**

20. **A youth with exposure to or experience in the juvenile justice system who has not yet reached the age of 26 years;**

21. **A representative from a nonprofit community organization located in or working on behalf of major urban areas within the county; and**

[19.] **22. At least two, but not more than [11] eight individuals in total, from the following groups [who], and not more than one person from each group. These individuals should** have demonstrated knowledge relevant to the county's population involved in, or at risk of involvement in, the juvenile justice system:

i.-ii. (No change.)

[iii. Parents or parent organizations;]

Recodify existing iv.-v. as **iii.-iv.** (No change in text.)

[vi.] **v. The [minority concerns vicinage advisory committee] Supreme Court Committee on Diversity, Inclusion, and Community Engagement** of the Administrative Office of the Courts;

[vii.] **vi.** (No change in text.)

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

ix. Community youth;]

Recodify existing x.-xi. as **vii.-viii.** (No change in text.)

(b) (No change.)

(c) Each voting member identified [in] at (a)2 through [19] **22** 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) Appointments [under] **pursuant to** (a)17 through [19] **22** above shall be made in such a way as to fulfill the objective that membership of a county youth services commission reflects 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.

(e) Members should be appointed based on the county's appointment procedures, as articulated in the bylaws provided pursuant to N.J.A.C. 13:90-2.6.

(f) If a single voting member fulfills two roles identified at (a)1 through 22 above, then that voting member shall only have one vote.

(g) A youth services commission may include additional non-voting members.

(h) For the purpose of approving Commission funding, vote shall be taken by roll call vote.

13:90-2.5 Administration of county youth services commissions

(a) (No change.)

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

1. (No change.)

2. Each youth services commission administrator shall:

i. In conjunction with the executive committee, draft agendas, prepare meeting materials, and identify items that require voting action;

ii. In conjunction with the chair of the youth services commission, ensure the youth services commission meetings follow the parliamentary procedures identified in the bylaws provided pursuant to N.J.A.C. 13:90-2.6, and are in compliance with the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.;

iii. Keep, or otherwise ensure accurate minutes are kept, of all youth services commission meetings;

iv. In conjunction with a standing committee, prepare plans and applications as required at N.J.A.C. 13:90-3.11 for youth services commission review and approval prior to submission to the Commission;

v. Ensure all requests and supporting documentation for budget or programmatic modification are vetted through and approved by the youth services commission;

vi. Communicate county procedures to the youth services commission that may impact their responsibilities to ensure proper planning and allocation of funding; and

vii. Communicate to the youth services commission and its committee members communication from the Commission to ensure transparency.

(c)-(e) (No change.)

13:90-2.6 Bylaws

(a) Each youth services commission shall adopt bylaws [which] **and shall update the bylaws at least once every three years as well as when any changes to the provisions in this chapter have been made. The bylaws shall be submitted to the Juvenile Justice Commission annually** for its review, to assure compliance with applicable rules. **Bylaws must minimally include the following information:**

1. A statement identifying which parliamentary procedures are used when conducting meetings;

2. The quorum necessary to conduct a meeting;

3. The quorum necessary to vote on matters before the youth services commission, as well as what constitutes a majority for voting purposes;

4. A statement that a 2/3 majority is required when voting on whether to allow a county to allocate up to 1/3 of its program component of a Partnership Grant Program allocation for county-provided sanctions and services pursuant to N.J.A.C. 13:90-3.11(c)7iii;

5. A description of voting procedures, including what methods of voting are permissible;

6. A description of the appointment process for youth services commission members, including term limits, if any;

7. A requirement that the youth services commissions follow the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6;

8. A description of all committees within the youth services commission, including their roles, in accordance with the roles identified pursuant to N.J.A.C. 13:90-2.7;

9. A conflict of interest policy pursuant to N.J.A.C. 13:90-2.9;

10. The minimum annual number of meetings required to be held, which shall be no less than six meetings per year;

11. A description of the permissible method(s) of conducting a meeting (for example, in person or by video conference), which must comport with N.J.A.C. 13:90-2.8; and

12. A list of the duties of the youth services commission, which shall comport with the contents of this chapter.

13:90-2.7 Chairpersons and committees

(a) A youth services commission shall have a chairperson and one or more co-chairperson(s), each of whom shall be a **voting** member of the youth services commission selected by its members in accordance with the youth services commission's bylaws. **In order to avoid a conflict of interest or a perceived conflict of interest, the chairperson or co-chairperson cannot be the supervisor of the youth services commission administrator.**

(b) **Each committee chair shall be a voting member of the youth services commission and is responsible for presenting the committee's work and recommendations to the youth services commission.**

[(b)] (c) Each youth services commission shall establish standing committees to consider issues [relating to:] **set forth in this subsection. All work and recommendations presented to the youth services commission must be presented to and approved by the executive committee provided pursuant to (c)6 below.**

1. The development of a comprehensive youth services plan and updates prepared in accordance with the provisions [of] at N.J.A.C. 13:90-3.11. **In developing the plan, this committee shall review data as required by the Commission's comprehensive planning guidelines and any additional relevant data, including, for example, data gathered through focus groups and surveys, on an ongoing basis to identify the needs of youth within the county and to identify strategies to address those needs.**

2. The review of proposals from providers seeking to provide sanctions and services and/or delinquency prevention programs[;], **ensuring mechanisms are in place to review and score proposals to determine whether proposals meet the requirements of the RFP, which shall include a review of prior year monitoring findings; reviewing RFPs prior to release to ensure they reflect the services and programs approved by the youth services commissions; and ensuring no conflicts of interest exist among individuals participating in the review of proposals tied to any particular RFP.**

3. Monitoring and evaluation of sanctions and services for juveniles adjudicated or charged as delinquent, and delinquency prevention programs[;], **which includes: reviewing the results of each monitoring conducted by the monitoring team convened in accordance with any guidance issued by the Commission; discussing the acceptability of corrective action plans submitted by the youth services commission administrator, monitoring team, and funded providers; ensuring a process is in place to evaluate the programs and services; and providing timely recommendations to the youth services commission for consideration as part of the decision to renew a contract.**

4. Education, training, and community awareness[; and], **including educating the community on the youth services commission's roles and responsibilities and developing and implementing a community engagement plan to enlist the community's participation in identifying the needs of youth and strategies to address those needs. The community engagement plan should identify specific outreach and engagement strategies that will be employed (for example, town hall meetings, listening sessions, webinars, social media campaigns) and the expected outcomes of those strategies.**

5. **Racial and ethnic disparity in the juvenile justice system, with a focus on making recommendations regarding how to reduce racial**

and ethnic disparities in the county's juvenile justice system through data-driven practices, community-based programming, and coordination of system reform initiatives.

6. **Executive and administrative matters, which shall be addressed through an executive committee, consisting of the chairs of all standing committees, the chair, and co-chair of the youth services commission, and which shall set the agenda for youth services commission meetings, review committee progress and corresponding reports to be presented at the youth services commission meetings, and determine the need for and call any special meetings of the youth services commission.**

[(c)] (d) (No change in text.)

13:90-2.8 Meetings

(a) Each youth services commission shall meet no less frequently than six times annually, provided that no more than nine weeks shall elapse between meetings, and at such other times as 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. **Up to half of the youth services commission's scheduled meetings may be held by video conference call.**

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

13:90-2.10 Duties and responsibilities

(a) 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] **alternate** year updates, and annual funding applications provided for [in] at 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;

2.-6. (No change.)

7. Review, evaluate, and monitor through at least one site visit annually, existing sanctions and services under the jurisdiction[,], or control of, 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 **and any other funding administered by the Commission;**

9. (No change.)

10. Inform the public of the 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 **by publishing the county's plan or plan update and application on its website, within 60 days of the Commission's approval of the plan or plan update and application;**

11. (No change.)

12. Coordinate the efforts of municipal and regional youth services commissions and ensure their participation in the county planning process, **if applicable;**

13. (No change.)

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:

i.-ii. (No change.)

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

15. Coordinate the planning of [aftercare] **reentry** 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, **if needed;**

16. (No change.)

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

i. (No change.)

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

18. Encourage the involvement of youth and families in the planning of services and sanctions and program development[.]; **and**

19. Establish and implement methods for youth, families, and the community to have input, beyond their required membership on the youth services commission articulated pursuant to N.J.A.C. 13:90-2.4, in identifying the services and sanctions to be included in the comprehensive plan and plan updates.

SUBCHAPTER 3. PARTNERSHIP/FAMILY COURT PROGRAM

13:90-3.4 Participants

(a) (No change.)

(b) Each county may participate in the 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] at N.J.A.C. 13:90-2.3(a). **If the county chooses to identify another body to serve as the youth services commission, the county must identify a county staff person to serve as the liaison to that designated body and the Commission.**

13:90-3.8 Juvenile Justice Commission determination and review

(a) **The Commission shall have the authority to review and approve all county applications and certifications submitted to ensure compliance with program requirements.** The [Juvenile Justice] Commission **also** shall determine Statewide categories for the Partnership/Family Court Program funding[, taking into consideration the priorities of the counties as determined]. **Counties**, through [the] **their** county planning process, **must utilize the categories** consistent with the statutory goals of the Partnership/Family Court Program, which includes:

1.-7. (No change.)

(b) (No change.)

13:90-3.10 Disbursement [Schedule] schedule

The 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] at N.J.A.C. 13:90-3.11. **The Commission may provide an upfront, initial disbursement of a portion of Program Services funding to the county in order to assist with funding providers who may need upfront funding for startup costs. In order to receive upfront funding, the county must adhere to the Commission's procedures as set forth in the application provided for at N.J.A.C. 13:90-3.11. Notwithstanding these provisions, a county may provide upfront funding to providers at its discretion and in accordance with county contracting law. The remainder of the funds will be reimbursed on a quarterly basis upon submission of legitimate costs expended.**

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] **pursuant to** the authority [of] at 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. (No change.)

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] at (a)1i through v above; [and]

3. A description of Federal, State, and other funding sources pursued by the county 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[.]; and

4. A description of how the county has incorporated input from youth, families, and the community in the development of the plan (for example, holding youth services commission meetings at a

location and time that allow for youth, family, and community participation, conducting outreach to promote participation, developing youth, family, and community advisory councils, and/or hosting community forums).

(b) Prior to the commencement of each of the second and third calendar years in the triennial cycle established [by in] at (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.-4. (No change.)

5. A certification that the county programs funded [under] **pursuant to the Partnership/Family Court Program conform to the requirements [of] at 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.-4. (No change.)

[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.] 5. (No change in text.)

[7.] 6. [A] **The youth services commission must submit a detailed explanation and justification for any proposal to use program services funds [under] pursuant to the Partnership Grant Program to [hire additional county personnel in order to] implement or expand county-operated sanctions and services.**

i.-ii. (No change.)

iii. Unless pursuant to a competitive RFP process [under] **pursuant to the provisions [of] at N.J.A.C. 13:90-3.12, a county youth services commission 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.**

(c)-(d) (No change.)

13:90-3.12 Contracting requirements

(a) 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. **Notwithstanding other county contracting rules to the contrary, the RFP process conducted by each youth services commission as part of the Partnership/Family Court Program can result in the award of a contract with a provider for the full duration of the triennial plan.**

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

13:90-3.13 Awards

(a) **A county participating in the Partnership/Family Court Program shall receive an annual award package. Counties are responsible for reviewing, signing, and returning the following documents in advance of funding being delivered to the county:**

1. **An Award Notice outlining the funding source, amount of funding, and award period;**

2. **A Comprehensive County Funding Award Conditions outlining State Conditions and Commission Special Conditions;**

3. **A Comprehensive County Funding Application Certified Assurances, outlining both the county and youth services commission's compliance with all statutes and rules pertaining to:**

i. **The Partnership/Family Court Program, including that the county and the youth services commission are in compliance with requirements set forth at 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;**

4. **A Summary of county programs and services to be funded; and**

5. **An Allocation of funds per program category and funding source.**

13:90-[3.13]3.14 Funds management

(a)-(d) (No change.)

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

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] at 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 to 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 ensures 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.