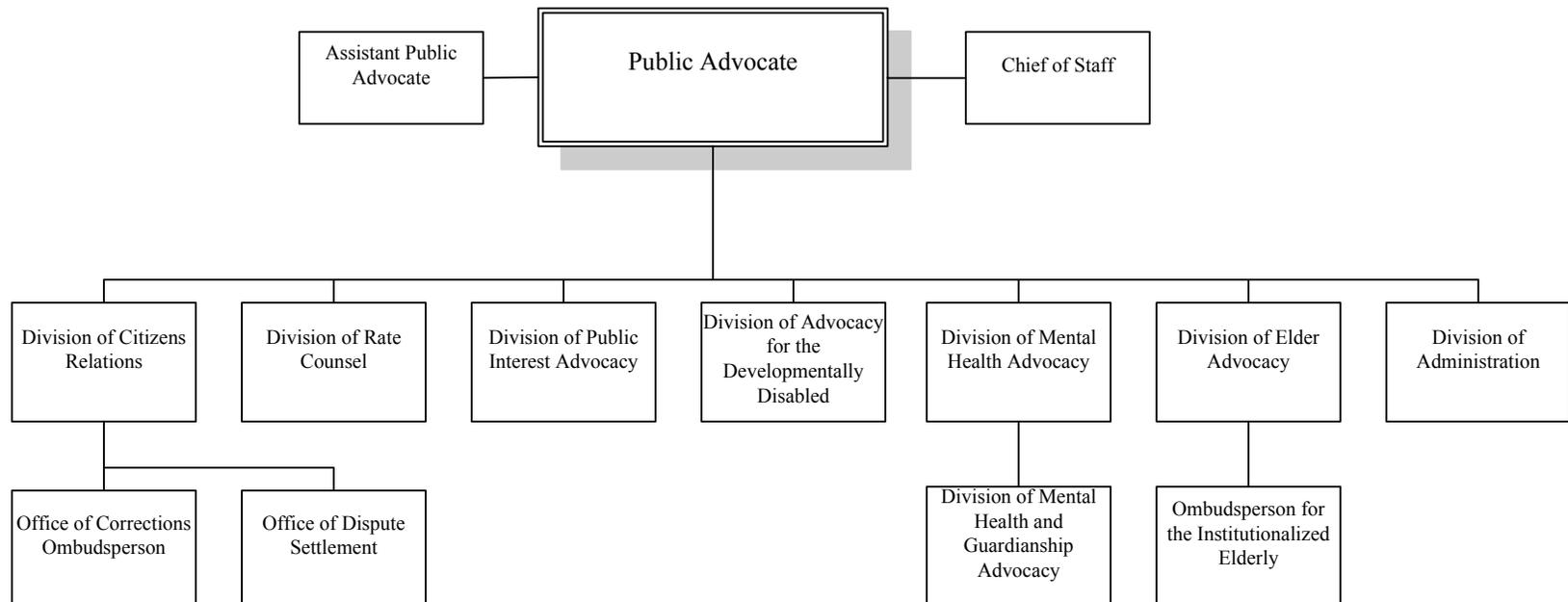
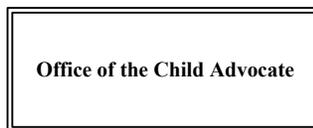


PUBLIC ADVOCATE



In-But-Not-Of Agencies



PUBLIC ADVOCATE

DEPARTMENT OF THE PUBLIC ADVOCATE OVERVIEW

The Department of the Public Advocate is a principal executive department dedicated to making government more accountable and more responsive to the needs of New Jersey residents with particular attention to the elderly, children, consumers, and individuals with disabilities and mental health illnesses. The Department was restored as a principal department pursuant to P.L. 2005, c. 155, in January 2006.

Since January 2006, the Department has worked to reestablish the divisions and functions that existed prior to the abolishment of the Department in 1994 and integrate new functions that did not exist in the old Department. This included reestablishing the Division of Citizen Relations, the Division of Public Interest Advocacy, the Division of Rate Counsel (from 1994 to 2006, the Ratepayer Advocate) and the Divisions of Mental Health and Developmental Disability Advocacy. New units that were transferred to the Department that were not part of the old Department include: the Office of Corrections Ombudsman, which responds to inmate issues at correctional facilities, and the Ombudsman for Institutionalized Elderly, which responds to over 5,000 complaints annually about inadequate care and services for the institutionalized elderly.

FY 2008 Budget Highlights

The Fiscal 2008 Budget for the Department of Public Advocate totals \$19.2 million, the same level as the fiscal 2007 adjusted appropriation.

Department Accomplishments

In its first year since being reestablished, the Department of the Public Advocate prioritized a wide range of issues that impact New Jersey citizens, including: reforming state laws governing the use of eminent domain for private redevelopment; educating the public and advocating on behalf of ratepayers in the proposed Exelon-PSEG merger negotiations; reducing children's exposure to lead; advocating on behalf of individuals with developmental disabilities, and educating the public on beach fees and access issues.

One of the Department's top priorities was reforming state laws governing the use of eminent domain for private redevelopment. In May, the Department released a comprehensive report on the issue, which detailed the statutory history of eminent domain laws and made specific recommendations for legislative reform to better protect the rights of tenants and property owners. Later in the year, the Department joined eminent domain challenges as amicus in municipalities of Lodi, Long Branch and Paulsboro.

On the proposed Exelon-PSEG merger, the Department held a press conference to raise concerns over the proposed deal and wrote a Citizen Guide that explained the consequences of the merger in plain terms. The Department, through the Division of Rate Counsel, advocated on behalf of ratepayers in merger negotiations, and in dozens of other utility cases, including a PSE&G rate case on which the Department's advocacy efforts helped save the average residential ratepayer \$70 annually. The Department also won additional protections for cable consumers to ensure that upcoming cable competition is fair to all New Jersey consumers.

The Department filed an amicus brief in a state Supreme Court case that supported the right of municipalities to sue paint manufacturers for the cost of removing lead tainted paint. The Department also advocated on behalf of individuals with disabilities by testifying in support of legislation that requires the Department of Human Services to develop a plan to ensure community-based living for individuals with disabilities in state-run institutions.

In addition, the Department issued a comprehensive Beach Guide, which chronicled fees, access points for people with disabilities, lifeguard availability, parking and restroom facilities.

Office of the Child Advocate

The Office of the Child Advocate, in-but-not-of the Department of the Public Advocate, is the only independent State child protective services agency. The Office of the Child Advocate deliberatively intervenes, proactively and reactively, in systemic issues related to child safety and protection.

DEPARTMENT OF THE PUBLIC ADVOCATE SUMMARY OF APPROPRIATIONS BY FUND (thousands of dollars)

Year Ending June 30, 2006					Year Ending June 30, 2008			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	2007 Adjusted Approp.	Requested	Recommended	
16,004	2,222	-107	18,119	14,211				
GENERAL FUND								
					Direct State Services	19,202	19,202	19,202
16,004	2,222	-107	18,119	14,211	Total General Fund	19,202	19,202	19,202
16,004	2,222	-107	18,119	14,211	Total Appropriation, Department of the Public Advocate	19,202	19,202	19,202

SUMMARY OF APPROPRIATIONS BY PROGRAM
(thousands of dollars)

Year Ending June 30, 2006					Year Ending June 30, 2008			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	2007 Adjusted Approp.	Requested	Recommended	
					DIRECT STATE SERVICES - GENERAL FUND			
					Protection of Citizens' Rights			
1,387	2	16	1,405	1,395	Citizen Relations	1,944	1,944	1,944
3,340	52	4	3,396	3,374	Mental Health Advocacy	3,698	3,698	3,698
826	3	---	829	829	Elder Advocacy	1,143	1,143	1,143
---	---	---	---	---	Public Interest Advocacy	1,446	1,446	1,446
---	---	---	---	---	Advocacy for the Developmentally Disabled	294	294	294
5,951	1,449	73	7,473	6,323	Rate Counsel	6,188	6,188	6,188
2,500	716	-200	3,016	1,798	Child Advocate	2,523	2,523	2,523
2,000	---	---	2,000	492	Management and Administrative Services	1,966	1,966	1,966
<u>16,004</u>	<u>2,222</u>	<u>-107</u>	<u>18,119</u>	<u>14,211</u>	<i>Subtotal</i>	<u>19,202</u>	<u>19,202</u>	<u>19,202</u>
<u>16,004</u>	<u>2,222</u>	<u>-107</u>	<u>18,119</u>	<u>14,211</u>	<i>Total Direct State Services - General Fund</i>	<u>19,202</u>	<u>19,202</u>	<u>19,202</u>
<u>16,004</u>	<u>2,222</u>	<u>-107</u>	<u>18,119</u>	<u>14,211</u>	TOTAL DIRECT STATE SERVICES	<u>19,202</u>	<u>19,202</u>	<u>19,202</u>
<u>16,004</u>	<u>2,222</u>	<u>-107</u>	<u>18,119</u>	<u>14,211</u>	<i>Total Appropriation, Department of the Public Advocate</i>	<u>19,202</u>	<u>19,202</u>	<u>19,202</u>

80. SPECIAL GOVERNMENT SERVICES
82. PROTECTION OF CITIZENS' RIGHTS

OBJECTIVES

1. To provide clear policy guidance and execution for the programs of the Public Advocate.
2. To provide advocacy functions for the citizens of New Jersey in their dealings with departments and agencies of State government, other governmental agencies and regulated industries.
3. To promote, advocate and ensure the welfare of elderly citizens and to administer services in order to provide a better quality of life.
4. To promote, advocate and ensure the welfare of New Jersey children.
5. To continue to serve as an effective and visible advocate for institutionalized persons with mental illness.
6. To represent and ensure New Jersey ratepayers fair rate increases and services for regulated utilities, auto and health insurance.
7. To provide legal representation to protect the rights of any public group or interest.
8. To provide assistance and resolve complaints about correctional institutions from inmates and their families.

PROGRAM CLASSIFICATIONS

01. **Division of Citizen Relations.** The Division of Citizen Relations receives and forwards for investigation to appropriate agencies of the State and the Public Advocate, any complaints from any person or group relating to the administrative action or inaction of agencies. The division investigates citizen complaints to determine if any governmental activities are unreasonable, unfair, oppressive, potentially discriminatory or inefficient. The division also

maintains records indicating the final disposition of any complaint forwarded by the division to an agency.

The Division of Citizen Relations includes the Office of Dispute Settlement. This Office may provide, in the discretion of the Public Advocate, mediation and other third party neutral services in the resolution of disputes which involve the public interest. The Office may also assist public or private parties in resolving disputes. The Public Advocate may establish fees to be charged to public or private parties for educational, consultation, dispute resolution or other services, and may apply for federal, local, or private grants, bequests, gifts or contributions to aid in financing programs or activities of the office.

The Corrections Ombudsperson establishes and implements procedures for handling complaints from inmates, their families, other interested citizens, public officials, and government agencies concerning conditions in correctional facilities.

03. **Division of Mental Health Advocacy.** The Division of Mental Health Advocacy shall promote, advocate, and ensure the adequacy of the care received, and the quality of life experienced, by persons with mental illness, including patients, residents, and clients within the mental health facilities and programs operated, funded, or licensed by the State.

04. **Division of Elder Advocacy.** The primary purpose of the Division of Elder Advocacy is to protect the interests of the elderly. The Division accomplishes this goal by intervening in or instituting proceedings involving the interests of the elderly before any department, commission, agency, or board of the State leading to an administrative adjudication or administrative rule as defined in section 2 of P.L. 1968, c.410 (C.52:14B-2) and instituting litigation on behalf of the

PUBLIC ADVOCATE

elderly. The division may commence negotiation, mediation, or alternative dispute resolution in the interest of the elderly. The Division of Elder Advocacy contributes to the shaping of policy regarding the welfare of New Jersey's elderly by reporting on recommendations to the Governor and the Legislature.

Also established in the Division of Elder Advocacy in the Department of the Public Advocate is the Ombudsperson for the Institutionalized Elderly. The Ombudsperson for the Institutionalized Elderly (c.52:27G-1 et seq.) receives, investigates and resolves complaints concerning health care facilities serving the elderly, and initiates actions to secure, preserve and promote the health, safety welfare and the civil and human rights of the institutionalized elderly.

- 05. **Division of Public Interest Advocacy.** The Division of Public Interest Advocacy reviews complaints forwarded to the Public Advocate and provides legal representation and other advocacy services when the Public Advocate deems it in the public interest to protect and advocate the rights of any group or interest. The Division can commence negotiation, mediation, or alternative dispute resolution prior to, or in lieu of, the initiation of any litigation.
- 07. **Division of Advocacy for the Developmentally Disabled.** The Division of Advocacy for the Developmentally Disabled will promote, advocate, and ensure the adequacy of the care received, and the quality of life experienced, by persons with developmental disabilities, including patients, residents, and clients with the developmental disabilities facilities and programs operated, funded, or licensed by the State. Procedures will be established to handle complaints from patients, their families other interested citizens, public officials, and government agencies concerning conditions in the State's developmental disabilities facilities.
- 08. **Division of Rate Counsel.** The Division of Rate Counsel is responsible for the representation of New Jersey ratepayers before regulatory and legal tribunals and decision making bodies, and to establish rates and State policies for the delivery of essential regulated services including natural gas, electric, telecommunications, water, wastewater and cable

television. The Division is also responsible for the oversight and accounting of revenues received as statutory assessments from regulated utilities and the oversight of its expenditures.

The Rate Counsel may also represent the public interest with regard to utilities in proceedings before and appeals from any State department, commission, authority, council, agency, or board charged with the regulation or control of any business, industry, or utility regarding a requirement that the business, industry, or utility provide a service or regarding the fixing of a rate, toll, fare, or charge for a product or service. The division may initiate any proceeding when it is determined that a discontinuance or change in a required service or a rate, toll, fare, or charge for a product or service is in the public interest.

The Rate Counsel may also represent the public interest in significant proceedings that pertain solely to prior approval rate increases greater than seven percent for personal lines property casualty coverage or Medicare supplemental coverages.

- 09. **Office of the Child Advocate.** The Office of the Child Advocate, allocated within the Department of the Public Advocate, is independent of any supervision or control by the department, its officers and divisions. The Office investigates, reviews, monitors or evaluates all State agencies and service providers, ensuring the safety of children, as well as responding to allegations of child abuse and neglect.
- 99. **Division of Administration.** The Division of Administration, which includes the Office of the Public Advocate provides the Public Advocate, the staff and resources needed to supervise and execute the mission of the Public Advocate and its component offices and Divisions in representation of the public interest on behalf of the indigent, the elderly, children and other persons unable to protect themselves as individuals or a class. The primary responsibilities of the Division of Administration are to prepare budgets, fulfill personnel requirements, provide public information concerning departmental activities, conduct necessary research as the Public Advocate determines to be relevant and necessary to the department's functions.

EVALUATION DATA

PROGRAM DATA	Actual FY 2005	Actual FY 2006	Revised FY 2007	Budget Estimate FY 2008
Division of Citizens Relations				
Office of Dispute Settlement				
Cases July 1	89	89	132	132
Added	661	658	771	882
Closed	661	615	771	882
Cases June 30	89	132	132	132
Dispositions per Representatives	132	103	129	147
Office of the Corrections Ombudsman				
Cases Processed	15,173	11,401	11,000	15,000
Dispositions per Representatives	1,897	1,629	1,571	1,666
Number of Representatives	8	7	7	9
Telephone Contacts	12,707	8,262	8,000	12,000
Correspondence	1,107	2,547	2,500	2,000
Other	1,359	592	500	800

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	Actual FY 2005	Actual FY 2006	Revised FY 2007	Budget Estimate FY 2008
Division of Mental Health Advocacy				
Mental Health Screening Services				
Regional Representation (Civil Commitment)				
Cases Added	16,098	16,191	16,191	16,000
Cases Closed	15,401	15,490	15,490	15,500
Dispositions per staff attorney	1,100	1,068	1,259	1,100
Sexual Offender Representation (Civil Commitment)				
Cases Added	349	351	360	360
Cases Closed	253	270	270	270
 Division of Elder Advocacy				
Office of the Ombudsman				
Institutionalized elderly	125,000	125,000	125,000	125,000
On-site investigations:				
Involving patient funds	468	501	550	600
Involving care/abuse/neglect	6,598	5,818	6,000	6,000
Nursing homes visited	2,948	2,538	3,000	3,000
Boarding homes visited	446	430	500	500
Other facilities visited	49	47	50	50
Residential health care/psychiatric and development centers visits	50	47	100	100
Cases referred to enforcement agencies	539	514	550	550
 Rate Counsel				
Utility Cases				
Electric	145	114	117	117
Gas	78	63	64	64
Telephone	495	567	568	568
Water/Sewer	120	93	98	98
Other Utility Matters				
Electric	2	1	3	3
Gas	---	6	8	8
Telephone	1	2	8	4
Water/Sewer	---	3	5	5
FERC	13	15	15	15
Generic	34	41	41	41
Cable Television				
Cable Television (w/Generic Cable)	223	136	136	136
 PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	113	110	120	174
Federal	---	---	2	2
All Other	44	43	40	51
Total Positions	157	153	162	227
Filled Positions by Program Class				
Division of Citizen Relations	22	22	19	29
Division of Mental Health Advocacy	52	45	43	62
Division of Elder Advocacy	21	22	24	27
Division of Public Interest Advocacy	---	---	9	18
Division of Advocacy for the Developmentally Disabled	---	---	3	4
Division of Rate Counsel	42	41	42	49
Office of the Child Advocate	20	23	10	25
Division of Administration	---	---	12	13
Total Positions	157	153	162	227

Notes:

Actual payroll counts reported for fiscal years 2006 and 2007 as of December and revised fiscal year 2007 as of January. The Budget Estimate for fiscal year 2008 reflects the number of positions funded.

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APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 2006					Year Ending June 30, 2008				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2007 Adjusted Approp.	Requested	Recommended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
1,387	2	16	1,405	1,395	Citizen Relations	01	1,944	1,944	1,944
3,340	52	4	3,396	3,374	Mental Health Advocacy	03	3,698	3,698	3,698
826	3	---	829	829	Elder Advocacy	04	1,143	1,143	1,143
---	---	---	---	---	Public Interest Advocacy	05	1,446	1,446	1,446
---	---	---	---	---	Advocacy for the Developmentally Disabled	07	294	294	294
5,951	1,449	73	7,473	6,323	Rate Counsel	08	6,188	6,188	6,188
2,500	716	-200	3,016	1,798	Child Advocate	09	2,523	2,523	2,523
2,000	---	---	2,000	492	Management and Administrative Services	99	1,966	1,966	1,966
16,004	2,222	-107	18,119	14,211	Total Direct State Services		19,202 ^(a)	19,202	19,202
Distribution by Fund and Object									
Personal Services:									
9,463	232 94 ^R	-373	9,416	7,597	Salaries and Wages		11,178	11,178	11,178
9,463	326	-373	9,416	7,597	Total Personal Services		11,178	11,178	11,178
158	76	10	244	221	Materials and Supplies		219	219	219
2,502	1,067	233	3,802	2,988	Services Other Than Personal		3,771	3,771	3,771
538	24	-60	502	473	Maintenance and Fixed Charges		571	571	571
Special Purpose:									
626	4	149	779	779	Representation of Civilly Committed Sexual Offenders	03	697	697	697
---	---	49	49	49	Rate Counsel	08	---	---	---
2,500	716	-200	3,016	1,798	Child Advocate	09	2,523	2,523	2,523
217	9	85	311	306	Additions, Improvements and Equipment		243	243	243
16,004	2,222	-107	18,119	14,211	Grand Total State Appropriation		19,202	19,202	19,202
OTHER RELATED APPROPRIATIONS									
Federal Funds									
223	---	---	223	223	Mental Health Advocacy	03	223	223	223
800	546	---	1,346	577	Elder Advocacy	04	927	927	927
1,023	546	---	1,569	800	Total Federal Funds		1,150	1,150	1,150
All Other Funds									
---	10 370 ^R	---	380	354	Citizen Relations	01	409	409	409
---	---	---	---	---	Rate Counsel	08	1,124	1,124	1,124
---	380	---	380	354	Total All Other Funds		1,533	1,533	1,533
17,027	3,148	-107	20,068	15,365	GRAND TOTAL ALL FUNDS		21,885	21,885	21,885

Notes -- Direct State Services - General Fund

(a) The fiscal year 2007 appropriation has been adjusted for the allocation of salary program.

Language Recommendations -- Direct State Services - General Fund

The unexpended balances at the end of the preceding fiscal year in the Office of the Child Advocate accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

Receipts of the Division of Rate Counsel in excess of those anticipated are appropriated for the Division of Rate Counsel to defray the costs of this activity under sections 47 and 55 of P.L. 2005, c.155 (C.52:27EE-47 and 52:27EE-55).

The unexpended balances at the end of the preceding fiscal year in the Rate Counsel accounts are appropriated.

To permit flexibility in the handling of appropriations to effectuate the provisions of P.L. 2005, c. 155, the amounts hereinabove may be transferred to and from the various items of appropriation subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year are appropriated subject to the approval of the Director of the Division of Budget and Accounting.