

**DEPARTMENT OF THE PUBLIC ADVOCATE  
OVERVIEW**

The Department of the Public Advocate was restored as a principal department in the Executive Branch of State government pursuant to P.L. 2005, c.155, in January 2006. The Department is mandated to provide consumer protection and advocacy on behalf of the indigent, the elderly, children and other persons unable to protect themselves as individuals of a class. Under one consolidated Department, functions of ombudspersons, ratepayer advocate, and other functions will produce cost savings and more effective protection of the public interest. Also, the Department will be able to coordinate an efficient and timely process for evaluation and resolution of problems and disputes that affect consumers and other interested parties.

**FY 2007 Budget Highlights**

The Fiscal 2007 Budget for the Department of the Public Advocate totals \$19.4 million, an increase of \$3.2 million, or nearly 20% over the fiscal 2006 adjusted appropriation of \$16.2 million. In addition to funding the full year costs of the newly created Department, this recommendation provides for the continued implementation of its mandated expanded functions and responsibilities.

**Department Accomplishments**

The Department of the Public Advocate was restored in January 2006, and has since been working to reestablish the divisions and functions that existed prior to the abolishment of the Department in 1994. This includes reestablishing the Division of Citizen Relations, which will help ensure that government is more responsive to the needs of New Jersey citizens, and the Division of Public Interest Advocacy, which will advocate for the interests of New Jersey consumers and other groups that are not adequately represented.

Some functions that now will be housed under the new Department of Public Advocate have existed independently or as parts of other State agencies. The Ratepayer Advocate, which will become the Division of Rate Counsel, has over the past year successfully intervened in many utility rate cases to keep rates as affordable as possible and also has served as a resource to consumers by providing energy conservation tips and assistance. The Division of Mental Health and Guardianship Advocacy in the Office of the Public Defender, whose functions will be moved to the Division of Mental Health Advocacy, has provided legal representation for people facing voluntarily or involuntarily commitment to State psychiatric facilities. The Office of Corrections Ombudsman, which will become part of the Division of Citizen Relations, has been representing the interests of inmates in correctional facilities. The Ombudsman for the Institutionalized Elderly, whose functions will be moved to the Division of Elder Advocacy, typically responds to over 5,000 complaints annually about inadequate care and services for the institutionalized elderly.

**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. The fiscal 2007 recommendation of \$2.5 million represents the same level of funding as in fiscal 2006.

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

| Year Ending June 30, 2005 |                     |                            |                 |               | Year Ending June 30, 2007                                     |                       |               |               |
|---------------------------|---------------------|----------------------------|-----------------|---------------|---|-----------------------|---------------|---------------|
| Orig. & (S)Supplemental   | Reapp. & (R)Recpts. | Transfers & (E)Emergencies | Total Available | Expended      |   | 2006 Adjusted Approp. | Requested     | Recommended   |
| 13,790                    | 2,437               | -325                       | 15,902          | 13,164        | <b>GENERAL FUND</b>   |                       |               |               |
|                           |                     |                            |                 |               | Direct State Services   | 16,220                | 19,420        | 19,420        |
| <b>13,790</b>             | <b>2,437</b>        | <b>-325</b>                | <b>15,902</b>   | <b>13,164</b> | <b>Total General Fund</b>                                     | <b>16,220</b>         | <b>19,420</b> | <b>19,420</b> |
| <b>13,790</b>             | <b>2,437</b>        | <b>-325</b>                | <b>15,902</b>   | <b>13,164</b> | <b>Total Appropriation, Department of the Public Advocate</b> | <b>16,220</b>         | <b>19,420</b> | <b>19,420</b> |

# PUBLIC ADVOCATE

## SUMMARY OF APPROPRIATIONS BY PROGRAM (thousands of dollars)

| Year Ending June 30, 2005                   |                      |                             |                 |               | Year Ending June 30, 2007                                     |               |               |               |
|---|----------------------|-----------------------------|-----------------|---------------|---|---------------|---------------|---------------|
| Orig. & (S) Supplemental                    | Reapp. & (R) Recpts. | Transfers & (E) Emergencies | Total Available | Expended      | 2006 Adjusted Approp.   | Requested     | Recommended   |               |
| <b>DIRECT STATE SERVICES - GENERAL FUND</b> |                      |                             |                 |               |   |               |               |               |
| <b>Protection of Citizens' Rights</b>       |                      |                             |                 |               |   |               |               |               |
| 1,371                                       | 4                    | 15                          | 1,390           | 1,390         | Citizen Relations   | 1,407         | 1,872         | 1,872         |
| 3,222                                       | 104                  | -220                        | 3,106           | 3,062         | Mental Health Advocacy  | 3,463         | 3,608         | 3,608         |
| 826   | ---                  | ---                         | 826             | 819           | Elder Advocacy  | 826           | 971           | 971           |
| ---   | ---                  | ---                         | ---             | ---           | Public Interest Advocacy                                      | 571           | 1,446         | 1,446         |
| ---   | ---                  | ---                         | ---             | ---           | Advocacy for the Developmentally Disabled                     | 145           | 294           | 294           |
| 5,871                                       | 1,530                | 55                          | 7,456           | 5,470         | Rate Counsel  | 6,024         | 6,024         | 6,024         |
| 2,500                                       | 799                  | -175                        | 3,124           | 2,423         | Child Advocate  | 2,500         | 2,500         | 2,500         |
| ---   | ---                  | ---                         | ---             | ---           | Management and Administrative Services                        | 1,284         | 2,705         | 2,705         |
| <u>13,790</u>                               | <u>2,437</u>         | <u>-325</u>                 | <u>15,902</u>   | <u>13,164</u> | <i>Subtotal</i>   | <u>16,220</u> | <u>19,420</u> | <u>19,420</u> |
| <u>13,790</u>                               | <u>2,437</u>         | <u>-325</u>                 | <u>15,902</u>   | <u>13,164</u> | <i>Total Direct State Services - General Fund</i>             | <u>16,220</u> | <u>19,420</u> | <u>19,420</u> |
| <u>13,790</u>                               | <u>2,437</u>         | <u>-325</u>                 | <u>15,902</u>   | <u>13,164</u> | <i>TOTAL DIRECT STATE SERVICES</i>                            | <u>16,220</u> | <u>19,420</u> | <u>19,420</u> |
| <u>13,790</u>                               | <u>2,437</u>         | <u>-325</u>                 | <u>15,902</u>   | <u>13,164</u> | <i>Total Appropriation, Department of the Public Advocate</i> | <u>16,220</u> | <u>19,420</u> | <u>19,420</u> |

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

#### OBJECTIVES

- To provide clear policy guidance and execution for the programs of the Public Advocate.
- 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.
- To promote, advocate and ensure the welfare of elderly citizens and to administer services in order to provide a better quality of life.
- To promote, advocate and ensure the welfare of New Jersey children.
- To continue to serve as an effective and visible advocate for institutionalized persons with mental illness.
- To represent and ensure New Jersey ratepayers fair rate increases and services for regulated utilities, auto and health insurance.
- To provide legal representation to protect the rights of any public group or interest.
- To provide assistance and resolve complaints about correctional institutions from inmates and their families.

#### PROGRAM CLASSIFICATIONS

- 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.

- 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.
- 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

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**

|   | <b>Actual<br/>FY 2004</b> | <b>Actual<br/>FY 2005</b> | <b>Revised<br/>FY 2006</b> | <b>Budget<br/>Estimate<br/>FY 2007</b> |
|---|---------------------------|---------------------------|----------------------------|--|
| <b>PROGRAM DATA</b>                               |                           |                           |                            |  |
| <b>Division of Citizens Relations</b>             |                           |                           |                            |  |
| Office of Dispute Settlement                      |                           |                           |                            |  |
| Cases July 1 .....                                | 89                        | 89                        | 89                         | 89                                     |
| Added .....                                       | 711                       | 661                       | 661                        | 661                                    |
| Closed .....                                      | 711                       | 661                       | 661                        | 661                                    |
| Cases June 30 .....                               | 89                        | 89                        | 89                         | 89                                     |
| Dispositions per representative .....             | 130                       | 132                       | 132                        | 132                                    |
| <b>Division of Mental Health Advocacy</b>         |                           |                           |                            |  |
| Mental Health Screening Services                  |                           |                           |                            |  |
| Regional Representation (Civil Commitment)        |                           |                           |                            |  |
| Cases Added .....                                 | 16,408                    | 16,098                    | 16,098                     | 16,098                                 |
| Cases Closed .....                                | 15,117                    | 15,401                    | 15,401                     | 15,401                                 |
| Dispositions per staff attorney .....             | 945                       | 1,100                     | 1,100                      | 1,100                                  |
| Sexual Offender Representation (Civil Commitment) |                           |                           |                            |  |
| Cases Added .....                                 | 524                       | 349                       | 349                        | 349                                    |
| Cases Closed .....                                | 322                       | 253                       | 253                        | 253                                    |

# PUBLIC ADVOCATE

|   | Actual<br>FY 2004 | Actual<br>FY 2005 | Revised<br>FY 2006 | Budget<br>Estimate<br>FY 2007 |
|---|-------------------|-------------------|--------------------|-------------------------------|
| <b>Division of Elder Advocacy</b>   |                   |                   |                    |                               |
| Office of the Ombudsman   |                   |                   |                    |                               |
| Institutionalized elderly .....   | 125,000           | 125,000           | 125,000            | 125,000                       |
| On-site investigations:   |                   |                   |                    |                               |
| Involving patient funds .....   | 770               | 468               | 500                | 500                           |
| Involving care/abuse/neglect .....  | 8,580             | 6,598             | 7,000              | 7,000                         |
| Nursing homes visited .....   | 4,290             | 2,948             | 3,000              | 3,000                         |
| Boarding homes visited .....  | 220               | 446               | 450                | 450                           |
| Residential health care/psychiatric and development centers<br>visits ..... | 220               | 50                | 100                | 100                           |
| Cases referred to enforcement agencies .....                                | 440               | 539               | 550                | 550                           |

## PERSONNEL DATA

### Position Data

#### Filled Positions by Funding Source

|                       |     |     |     |     |
|-----------------------|-----|-----|-----|-----|
| State Supported ..... | 99  | 113 | 105 | 172 |
| All Other .....       | 38  | 44  | 43  | 47  |
| Total Positions ..... | 137 | 157 | 148 | 219 |

#### Filled Positions by Program Class

|   |     |     |     |     |
|---|-----|-----|-----|-----|
| Division of Citizen Relations .....                         | 22  | 22  | 22  | 24  |
| Division of Mental Health Advocacy .....                    | 51  | 52  | 46  | 60  |
| Division of Elder Advocacy .....                            | 21  | 21  | 22  | 21  |
| Division of Public Interest Advocacy .....                  | --- | --- | --- | 15  |
| Division of Advocacy for the Developmentally Disabled ..... | --- | --- | --- | 4   |
| Division of Rate Counsel .....                              | 36  | 42  | 41  | 45  |
| Office of the Child Advocate .....                          | 7   | 20  | 15  | 25  |
| Division of Administration .....                            | --- | --- | 2   | 25  |
| Total Positions .....                                       | 137 | 157 | 148 | 219 |

### Notes:

Actual payroll counts reported for fiscal years 2004 and 2005 as of December and revised fiscal year 2006 as of March. The Budget Estimate for fiscal year 2007 reflects the number of positions funded.

## APPROPRIATIONS DATA (thousands of dollars)

| Year Ending June 30, 2005               |                        |                                    |                    |                   | Year Ending<br>June 30, 2007 |                             |               |                  |
|---|------------------------|------------------------------------|--------------------|-------------------|------------------------------|-----------------------------|---------------|------------------|
| Orig. &<br>(S)Supple-<br>mental         | Reapp. &<br>(R)Recpts. | Transfers &<br>(E)Emer-<br>gencies | Total<br>Available | Total<br>Expended | Prog.<br>Class.              | 2006<br>Adjusted<br>Approp. | Requested     | Recom-<br>mended |
| <b>DIRECT STATE SERVICES</b>            |                        |                                    |                    |                   |                              |                             |               |                  |
| <b>Distribution by Fund and Program</b> |                        |                                    |                    |                   |                              |                             |               |                  |
| 1,371                                   | 4                      | 15                                 | 1,390              | 1,390             | 01                           | 1,407                       | 1,872         | 1,872            |
| 3,222                                   | 104                    | -220                               | 3,106              | 3,062             | 03                           | 3,463                       | 3,608         | 3,608            |
| 826                                     | ---                    | ---                                | 826                | 819               | 04                           | 826                         | 971           | 971              |
| ---                                     | ---                    | ---                                | ---                | ---               | 05                           | 571                         | 1,446         | 1,446            |
| ---                                     | ---                    | ---                                | ---                | ---               | 07                           | 145                         | 294           | 294              |
| 5,871                                   | 1,530                  | 55                                 | 7,456              | 5,470             | 08                           | 6,024                       | 6,024         | 6,024            |
| 2,500                                   | 799                    | -175                               | 3,124              | 2,423             | 09                           | 2,500                       | 2,500         | 2,500            |
| ---                                     | ---                    | ---                                | ---                | ---               | 99                           | 1,284                       | 2,705         | 2,705            |
| <b>13,790</b>                           | <b>2,437</b>           | <b>-325</b>                        | <b>15,902</b>      | <b>13,164</b>     | <b>16,220<sup>(a)</sup></b>  |                             | <b>19,420</b> | <b>19,420</b>    |
| <b>Distribution by Fund and Object</b>  |                        |                                    |                    |                   |                              |                             |               |                  |
| Personal Services:                      |                        |                                    |                    |                   |                              |                             |               |                  |
| 7,461                                   | 792                    | -1,000                             | 7,253              | 7,016             |                              | 9,602                       | 11,380        | 11,380           |
| <b>Total Personal Services</b>          |                        |                                    |                    |                   |                              | <b>9,602</b>                | <b>11,380</b> | <b>11,380</b>    |
| 144                                     | 65                     | 29                                 | 238                | 181               |                              | 181                         | 219           | 219              |
| <b>Materials and Supplies</b>           |                        |                                    |                    |                   |                              | <b>181</b>                  | <b>219</b>    | <b>219</b>       |

**PUBLIC ADVOCATE**

| Year Ending June 30, 2005           |                     |                            |                 |               | Year Ending June 30, 2007 |                       |               |               |
|-------------------------------------|---------------------|----------------------------|-----------------|---------------|---------------------------|-----------------------|---------------|---------------|
| Orig. & (S)Supplemental             | Reapp. & (R)Recpts. | Transfers & (E)Emergencies | Total Available | Expended      | Prog. Class.              | 2006 Adjusted Approp. | Requested     | Recommended   |
| <b>DIRECT STATE SERVICES</b>        |                     |                            |                 |               |                           |                       |               |               |
| 2,481                               | 560                 | 988                        | 4,029           | 2,317         |                           | 2,583                 | 3,810         | 3,810         |
| 538                                 | 140                 | -187                       | 491             | 472           |                           | 554                   | 571           | 571           |
| Special Purpose:                    |                     |                            |                 |               |                           |                       |               |               |
| 602                                 | 45                  | ---                        | 647             | 643           |                           |                       |               |               |
|                                     |                     |                            |                 |               |                           |                       |               |               |
| ---                                 | ---                 | 51                         | 51              | 51            | 03                        | 697                   | 697           | 697           |
| 2,500                               | 799                 | -175                       | 3,124           | 2,423         | 08                        | ---                   | ---           | ---           |
| 64                                  | 36                  | -31                        | 69              | 61            | 09                        | 2,500                 | 2,500         | 2,500         |
|                                     |                     |                            |                 |               |                           |                       |               |               |
|                                     |                     |                            |                 |               |                           | 103                   | 243           | 243           |
| <b>13,790</b>                       | <b>2,437</b>        | <b>-325</b>                | <b>15,902</b>   | <b>13,164</b> |                           | <b>16,220</b>         | <b>19,420</b> | <b>19,420</b> |
| <b>OTHER RELATED APPROPRIATIONS</b> |                     |                            |                 |               |                           |                       |               |               |
| <b>Federal Funds</b>                |                     |                            |                 |               |                           |                       |               |               |
| 223                                 | ---                 | ---                        | 223             | 223           | 03                        | 223                   | 223           | 223           |
| 800                                 | 415                 | ---                        | 1,215           | 505           | 04                        | 800                   | 800           | 800           |
| <b>1,023</b>                        | <b>415</b>          | <b>---</b>                 | <b>1,438</b>    | <b>728</b>    |                           | <b>1,023</b>          | <b>1,023</b>  | <b>1,023</b>  |
| <b>All Other Funds</b>              |                     |                            |                 |               |                           |                       |               |               |
| ---                                 | 361 <sup>7</sup>    | ---                        | 368             | 358           | 01                        | 409                   | 409           | 409           |
| ---                                 | 368                 | ---                        | 368             | 358           |                           | 409                   | 409           | 409           |
| <b>14,813</b>                       | <b>3,220</b>        | <b>-325</b>                | <b>17,708</b>   | <b>14,250</b> |                           | <b>17,652</b>         | <b>20,852</b> | <b>20,852</b> |

**Notes -- Direct State Services - General Fund**

(a) The fiscal year 2006 appropriation has been adjusted for the allocation of salary program.

The Department of the Public Advocate was created in fiscal year 2006 pursuant to P.L. 2005, c.155. For comparison purposes, appropriations in fiscal years 2005 and 2006 for salary and other operating costs were transferred from the following departments: Corrections Ombudsperson in the Department of Corrections; Office of the Ombudsman in the Department of Health and Senior Services; Child Advocate Agency in-but-not-of the Department of Law and Public Safety; and the Ratepayer Advocacy, Dispute Settlement and Mental Health Screening Services in the Department of Treasury.

**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 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 section 16 of P.L. 1994, c.58 (C.52:27E-63).

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.

# NOTES