

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

CHILDREN AND FAMILIES

(a)

OFFICE OF LICENSING

Manual of Standards for Children's Shelter Facilities and Shelter Homes

Proposed Readoption: N.J.A.C. 3A:53

Authorized By: Christine Norbut Beyer, M.S.W., Commissioner,
Department of Children and Families.

Authority: N.J.S.A. 2A:4A-20 et seq., 2A:4A-37, 9:3A-7.g, 9:3A-9,
30:1-14 and 15, and 30:4C-4(d).

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

Proposal Number: PRN 2023-029.

Submit written comments by June 16, 2023, to:

Kristin Matera
Office of Policy and Regulatory Development
Department of Children and Families
PO Box 717
Trenton, New Jersey 08625
Email: rules@dcf.nj.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, Chapter 53, Manual of Standards for Children's Shelter Facilities and Shelter Homes, was scheduled to expire on March 10, 2023. As the Department of Children and Families ("Department" or "DCF") has filed this notice of re-adoption prior to that date, the expiration date was extended 180 days to September 6, 2023, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed these rules and has determined that, without change, they continue to be necessary, proper, and reasonable for the purpose which they were originally promulgated.

As the Department 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.

A summary of each subchapter at N.J.A.C. 3A:53 follows:

Subchapter 1 sets forth the general provisions of the chapter and includes sections addressing the legal authority of the chapter, the chapter's definitions, the population served by shelter facilities and shelter homes, the capacity and location of shelter facilities and shelter homes, approval requirements for the establishment of a facility or a shelter home, the circumstances and procedures for administrative hearings, and public access to office records for children's shelter facilities and shelter homes.

Subchapter 2 sets forth standards for providing a written statement of purpose and list of children's rights, as well as procedures for intake and admissions, incident reporting requirements, and maintenance of records.

Subchapter 3 sets forth the requirements for employment, including background checks and training qualifications, health record requirements, and the operator-specific responsibilities, including, adequate staff-to-child ratios, staff development opportunities, and performance evaluations and reviews. Subchapter 3 also sets forth the requirements for establishing a governing body or citizens board for shelter facilities.

Subchapter 4 sets forth program requirements and procedures for the meals and medical services provided by children's shelter facilities and shelter homes. Subchapter 4 further sets forth requirements for children's rooms and sleeping accommodations, as well as standards governing the educational, recreational, religious, and social service programs provided for children. Subchapter 4 also sets forth requirements and procedures governing discipline, visitation, and searches and seizures in shelter facilities and shelter homes.

Subchapter 5 sets forth the minimum structural safety standards that shelter facilities and shelter homes must meet.

Subchapter 6 sets forth practices and standards related to the transportation of children.

Social Impact

There are 37 total licensed shelter facilities and shelter homes in New Jersey as of March 2023. In total, up to 227 children may receive care from licensed shelters at any given point in time. The Department believes the rules proposed for re-adoption at N.J.A.C. 3A:53 will continue to have a positive social impact on the children who are receiving, or in need of, temporary shelter and the shelter care operators, employees, and staff who provide services and care. The purpose of this chapter is to provide a safe, temporary environment for children and offer the services that they need while in a shelter. The minimum standards set forth in this chapter also benefit shelter operators and employees by providing necessary information and guidance to safeguard the safety and well-being of children staying in their shelter facilities and shelter homes.

Economic Impact

The Office of Licensing (Office) does not anticipate any economic impact on shelter facilities and shelter homes due to the rules proposed for re-adoption at N.J.A.C. 3A:53. The Department contracts with licensed children's shelter facilities and shelter homes and compensates the providers for the temporary shelter services they provide. The Office does not believe that the re-adoption of the chapter will cost the shelters any additional expenditure.

Federal Standards Statement

The licensing standards incorporate, and do not exceed, the requirements required to maintain eligibility pursuant to Title IV of the Social Security Act. Title IV-E of the Social Security Act, 42 U.S.C. § 670, authorizes funds under the Social Security Act to be appropriated to allow states to provide foster and transitional care programs and services for children in out-of-placements. Title IV-E of the Social Security Act, 42 U.S.C. §§ 671(a)(10) and (11), requires the state to establish and

maintain standards for foster homes and childcare institutions. The rules proposed for readoption provide standards for children's shelter facilities and shelter homes and establish shelter inspection and reporting requirements, in accordance with sections 670 and 671 of the Social Security Act. The process of readoption is part of the periodical review of these standards. As applicable Federal standards are met, but not exceeded, a Federal standards analysis is not required.

Jobs Impact

The Department anticipates no impact, either positive or negative, on job creation due to the rules proposed for readoption.

Agriculture Industry Impact

The rules proposed for readoption have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption may affect private shelter home and shelter facility operators who are considered small businesses pursuant to the terms at N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The licensing standard continues the existing reporting, recordkeeping, safety, and background check requirements on those small businesses. The standards of care, safety, and recordkeeping in this chapter are not in excess of standard practice for any childcare institution, which are also required to comply with licensing and other standards imposed by DCF. The professional services required are those that would be required of any childcare provider, regardless of whether the provider is operated by or receiving funding from DCF.

Housing Affordability Impact Analysis

The Department does not believe the rules proposed for readoption will have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for readoption would evoke a change in the average costs associated with housing because the rules proposed for readoption do not amend or change the rules or requirements for children's shelter facilities and shelter homes.

Smart Growth Development Impact Analysis

There is an extreme unlikelihood that the rules proposed for readoption would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption do not change the rules pertaining to children's shelter facilities and shelter homes.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 3A:53.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CRIMINAL JUSTICE OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY

Police Training Commission Rules

Proposed Readoption with Amendments: N.J.A.C. 13:1

Proposed New Rules: N.J.A.C. 13:1-2.3, 2.4, 2.5, 2.6, 2.7, 10 through 20

Authorized By: Police Training Commission, John F. Cunningham,
Chair, with the approval of Matthew J. Platkin, Attorney General.

Authority: P.L. 2022, c. 65 (N.J.S.A. 52:17B-71 et seq.).

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

Proposal Number: PRN 2023-030.

Submit comments by June 16, 2023, to:

Police Training Commission
Attn: DAG Alessandra A. Baldini
25 Market Street
PO Box 085
Trenton, New Jersey 08625
Email: PTC@njdcj.org

The agency proposal follows:

Summary

On July 21, 2022, Governor Murphy signed P.L. 2022, c. 65, which establishes a police licensing program for all New Jersey law enforcement officers. P.L. 2022, c. 65 amended the Police Licensure Act, as codified at N.J.S.A. 52:17B-66 et seq. Those changes go into effect on January 1, 2024.

The Police Training Commission ("Commission" or "PTC") rules, N.J.A.C. 13:1, were scheduled to expire on April 13, 2023. As the Commission has filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date is extended 180 days to October 10, 2023, pursuant to N.J.S.A. 52:14B-5.1.c(2). In advance of the expiration and in consideration of the statutory changes to the Police Licensure Act (N.J.S.A. 52:17B-66 et seq., requiring licensure of all New Jersey law enforcement officers), the Commission considered and approved changes to the Police Training Commission rules. The rules proposed for readoption with amendments bring the Police Training Commission rules, N.J.A.C. 13:1, into conformity and alignment with the Police Training Act, N.J.S.A. 52:17B-66 through 52:17B-77.19, effective January 1, 2024, the proposed adoption of N.J.A.C. 13:1-8, Pre-academy physical fitness and psychological testing (see 54 N.J.R. 1011(a)), New Jersey Attorney General Directives, Guidelines, and Policies, and changes to other laws and statutes.

The Commission is proposing amendments at N.J.A.C. 13:1-3 through 8, which provide the continuing need for increased standards for both instructional staff and law enforcement recruits, while addressing the practicalities of implementing these increased standards. Many of the rules proposed for readoption with amendments and new rules are practical to allow the Commission the ability and flexibility to administer the functions of the Commission, while also clarifying processes, language, and terminology for consistency within the Police Training Commission rules and the Police Training Act. Some examples of proposed rules for readoption with amendments and new rules, include, but are not limited to, adjusting the minimum instructional hour requirements for academy instructors; requiring pre-training drug testing for any law enforcement candidate; mandating compliance with the Attorney General's Drug Testing Policy; changes to the requirements for Special Law Enforcement Officer II (SLEO II) waiver; establishing the requirements for law enforcement officer licensure, renewal, and reactivation; the process for adverse licensure action; and confidentiality and transparency. The proposed changes to the Police Training Commission rules address law enforcement candidate appeals to outline the process, set certain standards for an appeal, as well as clarify the process.

Proposed changes at N.J.A.C. 13:1-1 through 9.6 and proposed new N.J.A.C. 13:1-10 through 20 provide clarification of language consistent with other statutory and rule changes, adjustment to rules to allow for practical administration of the Commission, increase standards for school instructors and candidates, require pre-academy law enforcement candidate drug testing, clarify waivers for SLEO II officers, and clarify and set standards for the appeals process. The proposed rules and additions at N.J.A.C. 13:1, particularly new Subchapters 10 through 20, establish the requirements of, process for, and implementation of N.J.S.A. 52:17B-66 et seq., mandating law enforcement licensure as of January 1, 2024.

N.J.A.C. 13:1-1.1, Definitions, as proposed for readoption with amendments brings this section into alignment with the language used at P.L. 2022, c. 65 (N.J.S.A. 52:17B-66 et seq.) concerning law enforcement