

LAW AND PUBLIC SAFETY

JUVENILE JUSTICE COMMISSION

Manual of Standards for Juvenile Detention Commitment Programs

Proposed Amendments: N.J.A.C. 13:93-6.2, 11.1, 11.2, and 11.3

Proposed Repeal: N.J.A.C. 13:93-11.5

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Peter C. Harvey, Attorney General and Chair, Markus Green, Attorney General's Designee.

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

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

Proposal Number: PRN 2005-161.

Submit written comments by July 1, 2005 to:

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The agency proposal follows.

## Summary

The New Jersey Code of Juvenile Justice, N.J.S.A. 2A:4A-20 et seq., defines dispositional options available to the Family Court upon an adjudication of delinquency. One of the options is short-term commitment (60 days maximum) of juveniles to county-operated juvenile detention facilities. A detention commitment program is discretionary on the part of a county to operate. However, a county program must be approved by the Commission in accordance with N.J.S.A. 2A:4A-43c.

Currently, seven counties operate programs that have been approved by the Commission. These facilities are located in the following counties: Bergen, Cumberland, Middlesex, Morris, Ocean, Sussex and Warren. In 2002, 699 juveniles were committed to juvenile detention facilities Statewide under the program, compared to 12,765 juveniles admitted to juvenile detention facilities on a predispositional basis. Further, the quality of care and services provided in most of the facilities which are eligible to develop a juvenile detention commitment program exceed the minimum standards currently in effect.

In counties which utilize the commitment program, usually only one or two youth may be on commitment status at any given time. Youth on commitment status must have been adjudicated delinquent, and for the most part, will have similar profiles as the youth on predispositional status. While a wide range of programs are available for both groups of youth, the Commission requires an augmented program for the youth on commitment status in order to satisfy the rehabilitative element of their disposition. The rules at N.J.A.C. 13:93 establish the minimum standards which must be met by all county juvenile detention facilities seeking to establish and operate a juvenile detention

commitment program. N.J.A.C. 13:93-4.1 adopts by reference the rules at N.J.A.C. 13:92, Manual of Standards for Juvenile Detention Facilities. N.J.A.C. 13:93-4.1 requires adherence to the requirements of N.J.A.C. 13:92 and 13:93 by those county detention facilities seeking to establish and maintain a juvenile commitment program.

The rules at N.J.A.C. 13:92, Manual of Standards for Juvenile Detention Facilities, are scheduled to expire on April 7, 2005. They are being proposed for readoption with amendments elsewhere in this issue of the New Jersey Register. The Commission is proposing to amend those specific rules in N.J.A.C. 13:93 at this time to conform with the amendments being proposed at N.J.A.C. 13:92-5.3 and 11.3.

N.J.A.C. 13:93-11.1(a) and 11.2(a), (c) and (e) are being amended to add the word “service” between the words “social” and “worker” in order to be consistent with the rule text throughout N.J.A.C. 13:92 and 13:93.

N.J.A.C. 13:93-11.2(b) and (b)1 are being amended to increase the juvenile to social service worker ratio. The amendment will permit social service workers to have a larger caseload. The increased ratio will require social service workers to only perform social service duties on behalf of the juveniles. This amendment will conform to the amendment being proposed at N.J.A.C. 13:92-11.3(b).

N.J.A.C. 13:93-11.3(b) is being amended to delete the requirement that a licensed practical nurse be under the supervision of a registered nurse while conducting a health assessment and screening of a juvenile when he or she is placed in detention. This amendment will conform to the amendment being proposed at N.J.A.C. 13:92-5.3(a)10.

N.J.A.C.13:93-11.5, Recreation, is being repealed. The Commission's rule at N.J.A.C. 13:92-9.2, Recreation, incorporated by reference at N.J.A.C. 13:93-4.1 sets forth requirements relevant to the provision of recreational services.

The Commission is also proposing to amend certain rules at N.J.A.C. 13:93 to replace the word "treatment" with the word "rehabilitation" because in the context of those rules, the term "rehabilitation" is a more appropriate term. When dealing with correctional populations, the word "rehabilitation" refers to the totality of services provided to juveniles that are directed at positively impacting on him or her, while the term "treatment" refers to those medical, dental or mental health services provided by medical or dental professionals or mental health clinicians. Proposed amendments changing the word "treatment" to "rehabilitation" occur at N.J.A.C. 13:93-6.2(b); 11.1(a), (c), (d), (e), (f), (g) and (i); 11.2(d), (e)2 and (f)1; and 11.3(c).

Because the Commission has provided a 60-day comment period on this 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 proposed amendments will have a positive social impact on juvenile detention facilities, the juveniles in residence at these facilities and the community in general. These rules provide the minimum standards of care and service to juveniles and ensure that only those facilities which provide an acceptable program of

rehabilitation and have adequate space will be permitted by the Commission to receive juveniles under the juvenile detention commitment program.

The proposed amendments at N.J.A.C. 13:93-11.2 and 11.3 will provide conformity with the amendments being proposed at N.J.A.C. 13:92-5.3 and 11.3. There will be no social impact from the proposed repeal of N.J.A.C. 13:93-11.5 as the applicable recreation requirements are set forth in N.J.A.C. 13:92-9.2.

#### Economic Impact

It is estimated that in 2002, the total cost to operate juvenile detention commitment programs in the State of New Jersey was \$2 million. The proposed amendments and repeal will not cause any further burden on the counties participating in the commitment program. Therefore, little or no economic impact is expected. The rules do not require counties to develop juvenile detention commitment programs or to provide such services in their juvenile detention facilities. The decision to provide this Family Court dispositional option is voluntary on the part of each county. The proposed amendments at N.J.A.C. 13:93-11.2 and 11.3 will not cause an economic burden on the counties because there will be no additional cost for complying with them.

#### Federal Standards Statement

The proposed amendments and repeal do not exceed existing Federal standards of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, P.L. 102-586, 42 U.S.C. § 5601, and the Federal regulations at 28 C.F.R. Part 31. Therefore, a Federal standards analysis is not required.

### Jobs Impact

The Juvenile Justice Commission does not anticipate that the proposed amendments will result in the generation or loss of jobs in New Jersey.

### Agriculture Industry Impact

The proposed amendments and repeal will have no impact on the agriculture industry in New Jersey.

### Regulatory Flexibility Statement

The proposed amendments and repeal do not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required. The proposed amendments and repeal impact county-operated facilities and will have no effect on small businesses.

### Smart Growth Impact

The Juvenile Justice Commission does not anticipate that the proposed amendments and repeal will have any impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

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

13:93-6.2 Program inspection

(a) (No change.)

(b) At all times representatives from the Commission shall be permitted to observe and interview juveniles and staff of the facility concerning any matter pertaining to the health, safety, [treatment] rehabilitation, training, and general well-being of the juveniles or the operation of the detention commitment program.

(c) (No change.)

13:93-11.1 [Treatment] Rehabilitation plan

(a) An initial written [treatment] rehabilitation plan, based on a thorough assessment of the juvenile's problems and needs, shall be developed by the facility's social service worker, in conjunction with other appropriate detention center staff, within one week of commitment. The assessment shall utilize the information included in the pre-dispositional investigation report which is made available by the Family Court pursuant to the Rules of Court.

(b) (No change.)

(c) Within two weeks of the initial written [treatment] rehabilitation plan, a revised [treatment] rehabilitation plan which shall include all the requirements of (b) above shall be completed.

(d) All professional and line staff having regular contact with the committed juvenile shall be advised of the provisions of the initial and revised [treatment] rehabilitation plans.

(e) Each juvenile's progress and the effectiveness of his or her [treatment] rehabilitation plan shall be reviewed at least once every two weeks and, when indicated, modifications shall be made in the [treatment] rehabilitation plan.

(f) The [treatment] rehabilitation plan shall specify how, when, and where each element of [treatment] rehabilitation will be provided to the juvenile.

(g) When appropriate, community resources shall be utilized in the development and implementation of the [treatment] rehabilitation plan.

(h) (No change.)

(i) The [treatment] rehabilitation plan shall be signed by both the resident and a staff representative.

#### 13:93-11.2 Social services

(a) Juvenile detention facilities participating in the juvenile detention commitment program shall provide at least one full-time social service worker or professional equivalent.

(b) In accordance with the maximum population capacity, as designated by the Juvenile Justice Commission, for both predispositional juvenile detention and the juvenile detention commitment program, there shall be at least one full-time social service worker employed for every [20] 25 juveniles of the approved population capacity.

1. Part-time social service workers may be employed when the maximum population capacity is greater than [20] 25 and is not an even multiple of [20]



25. For example, a facility approved for [30] 35 juveniles would require at least one full-time and one part-time social service worker.

(c) The position of social service worker shall meet the applicable requirements for the position as defined by the New Jersey Department of Personnel.

(d) Social services shall be provided to all juveniles in the juvenile detention commitment program. Services may be rendered on a direct or referral basis and shall include services such as casework and group work, as well as individual therapy provided in a clinical setting as required by each juvenile's [treatment] rehabilitation plan.

(e) Social services shall be structured to assist juveniles and their parents or legal guardian, to provide the individualized assistance needed for successful rehabilitation, and to prepare the juvenile for return to the community. Social service worker duties shall include:

1. (No change.)

2. Developing and implementing each juvenile's initial and follow-up [treatment] rehabilitation plan as required by this subchapter;

3. - 8 (No change.)

(f) Clinical therapy shall be available to juveniles requiring this type of treatment. The therapy may be provided by professional staff or consultants, or through arrangement with an appropriate resource such as a Community Mental Health Agency. Therapy should assist the juvenile in understanding his or her behavior and feelings, and should strengthen the juvenile's ability to function as a productive, self-reliant juvenile.

1. The need for clinical therapy shall be determined during the [treatment] rehabilitation planning and specified in the [treatment] rehabilitation plan. The specification shall include a detailed description of the types of methods and objectives of the therapy, and the frequency of its scheduling.

#### 13:93-11.3 Medical services

(a) (No change.)

(b) Each juvenile placed in detention shall receive a health assessment and screening by a registered nurse or licensed practical nurse [under the supervision of a registered 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. Each juvenile shall also receive a medical examination performed by either a physician licensed to practice medicine in the State of New Jersey, a licensed physician assistant, or an advanced practice nurse within 72 hours following admission. Internal vaginal and rectal examinations shall not be routinely included as part of the medical examination for admission.

(c) Psychiatric and psychological services shall be provided as required by individual [treatment] rehabilitation plans.

#### 13:93-11.5 [Recreation] (Reserved)

[(a) The facility shall provide an appropriate range of indoor and outdoor recreational activities which are structured to meet the needs of juveniles of varying ages, interests, and abilities. Recreational activities should provide a balance of group play, competitive games, and quiet individual activity. Participation should be encouraged on the basis of individual treatment planning and interests. Recreational activities shall be scheduled throughout the week to provide a balance leisure time program.

(b) Recreational activities shall be scheduled a minimum of three hours each day, at least one hour of which provides the opportunity for active outdoor play throughout the year when the weather permits.]

Peter C. Harvey  
Attorney General  
Chair, Juvenile Justice Commission  
Executive Board

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By: Markus Green  
Attorney General's Designee

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Date: