

NEW JERSEY JUVENILE JUSTICE COMMISSION

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

As Readopted December 7, 2015  
Expires: November 10, 2022

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### **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.

#### 13:90-2.2 Scope

This subchapter establishes the organizational requirements for county youth services commissions and sets forth the duties and responsibilities of the commissions.

#### 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 Commission, and to be administered by the county as provided for in N.J.A.C. 13:90-2.5(a).

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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 20 voting members, as follows:

1. The Presiding Judge of the Family Part of the Superior Court of the vicinage within which the county is located, or a Superior Court Family Part Judge who hears delinquency matters in the county, as his or her designee;
2. The vicinage Family Division Manager or the Assistant Family Division Manager;
3. The vicinage chief probation officer;
4. The highest elected official of county government;
5. The county prosecutor;

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6. The regional public defender;
7. One official from the State agency responsible for issues of child abuse and neglect;
8. The county mental health administrator;
9. The county superintendent of schools;
10. The superintendent of the county vocational school;
11. The director of the county human services department or such other department of county government directly responsible for providing services to youth;
12. The director of the youth shelter located in the county;
13. The director of the detention center serving the county;
14. The director of the juvenile family crisis intervention unit established pursuant to N.J.S.A. 2A:4A-76;
15. The president of the juvenile officers association of the county or other law enforcement representative who works primarily with youth;
16. The county alcoholism and drug abuse director;
17. A representative of the regional workforce investment board (WIB), established under Executive Order No. 36 (July 12, 1995);
18. A representative of the business community in the county; and
19. At least two, but not more than 11 individuals in total, 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:
  - i. The education sector;
  - ii. Mental health, family counseling, child advocacy, domestic violence, and/or victims

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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) 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

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commission chairperson annually.

(d) 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.

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 and an understanding and knowledge of the juvenile justice system and services for at-risk youth.

(c) The Executive Director or designee shall review and approve reimbursement of reasonable salary costs as provided in annual program management budgets submitted as part of the annual application, 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

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appropriate to administer the duties and responsibilities of its youth services commission.

### 13:90-2.6 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.

### 13:90-2.7 Chairpersons and committees

(a) A youth services commission shall have a chairperson and one or more co-chairpersons, each of whom shall be a member of the youth services commission selected by 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 and updates prepared in accordance with the provisions of N.J.A.C. 13:90-3.11;
2. The review of proposals from providers seeking to provide sanctions and services and/or delinquency prevention programs;
3. Monitoring and evaluation of sanctions and services for juveniles adjudicated or charged as delinquent, and delinquency prevention programs;
4. Education, training and community awareness; and
5. Racial disparity in the juvenile justice system.

(c) If permitted by the bylaws of a youth services commission by vote of the youth services commission, individuals who are not members of the youth services commission may be invited to

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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.

#### 13:90-2.8 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.

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

#### 13:90-2.9 Conflict of interest policy

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

#### 13:90-2.10 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 year updates, and annual



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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;

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

3. Assess and prioritize the needs of youth adjudicated or charged delinquent;

4. Assess existing delinquency prevention programs to determine whether such programs meet the needs of youth, are effective in meeting program goals and in ensuring financial accountability;

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

6. 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 developing proposals for closing gaps in the delivery of such sanctions and services;

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

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planning of ongoing efforts relating to the county's juvenile justice service system;

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;

11. Serve as 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. Coordinate the efforts of municipal and regional youth services commissions and ensure their participation in the county planning process;

13. Appoint liaisons to participate in planning and related activities with appropriate county bodies, such as the Human Services Advisory Council, the Mental Health Board, the local council on Alcohol and Drug Abuse, and the Children's Interagency Coordinating Council (CIACC), as invited, to maximize efficient and effective use of Partnership funds;

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. As an alternative to detention for a juvenile charged as delinquent;
- ii. As a recommendation for a disposition option for a judge of the Family Court upon an adjudication of delinquency; and
- 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. 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,

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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

18. Encourage the involvement of youth and families in the planning of services and sanctions and program development.

SUBCHAPTER 3.

PARTNERSHIP/FAMILY COURT PROGRAM

13:90-3.1 Purpose

This subchapter sets forth rules to implement the 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 for the disbursement, monitoring, and evaluation of grants through the 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.

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13:90-3.3 (Reserved)

13:90-3.4 Participants

(a) The Partnership/Family Court Program is established to support 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/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(a).

13:90-3.5 Allocation and funding formula

(a) The Commission 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. A minimum base amount;
2. An amount calculated on the basis of a formula reflective of the scope of the juvenile justice problem in the county; and
3. An amount for program management, monitoring and administration.

(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

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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.

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(b) Counties are encouraged to pursue other sources to supplement the funding received through the Partnership/Family Court Program.

13:90-3.8 Juvenile Justice Commission determination and review

(a) The Juvenile Justice Commission shall determine Statewide categories for Partnership/Family Court Program funding, 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. Encouraging the development of sanctions and services and delinquency prevention programs that protect the public, ensure accountability and foster rehabilitation;
2. Increasing the range of sanctions for juveniles adjudicated delinquent;
3. Reducing overcrowding in State juvenile justice system institutions and facilities to ensure adequate bed space for serious, violent and repetitive offenders;
4. Reducing overcrowding in county detention facilities;
5. Providing greater access to community-based sanctions and services for minority and female offenders;
6. Expanding programs designed to prevent delinquency; and
7. Promoting public safety by reducing recidivism.

(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.

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### 13:90-3.9 County match not required

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

### 13:90-3.10 Disbursement 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 N.J.A.C. 13:90-3.11.

### 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:

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- 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 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.
- (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



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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

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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
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

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requirements of this chapter.

### 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.

(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.

### 13:90-3.13 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:

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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 Partnership/Family Court Program.

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

SUBCHAPTER 4

(RESERVED)