

13:46-[13.4]13.3 Copy of agreement furnished to Commissioner

(a) The Commissioner must be furnished with true copies, properly notarized, of any and all agreements between promoters and [television] **broadcaster** sponsors or between promoters and [television stations] **broadcaster authorities at least one week in advance of the broadcast of a regulated event.**

(b) [Television station] **Broadcaster** authorities must submit to the Commissioner any [television] **broadcaster** agreement made with any [boxing or wrestling] promoter [prior to televising] **at least one week in advance of broadcasting** the same.

13:46-[13.5]13.4 Time for **broadcaster** tax payment

The [television] **broadcaster tax required pursuant to N.J.A.C. 13:46-13.1** must be paid **in a manner approved by the Board on the same night [of a show] of a regulated event.** [If by check, it must be separate.]

[13:46-13.6 Application

No person shall enter into any agreement whatsoever to televise a boxing, wrestling or sparring performance or exhibition, either for profit or for advertisement purposes, unless written application is submitted to the Commissioner and sanction obtained.]

13:46-[13.7]13.5 Announcements

Promoters shall submit announcements for [television] **broadcaster** purposes to the representative of the Commissioner **prior to the commencement of the regulated event. Promoters shall not publicize events prior to such time that the event has been approved by the Commissioner.**

(a)

JUVENILE JUSTICE COMMISSION
Manual of Standards for Juvenile Detention
Facilities
Proposed Readoption with Amendments: N.J.A.C.
13:92

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Matthew J. Platkin, Attorney General and Chair, through Derick D. Dailey, Attorney General Designee.

Authority: N.J.S.A. 2A:4A-37, 2A:4A-43, 2A:4A-44.1, 2A:4A-60, 18A:17B-5, 47:1A-1 et seq., 52:17B-169, 52:17B-170, 52:17B-171, 52:17B-171.1, 52:17B-171.2, 52:17B-171.3, 52:17B-171.5, 52:17B-171.7, 52:17B-171.11, 52:17B-171.13, and 52:17B-176.

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

Proposal Number: PRN 2024-052.

Submit written comments by July 5, 2024, 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 the planning, policy development, and provision of services in the juvenile justice system. For those youth under its care and custody, the Commission seeks to ensure that its facilities maintain a safe and respectful environment, while at the same time delivering effective educational and rehabilitative services individually tailored to each youth.

Pursuant to the Code of Juvenile Justice, part of the Commission's responsibilities includes specifying the places where young people may be detained. Part of this role includes the Commission's development of standards for and oversight of county juvenile detention facilities, which

provide for the care and custody of detained and adjudicated young people. This responsibility includes designating the maximum capacity of juvenile detention facilities and promulgating rules to establish minimum physical facility and program standards for juvenile detention facilities. The Commission is also charged with the development of appropriate standards, along with reviewing their sufficiency and remediating issues, to ensure the thorough and efficient education of young people in county detention facilities. These standards and requirements, addressing numerous areas including facilities, programs, care of young people, staff, and reporting, have been developed by the Commission to ensure that all county facilities receiving young people maintain the required standards and provide the proper care to all young people assigned to their care and custody, and are set forth at N.J.A.C. 13:92, Manual of Standards for Juvenile Detention Facilities.

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:92 was scheduled to expire on October 25, 2024. Therefore, this notice of rules proposed for readoption shall extend the expiration date 180 days to April 23, 2025, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Commission has reviewed 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 clarifying and technical amendments that do not affect the substantive meaning of the rules, the Commission proposes to readopt the rules at N.J.A.C. 13:92 in their entirety, with proposed amendments at N.J.A.C. 13:92-2 through 10. The substantive provisions of the rules proposed to be readopted by the Commission are summarized below.

N.J.A.C. 13:92-1 sets forth general provisions, including the chapter's purpose and scope (N.J.A.C. 13:92-1.1); relevant definitions (N.J.A.C. 13:92-1.2); and objectives of detention (N.J.A.C. 13:90-1.3). Several minor technical changes are proposed to this subchapter.

N.J.A.C. 13:92-2 includes legal provisions describing the Commission's general legal authority (N.J.A.C. 13:92-2.1); inspections (N.J.A.C. 13:92-2.2); enforcement (N.J.A.C. 13:92-2.3); variance from the requirements (N.J.A.C. 13:92-2.4); and other legal authority (N.J.A.C. 13:92-2.5). Several minor technical changes are proposed to this subchapter. In addition, the Commission proposes to add language at N.J.A.C. 13:92-2.2(c) to clarify that camera surveillance recordings are included as a record, which must be available to the Commission for its review.

N.J.A.C. 13:92-3 addresses the organization and administration of county juvenile detention facilities, including county government responsibilities (N.J.A.C. 13:92-3.1) and financial requirements for facility budgets (N.J.A.C. 13:92-3.2). Several minor technical changes are proposed to this subchapter. Additionally, the Commission proposes to add a provision at N.J.A.C. 13:92-3.1(a)6 to list that appropriately staffing the facility based on capacity is the responsibility of the county.

N.J.A.C. 13:92-4 establishes specific physical standards for county juvenile detention facilities, including requirements addressing State building and fire codes. This subchapter addresses location and building approval, including implementation requirements and site design recommendations (N.J.A.C. 13:92-4.1); maximum population capacity (N.J.A.C. 13:92-4.2); design and condition requirements for buildings and grounds, including requirements for security, windows, heating, lighting, and similar concerns (N.J.A.C. 13:92-4.3); fire protection, including fire suppression, smoke detection, and alarm requirements, addressing issues, such as fire-resistant materials, sprinklers, and evacuation drills (N.J.A.C. 13:92-4.4); sleeping rooms (N.J.A.C. 13:92-4.5) and sleeping rooms for new and renovated facilities (N.J.A.C. 13:92-4.6), addressing requirements for room size, fixtures, and other concerns; design, location, and other requirements for bathing and toilet facilities (N.J.A.C. 13:92-4.7); basic requirements for kitchens (N.J.A.C. 13:92-4.8) and dining areas (N.J.A.C. 13:92-4.9); size and minimum requirements for indoor recreational areas (N.J.A.C. 13:92-4.10) and outdoor recreational areas (N.J.A.C. 13:92-4.11); classroom minimum design requirements (N.J.A.C. 13:92-4.12); basic requirements for office, reception, and visiting areas (N.J.A.C. 13:92-4.13); medical facilities requirements addressing rooms, furnishings, access, and locked storage (N.J.A.C. 13:92-4.14); and a basic requirement for adequate storage areas (N.J.A.C. 13:92-4.15).

In addition to various minor technical changes throughout this subchapter, the Commission also proposes to add the word “initial” at N.J.A.C. 13:92-4.1(a)2iii to indicate that, in addition to renewals and amendments, initial shared services agreements between counties must be submitted for Commission approval. The Commission further proposes to add language at N.J.A.C. 13:92-4.1(a)4iii to clarify that the Commission’s evaluation of a county juvenile detention facility’s written implementation proposal must include evaluation of the listed factors. The Commission further proposes to add a new provision at N.J.A.C. 13:92-4.1(a)7iii to indicate that a county must notify the Commission when it cannot honor its shared services agreements. The Commission also proposes to delete N.J.A.C. 13:92-4.4(t), which recommends that each facility maintain a self-contained breathing apparatus. The Commission proposes to delete language at N.J.A.C. 13:92-4.5(g), which specifies that electric lights in sleeping rooms provide a minimum of 20 feet candle illumination. The Commission also proposes to delete N.J.A.C. 13:92-4.7(c), which requires a medical bathtub in new and renovated facilities.

N.J.A.C. 13:92-5 provides for intake and admission, including admission eligibility (N.J.A.C. 13:92-5.2), intake and admission procedures (N.J.A.C. 13:92-5.3), and electronic monitoring programs (N.J.A.C. 13:92-5.4). This subchapter describes specific intake procedures and requirements, including medical and other screenings, youths’ rights upon admission, and requirements for facilities that administer an electronic monitoring program. In addition to minor technical changes to this subchapter, the Commission proposes to add new N.J.A.C. 13:92-5.3(a)3 requiring that young people are housed in line with their gender identity. The Commission also proposes to simplify the language at recodified N.J.A.C. 13:92-5.3(a)10, providing that a person shall not administer a suicide risk questionnaire unless trained in administering the questionnaire and qualified to perform the screening. The Commission further proposes to delete language at existing N.J.A.C. 13:92-5.3(a)12i to simplify the provision prohibiting routine room restriction pending a medical examination. The Commission also proposes changes to existing N.J.A.C. 13:92-5.3(a)14 and 15 to allow for the use of other behavioral health intake screening tools approved by the Commission. The Commission also proposes to amend N.J.A.C. 13:92-5.4 regarding electronic monitoring programs, including deleting N.J.A.C. 13:92-5.4(b), to indicate that facilities administering an electronic monitoring program do not need to provide the Commission with their monitoring program manual or changes.

N.J.A.C. 13:92-6 addresses records and reports, describing standards for intake and all information to be obtained (N.J.A.C. 13:92-6.1); information to be obtained for individual case records (N.J.A.C. 13:92-6.2); master log book information recordkeeping (N.J.A.C. 13:92-6.3); the information to be recorded in a medical log (N.J.A.C. 13:92-6.4); room restriction documentation requirements (N.J.A.C. 13:92-6.5); and mechanical restraint log documentation requirements (N.J.A.C. 13:92-6.6). The Commission proposes several minor technical changes, including removing language at N.J.A.C. 13:92-6.6(a), which lists examples of restraints.

N.J.A.C. 13:92-7 establishes control, discipline, and grievance procedure requirements, addressing requirements for the facility’s rules and regulations and the provision of the rules to juveniles (N.J.A.C. 13:92-7.1); the requirements for a grievance procedure (N.J.A.C. 13:92-7.2); requirements and prohibitions in addressing behavior management, including discipline and positive reinforcement (N.J.A.C. 13:92-7.3); specific guidelines for the limited use of room restriction (N.J.A.C. 13:92-7.4); limitations and guidelines for the use of physical and mechanical restraints (N.J.A.C. 13:92-7.5); and requirements for reporting incidents to the Commission (N.J.A.C. 13:92-7.6). In addition to several minor technical changes, the Commission proposes to remove restraint chairs from the list of approved mechanical restraints at N.J.A.C. 13:92-7.5(e). The Commission also proposes to add language at N.J.A.C. 13:92-7.6(e) to specify that the reporting requirement is for serious incidents, including several additional examples of such serious incidents that must be reported to the Commission. The Commission also proposes changes to the Incident Report form at N.J.A.C. 13:92 Appendix A to reflect the proposed changes at N.J.A.C. 13:92-7.6, along with updates to name and contact information for the Commission’s monitoring unit.

N.J.A.C. 13:92-8 concerns the physical care of juveniles, establishing requirements for food and nutrition, and addressing issues including hot meals and snacks, food services, and menus (N.J.A.C. 13:92-8.1); the provision of adequate and appropriate clothing (N.J.A.C. 13:92-8.2); providing items, showers, and other concerns addressing personal hygiene (N.J.A.C. 13:92-8.3); and requirements and limitations regarding household duties and work (N.J.A.C. 13:92-8.4). The Commission proposes several minor technical changes, and the addition of language at N.J.A.C. 13:92-8.2 to indicate that juvenile clothing should also be activity-appropriate and consistent with the juvenile’s gender identity and adding language at N.J.A.C. 13:92-8.3 to include feminine hygiene products.

N.J.A.C. 13:92-9 addresses program services, including requirements for medical services, addressing the provision of medical care, policies, administration of medicine, medical staff, sick calls, and related issues (N.J.A.C. 13:92-9.1); recreation, including types of equipment and activities to be provided (N.J.A.C. 13:92-9.2); education, including requirements for programming, scheduling, physical education, attendance, curriculum, teacher certification and staffing ratios, equipment, recordkeeping, and related matters (N.J.A.C. 13:92-9.3); social services, describing requirements for a social service program to provide counseling and casework services (N.J.A.C. 13:92-9.4); psychiatric and psychological services, addressing the required mental health services, policies, screening tools, and other protocols (N.J.A.C. 13:92-9.5); the requirement to provide opportunities to participate in religious services (N.J.A.C. 13:92-9.6); visiting privileges (N.J.A.C. 13:92-9.7); mail processing (N.J.A.C. 13:92-9.8); and telephone use (N.J.A.C. 13:92-9.9). In addition to several minor technical changes, the Commission proposes various amendments at N.J.A.C. 13:92-9.3 to make several education provisions more consistent with existing New Jersey Department of Education (DOE) guidelines regarding attendance, learning standards, teacher certification, and electronic records storage, and to specify that the education program must comply with all DOE rules. The Commission also proposes to add two additional provisions to require that deviations from the normal education schedule be documented at N.J.A.C. 13:92-9.3(y), and that facilities comply with all DOE-monitoring activities and report monitoring visits and results to the Commission at N.J.A.C. 13:92-9.3(z). The Commission also proposes additional language at N.J.A.C. 13:92-9.5(c) to allow for the use of other approved intake screening tools. The Commission also proposes to add new N.J.A.C. 13:92-9.7(f)2 to specify that visits must be in-person and allow the use of virtual visits at a youth or visitor’s request, as a supplement to in-person visits, or where prohibited by law, such as during a public emergency, or at the Executive Director’s discretion.

Subchapters 10 and 11 address staff. N.J.A.C. 13:92-10 provides for general staff requirements, including minimum requirements for personnel policies (N.J.A.C. 13:92-10.1); considerations for personnel selection (N.J.A.C. 13:92-10.2); personnel qualifications and certifications (N.J.A.C. 13:92-10.3); personnel file documentation and recordkeeping (N.J.A.C. 13:92-10.4); employee health and screening (N.J.A.C. 13:92-10.5); staff coverage requirements for juvenile supervision (N.J.A.C. 13:92-10.6); staff development addressing training requirements for certain staff (N.J.A.C. 13:92-10.7); and selection and training of volunteers (N.J.A.C. 13:92-10.8). N.J.A.C. 13:92-11 addresses specific staff member responsibilities, including the responsibilities and qualifications of an administrator (N.J.A.C. 13:92-11.1); duties and qualifications of childcare workers (N.J.A.C. 13:92-11.2); social service worker duties, qualifications, and staffing (N.J.A.C. 13:92-11.3); teacher responsibilities and qualifications (N.J.A.C. 13:92-11.4); qualification, licensure, staffing, and responsibilities of physicians and related personnel (N.J.A.C. 13:92-11.5); clerical staffing (N.J.A.C. 13:92-11.6); food service staffing (N.J.A.C. 13:92-11.7); and maintenance and housekeeping staffing (N.J.A.C. 13:92-11.8).

In addition to minor technical changes within these subchapters, the Commission proposes additional language at N.J.A.C. 13:92-10.6 to specify the staff providing supervision are childcare workers and camera surveillance may not be used as a substitute for direct supervision by childcare workers. The Commission proposes to add that the training requirement at N.J.A.C. 13:92-10.7(c)6 also includes defensive tactics, de-escalation techniques, adolescent brain development, and positive

youth development, and that the medication assistance staff training in dispensing medication be provided by a qualified healthcare professional.

Finally, N.J.A.C. 13:92-12 addresses confidentiality of information, including the confidentiality of juvenile records and policy requirements (N.J.A.C. 13:92-12.1). No substantive changes are proposed to this subchapter.

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, support, and opportunities designed to help youth grow and thrive and to become independent, productive, and law-abiding citizens. As the agency charged with care and custody of young people who are adjudicated delinquent, the Commission seeks to ensure that those youth who are detained in county juvenile detention facilities are cared for consistent with best practice standards for secure juvenile detention. The proposed amendments clarify and modify some of the standards applicable to county juvenile detention facilities to ensure this continued level of care for young people. As such, the rules proposed for readoption with amendments are expected to enhance the positive social impact the current rules already have on the young people detained in county juvenile detention facilities, along with their families.

Economic Impact

The Commission anticipates that the rules proposed for readoption with amendments will not have an economic impact on the Commission or any other department or agency of State government. The Commission further anticipates that the rules proposed for readoption with amendments will not have any significant economic impact on counties or county facilities because some amendments simplify current rules, and no amendments would result in significant additional costs.

Federal Standards Statement

As stated at N.J.A.C. 13:92-2.5, county juvenile detention facilities must comply with applicable Federal laws and regulations, including the Juvenile Justice and Delinquency Prevention Act of 1974, as amended through P.L. 115-385 (Juvenile Justice Reform Act of 2018), 34 U.S.C. §§ 11101 et seq., 28 CFR Part 31, related Federal laws and regulations regarding the deinstitutionalization of status offenders and non-offenders and prohibited contact between juveniles and incarcerated adults, the Federal Prison Rape Elimination Act (PREA) of 2003 (34 U.S.C. §§ 30301 et seq.), and Federal regulations establishing PREA standards for juvenile facilities, 28 CFR Part 115, Subpart D. While county juvenile detention facilities must comply with these Federal laws and regulations, because the rules proposed for readoption with amendments simply reiterate that compliance is required but do not impose or exceed any specific standards pursuant to these Federal laws and regulations, a Federal standards analysis is not required in connection with this rulemaking. Further, a Federal standards analysis is not otherwise required because the rules proposed for readoption with amendments are not adopted pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The rules proposed for readoption with amendments are not anticipated to result in the generation or loss of jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The rules proposed for readoption with amendments 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 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 standards for county juvenile detention facilities.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments 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 juvenile detention facility standards.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for readoption with amendments are not expected to have an impact on pretrial detention, sentencing, probation, or parole policies concerning youth or adults in the State. Decisions related to pretrial detention, sentencing, probation, and parole are outside the scope of N.J.A.C. 13:92, which is limited to establishing standards for the county juvenile detention facilities in which young people may be detained, pending and once adjudicated. However, because the majority of youth involved in the juvenile justice system in New Jersey are youth of color, through establishing standards for county youth detention facilities, some of which ensure the young people detained in these facilities are properly cared for, screened, and provided individualized social, educational, mental, and medical services, N.J.A.C. 13:92 ensures that these justice-involved youth receive individualized care, to which they may not have otherwise had access, which may help improve outcomes and reduce recidivism once young people leave the county juvenile detention facilities. Therefore, it is anticipated that the rules proposed for readoption with amendments, which establish standards for county juvenile detention facilities which detain justice-involved youth, may help reduce recidivism and improve outcomes for justice-involved youth of color, because they will be provided an individualized level of care covering social, educational, and mental health, and medical services while detained in county juvenile detention facilities.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:92.

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

SUBCHAPTER 1. INTRODUCTION

13:92-1.2 Definitions

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

“[Child care] **Childcare** worker” means staff who provide direct supervision of juveniles during their daily activities for the purpose of ensuring their safety and security. [Child care] **Childcare** staff shall include, but is not limited to, juvenile detention officers, youth aides, and youth workers.

...

“Detention” means the temporary care of juveniles in physically restricting facilities pending court disposition. (N.J.S.A. 2A:4A-[22c]**22.c**)[.]

...

“Juvenile” means an individual who is under the age of 18 years. (N.J.S.A. 2A:4A-[22a]**22.a**)[.] For purposes of this chapter, juvenile also includes any individual who is properly detained under the law in a juvenile detention facility and has reached the age of 18 years.

...

13:92-1.3 Objectives of detention

(a) The objectives of detention are:

1. To provide **temporary** secure custody for those juveniles who are deemed a threat to the physical safety of the community and/or whose confinement is necessary to [insure] **ensure** their presence at the next hearing.

2. (No change.)

3. To meet the **short-term** needs of juveniles through a constructive program offering educational, recreational, religious, and social opportunities.

SUBCHAPTER 2. LEGAL PROVISIONS

13:92-2.2 Inspection provision

(a) (No change.)

(b) Each juvenile detention facility specified for use by the Commission shall be subject to announced and unannounced inspection visits by the Commission. These visits shall be for the purpose of inspecting and observing the physical condition of the facility, the methods of management and operation and the physical condition, care, treatment, and discipline of the juveniles detained therein. In addition, any equipment or materials deemed necessary to carry out the Commission's inspection responsibilities shall be permitted into the facility.

(c) All books, records, accounts, [and] reports, **and camera surveillance recordings**, past and present, shall be available for review. At all times, a representative from the Commission shall be allowed to observe and interview juveniles and staff concerning any matter pertaining to the health, safety, treatment, training, and general well-being of the juveniles or pertaining to the operation of the detention facility itself.

13:92-2.5 Other legal authority

(a) (No change.)

(b) Each facility shall comply with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, **through P.L. [102-586] 115-385 (Juvenile Justice Reform Act of 2018)**, [42] **34 U.S.C. §§ [5633] 11101** et seq., and 28 [C.F.R.] **CFR** Part 31 and related State and Federal laws and regulations involving: the deinstitutionalization of status offenders and non-offenders; and prohibited contact between juveniles and incarcerated adults.

(c) Each facility shall comply with the requirements of the Federal Prison Rape Elimination Act (PREA) of 2003 ([42] **34 U.S.C. §§ [15601] 30301** et seq.) and with Federal regulations establishing PREA standards for juvenile facilities, 28 CFR Part 115, Subpart D, as may be amended.

SUBCHAPTER 3. ORGANIZATION AND ADMINISTRATION

13:92-3.1 Responsibilities of the [County] Boards of [Chosen

Freeholders] **County Commissioners** or County Executive

(a) Among the responsibilities of the [County] Boards of [Chosen Freeholders] **County Commissioners** or the County Executive, as appropriate, or their duly authorized representatives shall be the following:

1.-5. (No change.)

6. To take all appropriate measures and steps to appropriately staff the facility based on its approved capacity.

[6.] 7. (No change in text.)

SUBCHAPTER 4. PHYSICAL STANDARDS

13:92-4.1 Location, building approval, and limitations

(a) A juvenile shall be placed or remain in detention only in a facility approved for that purpose by the Commission.

1. No detention facility shall be part of, attached to, or in any way physically connected to a facility providing shelter care, as defined [in] **at N.J.S.A. 2A:4A-[22(d)]22.d**;

2. A detention facility must obtain Commission approval of a written implementation proposal that has been signed-off by all relevant entities prior to:

i.-ii. (No change.)

iii. Any **initial**, renewal of, or amendments to shared services agreements between counties; or

iv. (No change.)

3. A written implementation proposal shall contain such elements as are determined to be necessary and appropriate by the [executive director] **Executive Director** or designee, and shall include, at a minimum:

i.-iii. (No change.)

iv. A detailed projected [time line] **timeline** for implementation; and

v. The review factors set forth [in] **at N.J.A.C. 13:92-4.1(a)5**.

4. An implementation proposal that is complete and in compliance with the requirements [of] **at (a)3** above shall be approved, unless it is determined by the Commission that the implementation proposal:

i.-ii. (No change.)

iii. Otherwise proposes a course of action not conducive to the welfare of juveniles or to the best interests of the State, as determined by the Commission [utilizing]. **This determination shall include, but need not be limited to, evaluation of** the review factors set forth [in] **at (a)5** below.

5. In making the determination provided for [in] **at (a)4iii**, above, the Commission shall utilize the following review factors:

i. With respect to sending and receiving facilities:

(1) Access to family, legal services, community providers, and local support groups;

(2)-(5) (No change.)

ii. (No change.)

iii. With respect to sending facilities:

(1)-(2) (No change.)

(3) Plans for the transportation of juveniles to and from court, outside services, and interviews;

(4) The implementation plan's anticipated impacts upon court resources, including case processing time, calendar delays, and adjournments, together with a proposed course of action to remedy any negative impacts;

(5)-(6) (No change.)

6. (No change.)

7. In any event:

i. The population of a detention center may not be increased or decreased, or otherwise manipulated, in order to meet objectives unrelated to sound operational practices for secure detention facilities; [and]

ii. No transfer of juveniles shall be permitted if, as a result of the transfer, the population in the receiving facility shall exceed the maximum population capacity assigned by the Commission, as provided for [in] **at N.J.A.C. 13:92-4.2(b)[.]; and**

iii. A county must notify the Commission when a detention facility is unable to honor its shared services agreements.

(b) No new detention facility shall be part of, attached to, or in any way physically connected to an adult lockup facility unless a plan has been developed in accordance with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended[.] **through P.L. [102-586] 115-385 (Juvenile Justice Reform Act of 2018)**, [42] **34 U.S.C. §§ [5601] 11101** et seq., and 28 [C.F.R.] **CFR** Part 31, incorporated herein by reference, for collocated juvenile detention facilities. Plans for collocated facilities shall be reviewed and approved by the Commission prior to the establishment of such facilities.

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

(e) Programmatic, schematic, and design plans for new buildings, or renovations to existing buildings, shall be submitted to the Commission for review, recommendations, and preliminary approval. To qualify for final approval by the Commission, detailed plans and specifications shall be submitted in compliance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23; the New Jersey Uniform Fire Code, N.J.A.C. 5:70; the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.; the rules of this chapter; and all other applicable Federal, State, and local laws. The Commission's approval shall be based on:

1.-2. (No change.)

(f) (No change.)

(g) Juvenile detention facility design, equipment, and furnishings shall reflect a normalized adolescent environment, as much as possible. Accordingly, an adult jail-like environment shall be avoided to the fullest extent possible.

13:92-4.3 Building and grounds

(a)-(b) (No change.)

(c) The entire building, including rooms not generally used by juveniles, shall be secure. Stainless steel mesh detention screens shall be required over [all] **any** windows [unless it is] **without** security glazing. Locked outer doors, suicide-resistant and tamper-proof protection of all ducts and openings, and tamper-proof locks shall also be provided.

(d) In new or renovated facilities, camera surveillance systems shall be installed in all areas of the facility to which juveniles have access,

excluding bathrooms, showers, and sleeping rooms. The cameras shall be maintained and used to record facility activity. Written plans for the installation of the camera surveillance system shall be submitted to the Commission for review and approval.

(e) All rooms, including reception rooms, hallways, and stairways, shall be adequately lighted. Power and lighting systems shall be installed and maintained in conformity with the New Jersey Uniform Construction Code, N.J.A.C. 5:23, for efficient design and safety. Such systems shall include emergency generator(s) for light and power necessary and critical for safety (particularly fire protection, equipment operation, and exit illumination), security, and minimum program continuity.

(f)-(m) (No change.)

(n) The building and grounds shall be free from insect and rodent breeding places, marshes, swamps, poisonous plants, broken glass, trash, and debris.

(o)-(q) (No change.)

13:92-4.4 Fire protection

(a)-(n) (No change.)

(o) Storage areas containing highly flammable or other hazardous materials such as paints and cleaning agents shall be segregated from residential areas with a minimum one-hour fire rated material and shall be secured at all times when not in use by authorized staff.

(p)-(s) (No change.)

[t] It is recommended that at least one self-contained breathing apparatus, accessible to staff, be maintained at the facility. Staff utilizing a self-contained breathing apparatus shall be trained to use such a device by a firefighter or other qualified instructor certified in the use of this device.]

13:92-4.5 Sleeping rooms

(a)-(c) (No change.)

(d) All sleeping rooms occupied by juveniles shall be in compliance with [the] indoor air quality [required by N.J.A.C. 5:23-3.20A] **requirements** and shall have at least one window facing directly to the exterior. Each window shall be covered by a stainless steel mesh detention screen or made of security glazing.

(e) (No change.)

(f) Beds shall be equipped with comfortable fire and water-resistant mattresses and pillows, approved by the Commission. Sheets, pillowcases, and blankets shall also be provided, preferably of a fire-resistant type.

(g) Electric lights in sleeping rooms shall be bright enough to permit easy reading by a person with normal vision, [shall provide a minimum of 20 foot candle illumination] and shall be protected by a tamper-proof safety cover.

(h) Individual room furnishings and fixtures shall be attractive and durable and securely fastened to the floor or wall, preferably both. All furniture, fixtures, and room design elements shall be suicide-resistant, tamper-proof, able to withstand excessive abuse, and have no anchoring points which would permit suicide hanging attempts.

(i) (No change.)

13:92-4.6 Sleeping rooms; new and renovated facilities

(a)-(b) (No change.)

(c) All furnishings, fixtures, and hardware in new or renovated sleeping rooms shall be suicide-resistant and approved for use by the Commission.

(d)-(g) (No change.)

13:92-4.7 Bathing and toilet facilities

(a)-(b) (No change.)

[(c) In new and renovated facilities, a bathtub, preferably in the medical area, shall be provided for residents with medical problems which make the use of a shower impractical.]

Recodify existing (d)-(i) as (c)-(h) (No change in text.)

13:92-4.8 Kitchens

(a) Kitchens shall be clean, well lighted, properly ventilated, in compliance with all local health ordinances, and provided with essential and proper equipment for the preparation and/or serving of food for the number of persons to be served. Adequate storage, refrigeration, and freezer facilities shall be available.

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

13:92-4.10 Indoor recreational areas

(a) Activity or recreational areas shall be provided in each detention facility. Activity or recreational areas include such areas as day rooms, gymnasiums, quiet rooms or libraries, and arts and crafts rooms. Comfortable chairs, tables, books, games, a radio, and a television shall be available for general relaxation and entertainment.

(b) In new or renovated facilities, each housing unit shall have its own day room. Day rooms shall provide a minimum of 35 square feet of space per resident (exclusive of lavatories, showers, and toilets) for the maximum number of residents who use the day room at one time. The area shall meet the recreational and quiet-time needs of its residents and be designed to be acoustically pleasing with comfortable seating and surroundings.

(c) (No change.)

13:92-4.14 Medical facilities

(a) (No change.)

(b) A locked storage space for medicines, inaccessible to juveniles, shall be provided for the storage of all medical supplies and drugs recommended by the detention facility's physician. All narcotics or controlled substances, that is, [schedule] **Schedule II** through V drugs, shall be stored in a double locked metal container, that is, a locked box within another locked box, or a locked box inside a locked closet or drawer. Access to this container shall be limited to the physician, physician assistant, advanced practice nurse, registered professional nurse, or licensed practical nurse only. Medication assistance staff shall have access only to the medications set aside by the medical staff to be dispensed on individual shifts at prescribed times.

(c) (No change.)

SUBCHAPTER 5. INTAKE AND ADMISSION; ELECTRONIC MONITORING PROGRAMS

13:92-5.2 Eligibility for admission

(a) (No change.)

(b) Juveniles alleged to be in a juvenile-family crisis, as defined [in] at N.J.S.A. 2A:4A-[22(g)]**22.g**, shall not be admitted to any detention facility.

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

13:92-5.3 Intake and admission procedures

(a) When it becomes necessary to place a juvenile in detention, the following intake and admission procedures shall be adhered to:

1. In accordance with R. 5:21-2(b) of the Rules Governing the Courts of the State of New Jersey, "At any time between the filing of the complaint and the disposition, the judge may order the release of [the] **any** juvenile from detention . . . and fix the terms of such release pursuant to N.J.S.A. 2A:4A-34(d)."

i.-ii. (No change.)

2. (No change.)

3. **Upon admission, staff shall attempt to ascertain pertinent factual and identifying information as set forth at N.J.A.C. 13:92-6.1, Intake information, which shall also include information about the juvenile's gender identity, including pronouns, sex assigned at birth, current gender expression, and self-identified gender identity. The juvenile shall then be housed in line with their gender identity, unless the individualized safety assessment required by Federal PREA standards requires alternate housing for that juvenile, after giving serious consideration to the juvenile's own views with respect to their safety. Transgender, intersex, gender non-conforming, and non-binary juveniles shall be housed with individuals of the gender that is safest for them, giving serious consideration to the juvenile's own views with respect to which housing assignment would make them feel safest.**

Recodify existing 3.-8. as 4.-9. (No change in text.)

[9.] **10.** If a physician is not present at the time of the admission shower, the nurse, a medication assistance staff worker, or the senior staff worker on duty shall examine the juvenile's body for lice, bruises or abrasions, unusual marks, and symptoms of any communicable diseases.

A body chart shall be completed documenting the results of this examination. The juvenile shall also be screened for the risk of suicide. This screening shall be in accordance with the facility's written procedures governing suicide screening, prevention, and intervention. The screening shall include, but need not be limited to, the use of a standardized suicide risk questionnaire identified by and available from the Juvenile Justice Commission. No person shall administer the suicide risk questionnaire unless that person has been [certified by the Commission as having successfully completed Commission training] **trained** in administering the suicide risk questionnaire and qualified to perform such screening. The findings shall be recorded and brought to the attention of the appropriate medical or mental health staff, as soon as possible.

i. In situations where a juvenile shows evidence of lacerations, bruises, or abrasions and/or alleges abuse or neglect by a parent, guardian, or relative, a staff member shall immediately contact the State Central Registry of the [Department of Children and Families] **Division of Child Protection and Permanency**, 1-877-652-2873, in accordance with N.J.S.A. 9:6-8.10.

ii.-iii. (No change.)

[10.] **11.** Each juvenile placed in detention shall also receive a health assessment and screening by a registered nurse or licensed practical nurse within 24 hours following admission, noting symptoms of any communicable disease, lice, bruises or abrasions, unusual marks, and general medical condition. The facility's medical and social service staff shall attempt to secure from appropriate sources, information regarding any medical care, treatment, or medication prescribed prior to placement.

[11.] **12.** (No change in text.)

[12.] **13.** Upon admission, any juvenile who shows signs of a contagious disease shall be isolated until examined by a registered nurse or physician.

i. Routine room restriction pending a medical examination, for observational purposes, or because of the unavailability of appropriate staff to conduct an examination, [is psychologically and medically unsound and] shall not be practiced.

[13.] **14.** (No change in text.)

[14.] **15.** Twenty-four to 48 hours following admission, a social service worker, or designee, shall administer the Massachusetts Youth Screening Instrument - 2 (MAYSI-2), **or any other behavioral health intake screening tool designed especially for juvenile justice programs and facilities approved by the Commission**, to each juvenile placed in detention. No person shall administer the MAYSI-2 **or any other approved intake screening tool** unless that person has [been certified by the Commission as having successfully] completed [Commission] training [in MAYSI-2 screening] and **is qualified to perform such screening**. The [MAYSI-2] **approved intake screening tool** shall be used to identify juveniles who may have special mental health needs. If [a juvenile scores in a range indicating a caution or warning] **the results of the screening indicate additional follow-up is necessary**, the social service worker, or designee, shall initiate follow-up questions and actions, as appropriate [to the caution or warning areas].

i. (No change.)

ii. The juvenile shall be placed on and remain under increased supervision by staff until it is determined by a mental health clinician, for example, a social worker, psychologist, or psychiatrist, that the heightened level of supervision is no longer needed to ensure the safety of the juvenile or others.

iii. The results of the MAYSI-2 **or other approved intake screening tool** shall be maintained in a secure area under the control of the social service staff.

iv. Except as otherwise required by law, any statement made by a juvenile in the course of a suicide or mental health screening, conducted with or without the juvenile's consent, or reports or records produced pursuant to such suicide or mental health screening, shall not be:

(1) Disclosed, except by an attorney representing the juvenile and with the juvenile's consent, to the court, prosecutor, or any law enforcement officer; or

(2) Used in any investigation, delinquency, or criminal proceeding involving the juvenile that is currently pending or subsequently initiated.

[15.] **16.** The facility administrator, or his or her designee, shall be notified immediately whenever a juvenile is suspected of being at risk of attempting suicide, in emotional distress, has made a suicidal gesture or attempt or scores in a suicide caution or warning range on the MAYSI-2, **or other approved intake screening tool**.

Recodify existing 16.-18. as **17.-19.** (No change in text.)

13:92-5.4 Electronic [Monitoring Programs] **monitoring programs**

(a) A detention facility may administer an electronic monitoring program, meaning a program in which designated juveniles live in the community and are monitored by electronic monitoring devices. In such case, the facility shall [submit] **maintain** an Electronic Monitoring Procedures Manual [to the Commission] that:

1.-2. (No change.)

[(b) On or before January 10th of each year, a detention facility shall submit a report to the Commission identifying any significant changes to its Electronic Monitoring Procedures Manual.]

SUBCHAPTER 6. RECORDS AND REPORTS

13:92-6.1 Intake information

(a) In accordance with N.J.A.C. 13:92-5.3, Intake and [ad-mission] **admission** procedures, the detention staff (preferably a member of the social work staff) shall obtain from the newly admitted juvenile, the law enforcement officers, and the parents, if possible, pertinent factual and identifying information including:

1.-5. (No change.)

6. Names, ages, and sex of siblings;

7. (No change.)

8. Name, address, and phone number of person/agency bringing juvenile to detention facility, and name of person (Family Court or intake worker) authorizing placement;

9.-11. (No change.)

13:92-6.3 Master log book

(a) In addition to intake information maintained for each juvenile's folder, the following information shall be recorded in a master log book which denotes admissions chronologically:

1.-2. (No change.)

3. Alleged criminal charge(s) specifying the actual offense(s) such as theft, burglary, or assault;

4.-9. (No change.)

13:92-6.6 Mechanical restraint log

(a) Whenever a juvenile is placed in mechanical restraints, [such as handcuffs, leather restraints, restraint chair or leg irons,] except when used during transportation outside the secure area, the following information shall be recorded in a log maintained for that purpose prior to the end of the shift on which the restraint occurred:

1.-9. (No change.)

SUBCHAPTER 7. CONTROL, DISCIPLINE, AND GRIEVANCE PROCEDURE

13:92-7.3 Behavior management

(a) (No change.)

(b) The behavior management system shall be designed to provide incentives for positive behavior and afford proportional measures of accountability for negative behavior.

1. (No change.)

2. Incentives shall not include any program, service, or physical amenity required by [these rules] **this chapter** or Federal, State, or local laws, rules, regulations, or ordinances.

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

(f) The following disciplinary measures shall be prohibited:

1. The use of corporal punishment by any members of the staff. If any staff member is found to have utilized corporal punishment, this action can constitute grounds for dismissal. In addition, in accordance with N.J.S.A. 9:6-8.10, the incident shall be reported immediately to [DYFS] **the Division of Child Protection and Permanency**.

i. (No change.)

ii. Physical contact between staff and detained juveniles, either through acts of self-defense or the use of force to protect a juvenile from harming himself, herself, or others, shall be immediately reported, in writing, to the administrator of the detention facility. A copy of the written report shall be maintained in the juvenile's file;

2.-4. (No change.)

5. The deprivation of a juvenile's meals, regular evening snacks, mail privileges, court appearances, or regular family visits; and

6. (No change.)

13:92-7.4 Room restriction

(a)-(j) (No change.)

(k) When a juvenile is placed on room restriction, the following procedures shall apply:

1.-7. (No change.)

8. The room in which the juvenile is restricted shall be maintained in accordance with temperatures at N.J.A.C. 13:92-[4.3(e)]**4.3(f)**.

13:92-7.5 Physical and mechanical restraints

(a) (No change.)

1.-4. (No change.)

(b) Written policy, procedure, and practice shall restrict the use of physical and/or mechanical restraints to instances of justifiable self-protection, the protection of others, the residents, and property, and the prevention of escapes, and are to be used only as a last resort. Residents shall be removed from mechanical restraints when no longer posing a threat.

1. (No change.)

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

(e) Mechanical restraints approved for use in juvenile detention facilities shall include:

1.-3. (No change.)

[4. Restraint chair.]

(f)-(g) (No change.)

(h) Juveniles shall not be mechanically restrained to any fixed object, such as room furnishings or fixtures, [or] hog-tied, or restrained in any unusual position.

(i)-(o) (No change.)

(p) Each application of a physical or mechanical restraint, except when used to transport a juvenile, shall be fully documented in the juvenile's file, including:

1.-10. (No change.)

11. The results of the assessment regarding injuries, illness, or loss of circulation at the time mechanical restraint was imposed and removed; and

12. (No change.)

(q) (No change.)

13:92-7.6 Reporting of incidents

(a)-(c) (No change.)

(d) Other **serious** incidents, such as alleged sexual assaults by juveniles or staff, outbreaks of contagious disease, group disturbances involving four or more juveniles, any situation that requires medical or mental health attention outside the facility for juveniles or staff, substantial damage to the facility, mechanical restraints beyond 30 minutes, **staff shortages that impact the normal daily operations of the facility, possession of significant contraband such as drugs, alcohol, tobacco, cell phones, or deadly weapons**, and instances when a juvenile is transferred to an adult facility, shall be reported to the Commission within three days of the occurrence.

(e) (No change.)

SUBCHAPTER 8. PHYSICAL CARE OF JUVENILES

13:92-8.2 Clothing

The detention facility shall [insure] **ensure** that each juvenile has adequate, comfortable, [and] **activity-appropriate**, well-fitting clothes, for indoor and outdoor wear, **which is consistent with the juvenile's gender identity**.

13:92-8.3 Personal hygiene

(a) Each juvenile shall be provided with his or her own toothbrush, comb, towel, washcloth, **feminine hygiene products**, and other personal hygiene items, as needed, and shall have access to haircuts and hair grooming. Each juvenile's towel and washcloth shall be changed at least twice a week and more often when necessary. Bed linens shall be changed at least once a week and more often when necessary.

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

SUBCHAPTER 9. PROGRAM SERVICES

13:92-9.1 Medical services

(a)-(j) (No change.)

(k) Sick call shall be conducted daily and be available to each juvenile.

1. (No change.)

2. At times when a physician, registered professional nurse, physician assistant, or [an] advanced practice nurse are not on-site, sick calls may be directed by the senior staff worker. A physician, registered professional nurse, physician assistant, or [an] advanced practice nurse shall be on call at all times, and medically approved written standing orders or protocols shall be followed. A physician, registered professional nurse, physician assistant, or [an] advanced practice nurse shall be notified, as needed, for guidance and instruction.

(l) (No change.)

13:92-9.2 Recreation

(a) The detention facility shall provide an appropriate range of daily indoor and/or outdoor (weather permitting) recreational activities, which are structured to meet the needs of juveniles of various ages, interests, and abilities.

1. (No change.)

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

13:92-9.3 Education

(a) The detention facility shall provide an educational program which meets the needs of each juvenile based on his or her age, level of ability, previous educational experience, and interest, **in compliance with all applicable New Jersey Department of Education (DOE) rules**. All residents of county juvenile detention facilities shall participate in an educational program suited to meet his or her needs.

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

(e) Each county juvenile detention facility shall establish a written attendance policy that **conforms with DOE guidelines in the reporting of attendance and absence from the school setting. Attendance policies must define[s] legitimate absences to include sickness, injury, religious observance, required court appearance, or other compelling personal circumstance. Pursuant to N.J.A.C. 6A:32-8.4(a), a student must be recorded as present, absent, or excused every day the school is in session and the student is enrolled. Each facility must prepare policies and procedures regarding attendance that satisfy the minimum requirements set forth at N.J.A.C. 6A:16-7.6.**

(f) (No change.)

(g) Within 48 hours of admission to the facility, exclusive of weekends, holidays, and non-pupil contact days, an educational assessment of each juvenile shall be initiated. Standardized achievement and/or placement tests shall be administered to each juvenile.

(h) Within 30 days of admission to the facility, exclusive of weekends, holidays, and non-pupil contact days, an individual program plan (IPP) shall be developed for each juvenile to ensure a continuum of program offerings for those students who were enrolled in an educational program that includes:

1.-2. (No change.)

3. Individualized programs which allow high school credit to be awarded through alternative learning experiences in accordance with program completion authorized at N.J.A.C. 6A:8-[5.1(a)1ii]**5.1(a)2**.

(i) (No change.)

(j) The basic curriculum shall consist of subjects which incorporate the New Jersey [Core Curriculum Content] **Student Learning Standards**, each of which shall be provided to students at their individual level of functioning. These subjects may include:

1. **English** Language Arts [Literacy];

2.-5. (No change.)

6. Career Readiness, Life Literacies, and Key Skills;

[7. Vocational Training;

8. Law-Related Education;]

7. Computer Science and Design Thinking;

[9.] **8. World Languages; and**

[10.] **9. Visual and Performing Arts[.];**

[11. Technological Literacy; and

12. Career Education.]

(k) Each county juvenile detention facility shall make library services available to all juveniles:

1. (No change.)

2. The facility shall have a written policy that defines the principles, purposes, and criteria to select and maintain age-appropriate library materials, including audio-visual materials, that reflect the typical interests of the youth population and are appropriate for various levels of competency.

(l)-(m) (No change.)

(n) Either independently or through contractual agreements, the juvenile detention facility shall employ the educational personnel required to ensure the provision of programs and services pursuant to N.J.A.C. 6A:17.

1. All educational personnel shall possess [the appropriate certification endorsement] **a valid New Jersey teaching certificate** issued by the State Board of Examiners **and provide instruction only in their area of qualified endorsement;** and

2. All teachers and educational services personnel shall participate in the required professional development activities consistent with the requirements at N.J.A.C. 6A:17-[3.5(d)]**3.4(d).**

(o)-(q) (No change.)

(r) A request for educational records from the juvenile’s home school district shall be initiated within five days of admission, exclusive of weekends, holidays, and non-pupil contact days.

(s)-(u) (No change.)

(v) Within 10 days of discharge from the facility, copies of the juvenile’s educational records shall be transmitted to his or her home district[.] and next placement **facility, when applicable,** to ensure full and appropriate credit for work completed. Records of each transmittal shall be maintained at the facility.

(w) (No change.)

(x) Pupil education records shall be maintained in a locked file **or electronic database,** separate from non-educational records and safeguarded from public inspection. The safety and security of these records shall be the responsibility of the Site Education Supervisor **and maintained pursuant to DOE guidelines regarding maintenance and security of student records as set forth at N.J.A.C. 6A:32-7.4.**

(y) Any deviation from the normal education schedule shall be documented.

(z) The detention facility must comply with all DOE-monitoring activities, pursuant to N.J.S.A. 18A:7B-5, and provide the Commission with advance notice of any DOE-monitoring visits and the results of any DOE-monitoring activities within 48 hours of DOE notification.

13:92-9.4 Social services

(a) (No change.)

(b) The social service program shall include the following:

1.-2. (No change.)

3. An assessment of the juvenile’s [problems] **strengths** and needs so that detention programs and services may be more effectively planned and utilized;

4.-5. (No change.)

13:92-9.5 Psychiatric and psychological services

(a) Psychological and/or psychiatric services shall be made available for juveniles as needed. Arrangements for these services may be provided by purchase of service with private practitioners, arrangements with mental health resources in the community, sharing of staff with other agencies, or direct employment of staff.

1. (No change.)

(b) (No change.)

(c) Each detention facility shall have written policies covering **the use of the MAYSI-2 or other approved intake screening tools,** suicide prevention protocols, and other mental and emotional health related issues, which shall be reviewed and updated every six months and which shall be made available and explained to all staff.

13:92-9.7 Visiting

(a) Parents and guardians shall have the right to **in-person** visiting privileges unless prohibited by [the court] **law, or at the discretion of the Executive Director, or his or her designee,** and **in-person** visits to juveniles from attorneys and/or their representatives, investigators, and other professionals associated with the juvenile shall not be restricted unless a juvenile is exhibiting disruptive behavior and it is determined by the facility administrator, or his or her designee, that allowing the visit could pose a threat to the safety or security of the staff, other juveniles, visitors, or the facility. When a visit is being withheld, the visitor(s) shall be notified as soon as possible. In addition, the reason why the visit was withheld shall be documented in the juvenile’s file.

(b)-(e) (No change.)

(f) Visiting hours shall be regularly scheduled at set times at least twice a week.

1. (No change.)

2. Virtual visits should also be made available at the request of the visitor or the juvenile, as a supplement to the required in-person visits, or in lieu of in-person visits, where otherwise prohibited by law, such as during a public emergency, or at the discretion of the Executive Director. Any suspension of in-person visits must be reported to the Commission. When using virtual visits, the rules listed in this section shall apply.

(g) (No change.)

SUBCHAPTER 10. STAFF; GENERAL REQUIREMENTS

13:92-10.1 Personnel policies

(a) (No change.)

(b) For each job title used in the facility, the personnel policies shall, at a minimum, include:

1.-4. (No change.)

5. All mandatory and optional employee health, insurance, retirement, and other benefits.

(c) (No change.)

13:92-10.2 Selection of personnel

(a) (No change.)

(b) All applicants shall make a full disclosure of their background, experience and previous employment, education, and convictions of criminal offenses.

(c) (No change.)

13:92-10.4 Personnel files

(a) A current, accurate, and confidential personnel file shall be maintained for each employee and contain:

1.-2. (No change.)

3. New Jersey [Department of Personnel (civil service)] **Civil Service Commission** examination results;

4. (No change.)

5. Dates, terms, and conditions of employment;

6.-10. (No change.)

11. Other personnel information determined appropriate by the facility in accordance with local, State, Federal, or contractual requirements.

(b) (No change.)

13:92-10.6 Staff coverage

(a) Sufficient [staff] **childcare workers** shall be available to provide continuous 24-hour-per-day supervision of the juveniles and protection of the facility. **The use of a camera surveillance system shall not take the place of direct supervision provided by childcare workers; rather, it shall be used to enhance the supervision of juveniles.**

(b) (No change.)

(c) There shall be a female [child care] **childcare** worker on duty whenever a female resident is in the facility.

(d) [Periodically, during] **During** sleeping hours, and whenever juveniles are in their sleeping rooms or any holding room, they shall be visually checked at least **once** every 15 minutes. Each check shall be documented in a record created for this purpose.

(e) At no time shall there be fewer than two [child care] **childcare** workers on active duty when a juvenile is in care at the facility.

(f) (No change.)

(g) The ratio of [child care] **childcare** workers [on duty to] **supervising** juveniles during waking hours shall be at least one worker to eight juveniles; during sleeping hours at least one worker to 16 juveniles.

1. These ratios shall only include [child care] **childcare** workers who, by virtue of their deployment throughout the facility, directly supervise juveniles.

(h) [Child care] **Childcare** workers responsible for the supervision of juveniles, and included in meeting staff-to-juvenile ratios, shall not have other responsibilities assigned to them at that time, such as transportation, control room duties, or other duties.

(i) Auxiliary staff members including, but not limited to, clerical, food service, maintenance, educational and medical personnel, as well as [child care] **childcare** workers and administrative staff who are not responsible for the direct and continuous supervision of juveniles, shall not be included in meeting the staff-to-juvenile ratios set forth in this chapter.

(j) Staff-to-juvenile ratios shall be increased when the special needs of the juveniles cannot be met or their health, safety, and welfare cannot be guaranteed by the staff-to-juvenile ratios set forth in this chapter.

13:92-10.7 Staff development

(a)-(b) (No change.)

(c) Pre-service orientation/training programs shall be conducted by personnel with experience in adolescent development and related juvenile detention issues and shall include:

1.-2. (No change.)

3. Development of special skills and methods for handling disruptive behavior, security, and emergency procedures;

4.-5. (No change.)

6. Training in the use of physical and mechanical restraints, **defensive tactics, de-escalation techniques, adolescent brain development, and positive youth development.**

(d) (No change.)

(e) All medication assistance staff shall attend [at least one Commission-approved] **an initial** medication dispensing training **provided by a qualified healthcare professional.** This shall include training in the security aspects of medication administration to ensure that medications are properly dispensed. In addition, annual in-service refresher training in the administration of medication and the documentation thereof shall be provided by a qualified healthcare professional to all medication assistance staff.

(f) Every [child care] **childcare** worker shall receive a minimum training time of 24 hours per year to attend professional institutes, workshops, conferences, and formal in-service training programs at the detention facility. This shall include, but not be limited to, maintaining certification in Cardiopulmonary Resuscitation (CPR) and First Aid.

(g) The facility shall ensure that all [child care] **childcare** workers attend a training academy in accordance with the Police Training Commission's (PTC) requirements.

(h) (No change.)

SUBCHAPTER 11. STAFF; RESPONSIBILITIES

13:92-11.1 Administrator

(a) Each detention facility shall employ an administrator who shall:

1. Be responsible for the development, implementation, and updating of general policies, and the efficient operation and overall supervision of the detention facility;

2.-7. (No change.)

(b) The administrator shall meet the minimum qualifications required by the New Jersey [Department of Personnel] **Civil Service Commission** for this position.

13:92-11.2 [Child care] **Childcare** workers

(a) [Child care] **Childcare** workers shall plan, supervise, and participate in all of the juvenile's activities in daily living, including work and recreation.

(b) The [child care] **childcare** worker shall meet the minimum qualifications required by the New Jersey [Department of Personnel] **Civil Service Commission** for the position.

13:92-11.3 Social service worker

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

(e) The social service worker shall meet the minimum qualifications required by the New Jersey [Department of Personnel] **Civil Service Commission** for this position.

13:92-11.5 Physician and related personnel

(a) Each detention facility shall have a physician, licensed by the State of New Jersey, with responsibility for medical care services pursuant to a written agreement, contract, or job description.

(b)-(e) (No change.)

SUBCHAPTER 12. CONFIDENTIALITY OF INFORMATION

13:92-12.1 Confidential records and information

(a) To the extent that the documents required to be made, kept, or maintained by this chapter are not otherwise deemed by law to be confidential, those documents shall be confidential and shall not be subject to public inspection or copying pursuant to the ["Open Public Records Act,[" N.J.S.A. 47:1A-1 et seq.

(b) A written policy and procedure shall be established in each juvenile detention facility to ensure compliance with all applicable laws and regulations governing the confidentiality of all records and reports, including access, copying, sharing, retention, and destruction of records and reports. Records and reports shall include, but not be limited to, those of a medical, educational, judicial, or law enforcement nature.

(c) (No change.)

APPENDIX A

NEW JERSEY JUVENILE JUSTICE COMMISSION

[JUVENILE DETENTION] **YOUTH JUSTICE FACILITY MONITORING UNIT**

INCIDENT REPORT

Facility Name: _____ Date: _____
Person Completing Form: _____ Phone: _____
Type of Incident (*fire, escape, attempted suicide, etc.*): _____
Date and Time of Incident: _____
Outside Agencies Involved (*police, fire dept., health dept., etc.*): _____

DETAILED DESCRIPTION OF INCIDENT[:] (attach copies of all internal incident reports; copies of outside agency reports when involved; provide names of all individuals involved, including victims, alleged perpetrators, witnesses, etc. *Use additional pages if necessary.*):

ADMINISTRATIVE ACTION TAKEN (e.g., hearings scheduled/held; policies or procedures modified; staff disciplined or terminated, etc.):

**This form is to be utilized to report incidents required by N.J.A.C. 13:92-7.6 including: the death of, and certain serious injuries to, juveniles and staff as soon as practicable, but no later than within 24 hours of the occurrence; all suicidal gestures as soon as practicable, but no later than within three days of the occurrence; all fires, attempted suicides, escapes, and attempted escapes as soon as practicable, but no later than within 24 hours of the occurrence; and other serious incidents, such as alleged sexual assaults, outbreaks of contagious disease, group disturbances involving four or more juveniles, any situation that requires medical or mental health attention outside the facility for juveniles or staff, substantial damage to the facility, mechanical restraints beyond 30 minutes, staff shortages, possession of significant contraband, and instances when a juvenile is transferred to an adult facility, within three days of the occurrence. [such as deaths, suicide attempts, and physical suicidal gestures. This form should also be used to report escapes, attempted escapes, alleged sexual assaults by juveniles or staff, fires, outbreaks of contagious disease, group disturbances involving four or more juveniles, any situations that result in injury to juveniles or staff requiring medical attention outside of the facility, substantial damage to the facility, mechanical restraints beyond 30 minutes, and any instances when juveniles are transferred to an adult facility. Deaths, suicide attempts, physical suicidal gestures, fires, escapes, and serious injuries must be reported as soon as practicable, but no later than within 24 hours of the occurrence. All other incidents must be reported within three working days of occurrence.]*

New Jersey Juvenile Justice Commission
 [Juvenile Detention] Youth Justice Facilities Monitoring Unit
 PO Box 107
 Trenton, New Jersey 08625-0107
 Phone: (609) 292-1400
 [Fax: (609) 292-4620]
 Email: JJC_YJFMU@jjc.nj.gov

(a)

**JUVENILE JUSTICE COMMISSION
 Manual of Standards for Juvenile Detention
 Commitment Programs
 Proposed Readoption with Amendments: N.J.A.C.
 13:93**

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Matthew J. Platkin, Attorney General and Chair, through Derick D. Dailey, Attorney General Designee.

Authority: N.J.S.A. 2A:4A-37, 2A:4A-43, 2A:4A-44.1, 2A:4A-60, 18A:17B-5, 47:1A-1 et seq., 52:17B-169, 52:17B-170, 52:17B-171, 52:17B-171.1, 52:17B-171.2, 52:17B-171.3, 52:17B-171.5, 52:17B-171.7, 52:17B-171.11, 52:17B-171.13, and 52:17B-176.

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

Proposal Number: PRN 2024-053.

Submit written comments by July 5, 2024, 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 the planning, policy development, and provision of services in the juvenile justice system. For those youth under its care and custody, the Commission seeks to ensure that its facilities maintain a safe and respectful environment, while at the same time delivering effective educational and rehabilitative services individually tailored to each youth.

Pursuant to the Code of Juvenile Justice, part of the Commission’s responsibilities include specifying the places where young people may be detained. Part of this role includes the Commission’s development of standards for and oversight of county juvenile detention facilities, which also provide care and custody of detained and adjudicated youth. This responsibility includes designating the maximum capacity of juvenile

detention facilities and promulgating rules to establish minimum physical facility and program standards for juvenile detention facilities. The Commission is also charged with the development of appropriate standards, along with reviewing their sufficiency, and remediating issues, to ensure the thorough and efficient education of young people in county detention facilities. These standards and requirements, addressing numerous areas, including facilities, programs, care of young people, staff, and reporting, have been developed by the Commission to ensure the proper care and treatment of adjudicated youth who are committed to the care and custody of county facilities under the Juvenile Detention Commitment Program, and are set forth at N.J.A.C. 13:93, Manual of Standards for Juvenile Detention Commitment Programs. The Commission notes that N.J.A.C. 13:92, Manual of Standards for Juvenile Detention Facilities, is adopted by reference at N.J.A.C. 13:93-4.1(a), and county juvenile detention facilities must comply with both N.J.A.C. 13:92 and 13:93 to be certified to receive youth commitments pursuant to N.J.A.C. 13:93-4.1(b).

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:93 was scheduled to expire on June 20, 2024. As this notice of proposed readoption was filed prior to that date, this notice serves to extend the expiration date of N.J.A.C. 13:93 by 180 days to December 17, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Commission has reviewed 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 clarifying and technical amendments that do not affect the substantive meaning of the rules, the Commission proposes to readopt the rules at N.J.A.C. 13:93 in their entirety, with proposed amendments to an education regulation, which is found at N.J.A.C. 13:93-11. The substantive provisions of the rules proposed to be readopted by the Commission are summarized below.

N.J.A.C. 13:93-1 sets forth general provisions, including the chapter’s purpose to promulgate standards pursuant to the Code of Juvenile Justice (N.J.A.C. 13:93-1.1); the scope of the chapter (N.J.A.C. 13:93-1.2); and relevant definitions applicable to the chapter (N.J.A.C. 13:93-1.3). Several minor technical changes are proposed to this subchapter.

N.J.A.C. 13:93-2 describes legal provisions, including the legal authority for youth detention commitment (N.J.A.C. 13:93-2.1); and the Commission’s legal authority (N.J.A.C. 13:93-2.2). At N.J.A.C. 13:93-2.2(a), an amendment is proposed to include a county that contracts with a juvenile detention facility. Additionally, several minor technical changes are proposed to this subchapter.