

LAW AND PUBLIC SAFETY

JUVENILE JUSTICE COMMISSION

Juvenile Funds and Gifts to the Commission

Proposed New Rules: N.J.A.C. 13:90A

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Paula T. Dow, Attorney General and Chair, Deborah R. Edwards, Attorney General's Designee.

Authority: N.J.S.A. 2C:43-3.3; 2C:46-4; 30:4-15.1; 30:4-16.4; 52:17B-170e(6), (8), (9), (14) and (22); 52:17B-171; and 52:17B-176.

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

Proposal Number: PRN 2011-167.

Submit written comments on or before September 30, 2011 to:

John Wolff

Administrative Practice Officer

New Jersey Juvenile Justice Commission

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The agency proposal follows:

Summary

The New Jersey Juvenile Justice Commission (the "Commission"), the State agency exclusively responsible for providing juvenile corrections and parole services, is proposing new N.J.A.C. 13:90A, Juvenile Funds and Gifts to the Commission. The proposed new rules would set forth procedures regarding: accounts for juveniles residing in Commission facilities, including permissible deductions from such accounts; facility accounts dedicated to the benefit of the

facility's overall juvenile population; reporting losses of funds in a Commission facility; reimbursement to juveniles for lost, damaged or destroyed property; and gifts to the Commission.

The proposed chapter is divided into five subchapters.

Subchapter 1 contains general provisions, including sections that set forth the purposes and scope of the proposed new rules, definitions, forms, requirements for written facility procedures and for notification of juveniles.

Subchapter 2 contains requirements relating to juvenile accounts.

N.J.A.C. 13:90A-2.1 makes a facility's business manager responsible for administering juvenile accounts. Under N.J.A.C. 13:90A-2.2(a), juvenile accounts must be held in insured Federal banks and savings institutions. N.J.A.C. 13:90A-2.2(b) requires annual transfers of interest earned on juvenile accounts to the facility's juvenile welfare fund. N.J.A.C. 13:90A-2.2(c) mandates that account information be maintained on the Juvenile Information Management System (JIMS). N.J.A.C. 13:90A-2.2(d) requires that a facility's business manager make deductions from a juvenile account for court-ordered payments, other revenue obligations of the juvenile and restitution imposed as a disciplinary sanction as permitted by N.J.A.C. 13:101-6.16(b)7, Juvenile Discipline. N.J.A.C. 13:90A-2.2(d) also reserves a minimum of \$15.00 in a juvenile account for use by the juvenile for canteen and other permitted expenditures. N.J.A.C. 13:90A-2.2(e) provides that monies received by a juvenile from a civil judgment are to be deposited in the juvenile's account and be a source for payment of any outstanding court-imposed fines, restitution or penalties. N.J.A.C. 13:90A-2.2(f) specifies that a 10 percent surcharge is to be tacked onto the cost of most commissary items purchased by juveniles, to be collected and forwarded to the State Treasurer for deposit into the Victims of Crime Compensation Office account. N.J.A.C. 13:90A-2.2(g) provides that upon transfer of a juvenile to another Commission facility the sending facility must provide written notification to the receiving facility and to the juvenile of any outstanding balances of restitution ordered at

disciplinary hearings under the provisions of N.J.A.C. 13:101, Juvenile Discipline, and that necessary funds continue to be removed from the juvenile's account by the receiving facility and transferred to the sending facility, until such balances are satisfied.” N.J.A.C. 13:90A-2.3 permits juveniles to establish individual savings accounts, in amounts of no less than \$1,000, in commercial banks or savings institutions, but only when designated statutory financial obligations are satisfied and only when approved by the Superintendent. Finally, N.J.A.C. 13:90A-2.4 requires that unclaimed funds in juvenile accounts and other unclaimed property shall be accounted for and processed in accordance with applicable Department of the Treasury circular letters.

Subchapter 3 sets out procedures for the review and approval of gifts to the Commission and to Commission facilities.

Under N.J.A.C. 13:90A-3.1 proposed gifts are referred to the Chief Fiscal Officer, who forwards the proposal to the Director of Administration for a determination whether the proposed gift would impose a financial burden or obligation upon the State. The Director of Administration recommends approval or disapproval, and forwards the proposed gift to the Commission’s Ethics Officer. In consultation with the Office of the Attorney General Ethics Liaison Officer, the Officer reviews the proposed gift to determine whether it conforms to applicable conflict-of-interest and related ethics requirements, issues a written determination and submits it to the Executive Director or designee. Gifts determined to violate applicable conflict-of-interest requirements cannot be accepted; those determined by the Director of Administration to pose a financial burden or obligation monetary gifts for capital construction or acquisition that have been recommended for disapproval by the Director of Administration, cannot be accepted unless approved in writing by the Executive Director or designee.

N.J.A.C. 13:90A-3.2 addresses gifts of money to the Commission. Gifts of money for specific purposes must be deposited in dedicated accounts. Gifts not made for specific purposes are deposited in the general fund if the gift was made to the Commission as a whole.

Gifts must be deposited into a specific facility's juvenile welfare fund if the gift was designated for a specific facility.

N.J.A.C. 13:90A-3.3 prohibits gifts for research, unless approved by the Executive Director.

N.J.A.C. 13:90A-3.4 permits gifts of medical supplies and/or equipment, subject to review by the Commission's Director of Medical Services.

N.J.A.C. 13:90A-3.5 provides standards for the use of gifts to purchase supplies or equipment. Supplies or equipment purchased with gift funds must be purchased from a vendor under contract to supply these items to the State, if possible; otherwise, competitive bids or price quotations are required.

N.J.A.C. 13:90A-3.6 sets forth requirements for the accounting and security of gifts of money or material. Gifts must be recorded, in accordance with applicable requirements governing fixed assets inventory records. Accounting and security controls are required to safeguard against theft and misuse, gifts of money less than \$100.00 received on multiple occasions during one calendar year from the same source must be reported by the Chief Fiscal Officer when the total exceeds \$100.00, and an annual report is required detailing all gifts received during the fiscal year and the progress of projects funded by those gifts and gifts from prior years.

N.J.A.C. 13:90A-3.7 establishes permitted sources of income to juvenile welfare funds, which include interest on deposited monies, profits from commissaries, gifts that are donated specifically for the direct benefit of the juvenile population and gifts of money to a facility without instructions as to its use.

N.J.A.C. 13:90A-3.8 governs expenditures from a juvenile welfare fund, allowing such expenditures only for the use, benefit and general welfare of the juvenile population as a whole. Examples provided in that section include recreation equipment, books, movies and resources to enhance access to legal materials.

Subchapter 4 addresses the loss of funds held by a Commission facility or administrative unit. The subchapter requires referral of any such loss to the Commission's Office of Investigations in accordance with N.J.A.C. 13:97 and sets out related reporting requirements.

Subchapter 5 sets out the procedure for claims filed by juveniles for lost, damaged or destroyed personal property. The subchapter provides for a thorough investigation of any claimed loss, review of the investigation by facility and central office management and payment processing for sustained claims. The procedure for filing property claims is required to be incorporated into all applicable resident and juvenile handbooks. (See, for example, N.J.A.C.13:95-12)

The proposed new rules are not subject to the calendar requirements of N.J.S.A. 52:14B-3(4) because the agency is providing a 60-day comment period pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rules will have a positive social impact. Proposed N.J.A.C. 13:90A benefits juveniles residing in Commission facilities. It accomplishes this in part through fiscal controls that account for and protect individual juvenile accounts. Providing standards for the management of segregated juvenile accounts protects the monies in those accounts, assures their availability to the juvenile and provides an incentive for a juvenile to develop basic skills for managing money. It also provides a fair and consistent basis for determining when a juvenile is indigent and entitled to have the costs of basic necessities, such as postage and legal costs, paid for by the Commission. (See, for example, N.J.A.C. 13:95-19, Mail: Correspondence, Legal Correspondence, Publications and Packages, and N.J.A.C. 13:95-15, Juvenile Access to Courts.)

The provisions regarding juvenile welfare funds also have a positive social impact. They provide mandatory income sources for these funds and provide that expenditures from juvenile welfare funds be made only for the use, benefit and general welfare of an institution's juvenile

population.

Finally, the provisions concerning juvenile claims for lost, damaged or destroyed personal property present a positive social impact. By establishing a uniform and fair process for resolving such claims, and by providing for substantive review of such claims, they directly benefit juveniles under the Commission's care.

Economic Impact

The proposed new rules will not result in any economic impact because additional funding is not necessary to implement these rules. The economic impact on juveniles, regarding the terms for individual accounts and standards for use of juvenile welfare funds, reporting loss of funds and processing claims for damaged or destroyed personal property, will be unchanged. The cost of meeting and maintaining the requirements established by these rules will be met by the Commission through the budgetary process with monies allocated by the State.

Federal Standards Statement

The proposed new rules are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Jobs Impact

The Commission does not anticipate that any jobs in New Jersey will be generated or lost if the proposed new rules are adopted.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The proposed new rules will not impose reporting, recordkeeping or other compliance requirements on small businesses, and will have no other impact upon 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 new rules impact juveniles assigned to any Commission facility and Commission employees, and have no affect on small businesses.

Smart Growth Impact

The proposed new rules will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact Analysis

The proposed new rules will have an insignificant impact on affordable housing in New Jersey. There is an extreme unlikelihood that the rules would cause a change in the average costs associated with housing, because the proposed rules concern only the management of fiscal and internal administrative operations at Commission facilities.

Smart Growth Development Impact Analysis

The proposed new rules will not have an impact on smart growth. There is an extreme unlikelihood that the rules would cause a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, because the proposed rules concern only the management of fiscal and internal administrative operations at Commission facilities.

Full text of the proposed new rules follows:

CHAPTER 90A

JUVENILE FUNDS AND GIFTS TO THE COMMISSION

SUBCHAPTER 1. GENERAL PROVISIONS

13:90A-1.1 Purpose

(a) The purpose of this chapter is to establish policies and procedures for:

1. Controlling and depositing funds held in trust for juveniles;
2. Appropriating expenditures of juvenile welfare funds;

3. Reporting the loss of funds;
4. Processing juvenile claims for lost, damaged or destroyed personal property;
5. Withdrawing authorized deductions from a juvenile's account; and
6. Receiving and giving gifts.

13:90A-1.2 Scope

(a) The provisions of this chapter apply to:

1. Commission facilities;
2. Juveniles who reside in Commission facilities; and
3. Juveniles who participate in day programs at Commission facilities, except for the provisions of N.J.A.C. 13:90A-2, which apply only to juveniles residing in Commission facilities.

13:90A-1.3 Definitions

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

“Business manager” means the Commission employee, by whatever name or title, charged with the responsibilities of Chief Fiscal Officer of a facility.

“Commission” means the New Jersey Juvenile Justice Commission.

“Director of Administration” means the Commission staff member, by whatever name or title, in charge of the Commission’s Office of Administration.

“Director of Custody Operations” means the Director of Custody Operations employed at a secure facility of the Commission responsible for supervising the custody workforce.

"Director of Investigations" means the Commission employee who directs the Commission's Office of Investigations and who is responsible for conducting investigations at the direction of the Executive Director.

"Disciplinary hearing officer" means a staff member of the Commission designated to hear and adjudicate juvenile violations under the provisions of N.J.A.C. 13:101.

"Division Director" means the Commission employee in charge of an operating division of the Commission.

"Ethics Officer" means the Ethics Officer of the Commission.

"Executive Director" means the Executive Director of the Commission.

"Facility" means a facility of the Commission used to house, train or educate juveniles; it does not refer to the central or other administrative or operational offices of the Commission.

"Fiscal Office" means the Commission's central unit responsible for revenue collection and disbursements.

"Gift" means any legal tender, personal property or asset donated to the Commission, a Commission facility or an administrative unit of the Commission, for any purpose and without an expectation of consideration.

"Juvenile" means any person either residing in a facility or attending a day program at a facility.

"Juvenile account" means the account established by a facility to hold and account for monies accruing to an individual juvenile, and from which permitted payments and deductions are made. "Juvenile personal property" means personal property approved for and in the possession of a juvenile who resides in or attends a facility, or held by a facility on behalf of such a juvenile.

"Juvenile trust fund" means a group depository account in an insured commercial bank in which juvenile accounts are deposited and held.

"Juvenile welfare fund" means the account established by a facility to hold, account and disburse funds that are dedicated for the direct benefit of the facility's juvenile population.

"Loss of funds" means the unaccounted loss of monies held either by a facility or by an administrative unit of the Commission.

“Office of Investigations” means the unit within the Commission responsible for conducting internal investigations.

“Office of Juvenile Parole and Transitional Services” means the office within the Commission that is charged with the preparation for release and supervision of those juvenile offenders who are paroled by the New Jersey State Parole Board, and the supervision of juvenile parolees from other states who have been accepted under the terms of the Interstate Compact for Juveniles.

“Restitution” means a disciplinary sanction recommended by a disciplinary hearing officer, or a court-ordered indemnification that requires the juvenile to compensate the Commission facility or victims of an act of delinquency for any loss, damage or injury perpetrated by the juvenile.

“State” means the State of New Jersey.

“Superintendent” means the chief executive officer of a facility.

“Treasury” means the New Jersey Department of the Treasury.

13:90A-1.4 Forms

(a) The following forms related to fiscal management shall be reproduced by each Commission facility from originals that are available by contacting the Executive Director, or designee:

1. J943 I-Juvenile Claim for Lost, Damaged or Destroyed Personal Property;
2. J943 II-Certification of Juvenile Claim;
3. J943 III-Review of Juvenile Claim; and
4. J947 I-Report of Gift Received.

(b) State of New Jersey Payment Voucher Vendor Invoice forms shall be obtained from the business office of each facility.

13:90A-1.5 Written procedures

Written internal management procedures consistent with this chapter shall be issued for each facility by the applicable Division Director or designee.

13:90A-1.6 Notification of juveniles

The provisions set forth in N.J.A.C. 13:90A-2 and 5, and any revisions thereto, shall be incorporated into all applicable resident and juvenile handbooks and orientation materials.

SUBCHAPTER 2. JUVENILE ACCOUNTS FOR JUVENILES RESIDING IN COMMISSION FACILITIES

13:90A-2.1 Responsibility for juvenile accounts

(a) The business manager shall establish a juvenile account for each juvenile who resides in a Commission facility, and shall be responsible for maintaining juvenile accounts and recordkeeping.

(b) The business manager shall be responsible for providing a juvenile with a receipt for each financial transaction processed.

(c) Deposits into and withdrawals from juvenile accounts shall be made in accordance with applicable New Jersey Department of the Treasury circulars and procedures.

13:90A-2.2 Deposits and deductions

(a) Juvenile accounts shall be maintained in a group depository in an insured commercial bank or savings institution, and the total funds on deposit shall not exceed the amount insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation.

(b) Interest accruing on juvenile accounts, if any, shall be transferred at least once annually to the juvenile welfare fund.

(c) All deposits, withdrawals and balances with respect to juvenile accounts shall be recorded in the Juvenile Information Management System, or successor thereto.

(d) Each calendar month, \$15.00 of the funds in a juvenile account shall be reserved for approved expenditures by the juvenile, which shall include canteen expenditures in those facilities that have a commissary or canteen. Amounts in excess of this may be deducted by the business manager for purposes of:

1. Satisfying court ordered payments, penalty assessments, restitution and fines owed by the juvenile;
2. Meeting other revenue obligations of the juvenile; and
3. Making restitution ordered as a sanction by a disciplinary hearing officer under the provisions of N.J.A.C. 13:101-6.16(b)7, Juvenile Discipline.

(e) Monies received by a juvenile that are derived from a civil judgment obtained by or on behalf of a juvenile shall be deposited in the juvenile's account. Such monies shall be used to pay outstanding court-imposed fines, restitution or penalties.

(f) In facilities that have a commissary or canteen, pursuant to N.J.S.A. 30:4-15.1, the price of every commissary item purchase by the juvenile, except for United States postage stamps, shall include a 10 percent surcharge, which shall be deducted from the juvenile's account. Collected surcharges shall be forwarded to the State Treasurer for deposit into the Victims of Crime Compensation Office account.

(g) If a juvenile is transferred to another Commission facility, the business manager or designee of the sending facility shall provide written notification to the receiving facility and to the juvenile of any balance of restitution ordered by a disciplinary hearing officer as a sanction under N.J.A.C. 13:101-6.16(b)7, Juvenile Discipline. Restitution funds shall continue to be removed from the juvenile's account by the receiving facility and shall be forwarded to the

sending facility until restitution has been made in full.

13:90A-2.3 Individual savings accounts

(a) Juveniles may establish individual savings accounts in amounts of no less than \$1,000 in commercial banks or savings institutions only when all financial obligations as permitted by Federal or State statutes and financial obligations to the Commission are satisfied, and upon approval of the Superintendent. These accounts may take the form of:

1. Passbook savings account;
2. Savings bonds; or
3. Certificates of deposit.

(b) Subject to approval of the Superintendent or designee, juveniles may be permitted to retain passbooks, account statements and deposit slips.

(c) Bonds and certificates of deposit must be held for safekeeping by the business manager.

(d) Juveniles shall not be permitted to possess withdrawal slips.

(e) Withdrawals may be permitted upon written approval of the Superintendent.

(f) All deposits and withdrawals shall be processed by the business manager or designee.

13:90A-2.4 Unclaimed property

Unclaimed funds in juvenile accounts and other unclaimed property shall be accounted for and processed in accordance with applicable Treasury circulars and procedures.

SUBCHAPTER 3. GIFTS TO THE COMMISSION AND EXPENDITURE OF JUVENILE WELFARE FUNDS

13:90A-3.1 Review and approval of proposed gifts

(a) A proposed gift to either the Commission or a Commission facility, including a proposed monetary gift for capital construction or acquisition, shall be referred to the Chief Fiscal Officer, who shall within two business days forward the proposal to the Director of Administration, with such supporting documentation as the Director of Administration may require, for a determination whether the proposed gift may impose a financial burden or obligation upon the State.

(b) Upon making the determination provided for in (a) above, the Director of Administration shall prepare a written recommendation to approve or disapprove the proposed gift, and shall forward the proposal, determination and recommendation to the Commission's Ethics Officer.

1. In consultation with the Ethics Liaison Officer of the Department of Law and Public Safety, the Commission's Officer shall review the proposed gift to determine whether it conforms to applicable conflict-of-interest and related ethics requirements.

2. The Commission's Ethics Officer shall issue his or her determination in writing, and shall submit it to the Executive Director or designee within three business days of receiving written notification of the gift.

(c) Gifts determined by the Commission's Ethics Officer to violate applicable conflict-of-interest and related ethics requirements shall not be accepted.

(d) Gifts determined by the Director of Administration to pose a financial burden or obligation upon the State, and monetary gifts for capital construction or acquisition that have been otherwise recommended for disapproval by the Director of Administration, shall not be accepted unless approved in writing and in advance by Executive Director or designee.

13:90A-3.2 Gifts of money

(a) A gift of money with instructions as to its use shall be deposited into a dedicated account established for that purpose, and shall be used in accordance with the instructions of the donor,

provided that any gift of money donated for a purpose that cannot lawfully be carried out shall be returned to the donor.

(b) A gift of money without instructions for its use:

1. If made to the Commission, shall be placed in the general fund;
2. If made to a single Commission facility, shall be deposited in the facility's juvenile welfare fund, and shall be used for the welfare of juveniles consistent with N.J.A.C. 13:90A-3.8(c) and identified separately under the provisions of N.J.A.C. 13:90A-3.8(f);
3. If made to multiple Commission facilities, shall be distributed among the facilities' juvenile welfare funds in amounts determined by the Executive Director or designee, and shall be used for the welfare of juveniles consistent with N.J.A.C. 13:90A-3.8(c).

13:90A-3.3 Gifts for research purposes

Gifts for research purposes shall not be accepted unless the research project has been reviewed and approved by the Executive Director.

13:90A-3.4 Gifts of medical supplies or medical equipment

(a) A proposed gift of medical supplies or medical equipment shall be submitted to the Commission's Director of Medical Services, who may approve acceptance of the gift if he or she determines that it supports reasonable medical needs of the Commission.

(b) If approved, the Director of Medical Services shall inform the Director of Administration for final approval or disapproval.

(c) The Director of Medical Services shall be responsible for actual acceptance of a gift of medical supplies or equipment, and for notifying the appropriate Superintendent or other facility manager in order to facilitate transportation and installation.

13:90A-3.5 Use of gifts to purchase supplies or equipment

(a) If supplies or equipment are purchased with funds made available by gifts, such items shall be purchased from a vendor currently under contract to supply these items to the State, if a vendor is available.

(b) If supplies or equipment cannot be purchased from a vendor currently under State contract, competitive bids or price quotations shall be obtained consistent with then-current Treasury procurement policy.

13:90A-3.6 Accounting and security of gifts of money or material

(a) Assets and monies received as gifts shall be recorded by the Chief Fiscal Officer or business manager, as appropriate, in accordance with applicable requirements governing fixed assets inventory records.

(b) The Director of Administration or designee shall ensure that adequate accounting and security controls are in place to safeguard gifts of money and other assets from theft and misuse, and provide an appropriate accounting of all gifts received.

(c) At the close of every fiscal year, in a form to be determined by the Executive Director or designee, the Chief Fiscal Officer shall prepare and submit to the Director of Administration an annual report detailing gifts received during the fiscal year, and the progress of projects funded by those gifts and gifts from prior years.

1. The annual report shall include all gifts in excess of \$100.00 dollars, provided, however, that gifts of lower amounts received on multiple occasions from a single donor shall be reported when the total amount of all such gifts exceeds \$100.00.

13:90A-3.7 Sources of income for juvenile welfare funds

(a) Each Commission facility shall have a juvenile welfare fund, money for which shall be derived from the following sources:

1. Profits from sales at commissaries;

2. Interest on juvenile welfare fund savings, if any;
3. Gifts donated for the direct benefit of the juvenile population;
4. Income from juvenile trust fund investments, if any; and
5. Gifts of money to a facility, without instructions as to its use.

13:90A-3.8 Accountability and expenditure

(a) The business manager shall be responsible for maintaining juvenile welfare account funds and recordkeeping.

(b) The Superintendent or designee shall approve all expenditures of juvenile welfare funds in advance and in writing.

(c) Juvenile welfare funds shall be spent on amenities only for the use, benefit and general welfare of the juvenile population as a whole. Such amenities include, but are not limited to:

1. Recreation and sports equipment;
2. Television services;
3. Awards for academic, vocational and sporting achievements;
4. Library books;
5. Movies;
6. Magazines and other subscriptions;
7. Recreation activities;
8. Decorations, food and amenities for holiday and juvenile incentive program events;
9. Stipends for referees and guest speakers; and
10. Resources to enhance access to legal materials.

(d) Juvenile welfare funds shall not be used for the payment of employee salaries or for the purchase of any item or service that is not intended for direct use by the juvenile population.

(e) The Superintendent or designee shall be responsible for determinations as to the use of juvenile welfare funds, subject to approval of the Executive Director or designee.

(f) Gifts donated for the direct benefit of the juvenile population shall be spent as designated by the donor, or when undesignated, at the discretion of the Superintendent or designee. The monies from these gifts shall be identified separately in the juvenile welfare fund, so that expenditures can be directly related to the source of funds.

(g) In the event a facility permanently closes, the balance of the facility's juvenile welfare fund shall be reallocated to the juvenile welfare funds at other facilities, at the discretion of the relevant Division Director or designee.

SUBCHAPTER 4. REPORTING LOSS OF FUNDS

13:90A-4.1 Reporting loss of funds

(a) Any loss of funds at a facility shall be reported immediately to the Superintendent or designee, who shall then report the loss to the Office of Investigations.

(b) The Office of Investigations shall have primary responsibility for investigating any such loss of funds and shall be the Commission's liaison with outside law enforcement agencies.

13:90A-4.2 Written report of loss of funds

(a) Within 48 hours after a loss of funds is discovered, a detailed written report of the loss shall be submitted by the Superintendent to the:

1. Director of Investigations or designee; and
2. Executive Director or designee.

(b) After completion of both the report and any additional investigative report of the Office of Investigations, the Commission shall submit a request for reimbursement of the loss to the New Jersey Department of the Treasury.

SUBCHAPTER 5. REIMBURSEMENT OF JUVENILE FOR LOST, DAMAGED OR DESTROYED PERSONAL PROPERTY

13:90A-5.1 Filing of claim by juvenile

(a) When a juvenile claims the loss, damage or destruction of personal property, other than contraband, the juvenile shall complete and submit Form J943 I Juvenile Claim For Lost, Damaged or Destroyed Personal Property to the Superintendent or designee.

(b) The Superintendent or designee shall submit Form J943 I for investigation to the Director of Custody Operations or designee, in the case of a secure facility, or to the Office of Investigations, in case of other facilities. The investigation shall consist of, but not be limited to:

1. Obtaining statements from the juvenile, witnesses and facility staff; and
2. Verifying that the juvenile was authorized to have and was in possession of the property identified in the claim.

(c) Upon completion of the investigation, Form J943 I and a copy of the investigative report shall be submitted to the business manager for review.

(d) The business manager shall review Form J943 I and the investigative report, and complete Form J943 II Certification of Juvenile Claim indicating a recommendation to approve or deny the claim with substantiating reasons.

(e) Form J943 I, Form J943 II and the investigative report shall be submitted by the business manager to the Superintendent for review and recommendation for approval or denial.

(f) Denial of a claim by the Superintendent shall be final and the claim shall not be processed further. The juvenile shall be notified of the denial in writing with substantiating reasons.

(g) If approving a claim, the Superintendent shall complete Form J943 III and direct that the business manager complete a State of New Jersey Payment Voucher Vendor Invoice with the

signature of the juvenile. The Superintendent shall then forward all forms, reports and other documentation to the Executive Director or designee for further review and approval or denial.

(h) Denial of a claim by the Executive Director or designee shall be final and the claim shall not be processed further. The juvenile shall be notified of the denial in writing with substantiating reasons.

(i) If the Executive Director or designee approves the claim, Form J943 III shall be signed and dated, and all forms, reports and other documentation shall then be forwarded to the Chief Fiscal Officer for transmittal to the fiscal office of the Office of the Attorney General.

13:90A-5.2 Review standards for approving or denying a claim

(a) All relevant and equitable standards shall be considered when reviewing a claim for approval or denial, including:

1. Whether the investigation revealed any neglect by the facility;
2. Whether reasonable care was exercised by facility staff preventing property loss, damage or destruction;
3. Whether the juvenile exercised reasonable care in preventing property loss, damage or destruction;
4. Whether it has been proven that the juvenile was authorized to have and was in possession of the property identified in the claim;
5. The extent to which the juvenile cooperated with the investigation of the claim;
6. Whether the juvenile submitted the claim in a timely manner; and
7. Whether the loss or damage exceeds authorized amounts of facility personal property limits.

13:90A-5.3 Time limit for filing a claim

(a) It shall be the juvenile's responsibility to initiate a claim by completing Form J943 I Juvenile Claim for Lost, Damaged or Destroyed Personal Property within 15 calendar days of the incident or discovery of the incident.

(b) Unless the Executive Director or designee determines that there are exceptional circumstances that require extending the investigative process, the Executive Director or designee shall submit Form J943 III and all other documents required by N.J.A.C. 13:90A-5.1(i) to the Chief Fiscal Officer within 30 calendar days from the date the juvenile filed the claim.