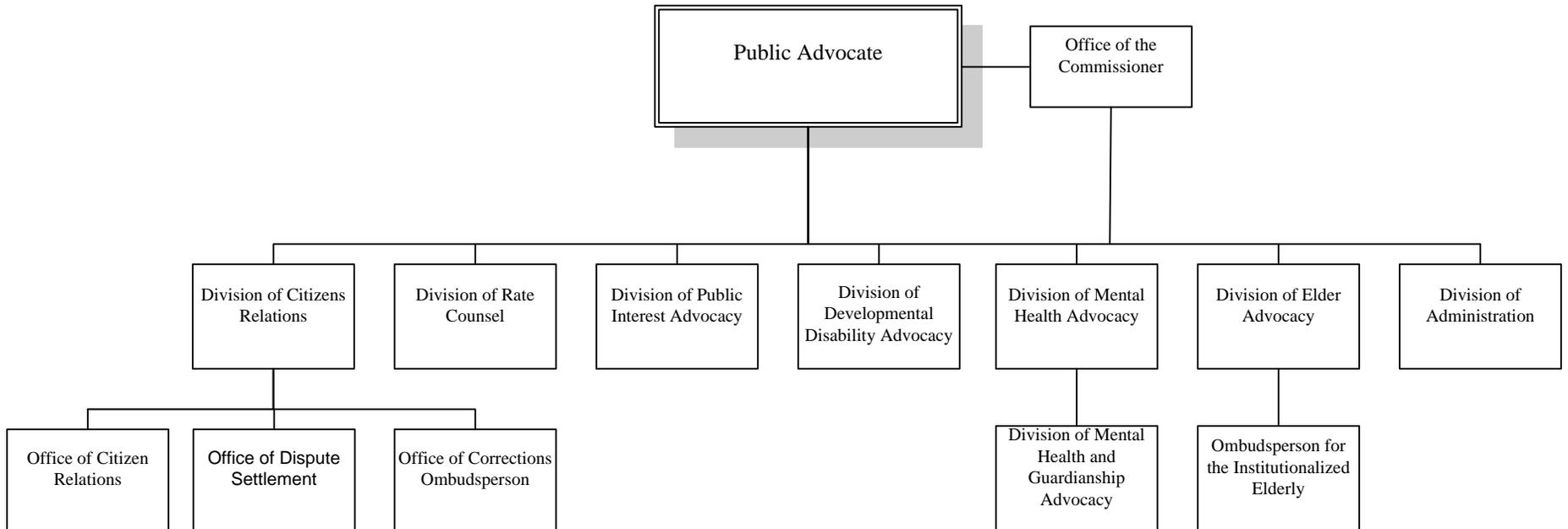
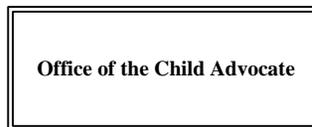


PUBLIC ADVOCATE



In-But-Not-Of Agencies



DEPARTMENT OF THE PUBLIC ADVOCATE

OVERVIEW

Mission and Goals

The Department of the Public Advocate is a cabinet-level 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 consists of the Division of Elder Advocacy (including the Ombudsman for Institutionalized Elderly), Division of Citizen Relations (including the Office of Dispute Resolution, Office of Citizen Relations, and the Corrections Ombudsman), the Division of Public Interest Advocacy, the Division of Rate Counsel, and the Divisions of Mental Health and Developmental Disability Advocacy.

Budget Highlights

The Fiscal 2009 Budget for the Department of Public Advocate totals \$17.5 million, a decrease of \$2.9 million, or 14.2% under the fiscal 2008 adjusted appropriation of \$20.4 million.

Department Accomplishments

In its second 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; reducing children’s exposure to lead paint; advocating on behalf of individuals with developmental disabilities and mental health illnesses; protecting consumers and the elderly; ensuring the integrity of the State’s election process; 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 published a second policy report documenting concerns with New Jersey’s redevelopment law and practices. The Department also participated as amicus curiae, or “friend-of-the-court,” in eminent domain litigation involving property owners in four different communities -- Paulsboro, Lodi, Long Branch and Harrison. In a fifth community, Mount Holly, the Department is investigating the redevelopment process in the Mount Holly Gardens neighborhood.

In the lead case involving Paulsboro, in a unanimous decision, the Supreme Court made clear that the State’s constitution limits the reach of the statute, and for municipalities to declare an area blighted, that area must be deteriorated or stagnant and harmful to the surrounding community. The Public Advocate also has been working closely with lawmakers to enact key legislative reforms governing the use of eminent domain for private redevelopment so tenants, homeowners, and businesses are protected from potential abuses.

The Department also won a unanimous New Jersey Supreme Court decision that overturned a Division of Developmental Disabilities regulation that barred people with developmental disabilities from getting State services if they were unable to prove that at least three specific conditions, such as speech problems or an inability to care for themselves, had existed before they turned 22. In the case, T.H. v. Division of Developmental Disabilities, the Department of the Public Advocate filed a “friend-of-the-court” brief in the case and argued before the Supreme Court that the Division’s regulations violated State law.

The Department also released two reports which resulted in significant victories for New Jersey residents. In February, the Department released a report that documented the need and urgency for New Jersey to return to its previous practice of requiring school districts to prove a student’s individual education plan is meeting the child’s needs when parents challenge that plan. Senator Sweeney and Assemblyman Cryan introduced legislation shortly after the report that passed the Legislature and was signed by Governor Corzine in January.

In October, the Department released a report, “Affordable Housing in New Jersey: Reviving the Promise.” This report outlines several specific policy approaches that the Council on Affordable Housing (COAH), should take to facilitate the effective implementation of the New Jersey Supreme Court decision which held that the State constitution requires every municipality to take affirmative measures to provide housing opportunities for low- and moderate-income households. In December, COAH, under the leadership of Department of Community Affairs Commissioner Joseph Doria, released a proposed rule which adopted many of the report’s recommendations.

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. In 2007, the Office of the Child Advocate strengthened its oversight of child welfare reforms and prioritized numerous issues to improve the health and well-being of children in State systems and throughout New Jersey. The Office released a report on Division of Youth and Families Services’ programs that evaluate the physical and mental health of all children entering out-of-home placement. The report found that the programs served less than one-third of eligible children and a symposium on the study hosted by the Child Advocate led to joint improvement efforts between the Child Advocate and the Department of Children and Families. The Office also operates a “Helpline” that assisted more than 1,000 people from January 2006 through June 2007 who were having trouble finding the help they needed for a child in their lives.

SUMMARY OF APPROPRIATIONS BY FUND

(thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009		
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	2008 Adjusted Approp.	Requested	Recommended
19,420	3,261	197	22,878	15,493			
19,420	3,261	197	22,878	15,493			
19,420	3,261	197	22,878	15,493	20,357	17,466	17,466
					GENERAL FUND		
					Direct State Services	20,357	17,466
					Total General Fund	20,357	17,466
					Total Appropriation, Department of the Public Advocate	20,357	17,466

SUMMARY OF APPROPRIATIONS BY PROGRAM
(thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended		2008 Adjusted Approp.	Requested	Recommended
					DIRECT STATE SERVICES - GENERAL FUND			
					Protection of Citizens' Rights			
1,872	1	10	1,883	1,386	Citizen Relations	2,055	1,705	1,705
3,608	---	23	3,631	3,308	Mental Health Advocacy	4,028	3,393	3,393
971	---	164	1,135	1,083	Elder Advocacy	1,442	1,357	1,357
1,446	---	---	1,446	722	Public Interest Advocacy	1,574	1,274	1,274
294	---	---	294	146	Advocacy for the Developmentally Disabled	299	149	149
6,024	1,432	164	7,620	5,466	Rate Counsel	6,374	5,674	5,674
2,500	322	---	2,822	913	Child Advocate	2,587	2,268	2,268
2,705	1,506	-164	4,047	2,469	Management and Administrative Services	1,998	1,646	1,646
<u>19,420</u>	<u>3,261</u>	<u>197</u>	<u>22,878</u>	<u>15,493</u>	<i>Subtotal</i>	<u>20,357</u>	<u>17,466</u>	<u>17,466</u>
<u>19,420</u>	<u>3,261</u>	<u>197</u>	<u>22,878</u>	<u>15,493</u>	<i>Total Direct State Services - General Fund</i>	<u>20,357</u>	<u>17,466</u>	<u>17,466</u>
<u>19,420</u>	<u>3,261</u>	<u>197</u>	<u>22,878</u>	<u>15,493</u>	<i>TOTAL DIRECT STATE SERVICES</i>	<u>20,357</u>	<u>17,466</u>	<u>17,466</u>
<u>19,420</u>	<u>3,261</u>	<u>197</u>	<u>22,878</u>	<u>15,493</u>	<i>Total Appropriation, Department of the Public Advocate</i>	<u>20,357</u>	<u>17,466</u>	<u>17,466</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

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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 in 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 Division of 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 Division of 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. **Management and Administrative Services** 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, and conduct necessary research as the Public Advocate determines to be relevant and necessary to the Department's functions.

EVALUATION DATA

PROGRAM DATA	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
Division of Citizens Relations				
Office of Dispute Settlement				
Cases July 1	89	132	177	177
Added	658	570	525	525
Closed	615	525	525	525
Cases June 30	132	177	177	177
Dispositions per Representatives	103	116	116	116
Office of the Corrections Ombudsman				
Cases Processed	11,401	9,672	11,000	11,000
Dispositions per Representatives	1,629	1,612	1,571	1,571
Number of Representatives	7	6	7	7
Telephone Contacts	8,262	6,420	8,000	8,000
Correspondence	2,547	2,443	2,500	2,500
Other	592	809	500	500

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	Actual FY 2006	Actual FY 2007	Revised FY 2008	Budget Estimate FY 2009
Division of Mental Health Advocacy				
Mental Health Screening Services				
Regional Representation (Civil Commitment)				
Cases Added	16,191	18,619	18,500	18,500
Cases Closed	15,490	16,484	16,000	16,000
Dispositions per staff attorney	1,068	1,241	1,088	1,100
Sexual Offender Representation (Civil Commitment)				
Cases Added	351	372	370	380
Cases Closed	270	357	350	360
 Division of Elder Advocacy				
Office of the Ombudsman				
Institutionalized elderly	125,000	125,000	125,000	125,000
On-site investigations:				
Involving patient funds	501	584	600	600
Involving care/abuse/neglect	5,818	6,271	6,271	6,571
Nursing homes visited	2,538	4,411	4,411	4,700
Boarding homes visited	430	1,067	1,067	1,067
Other facilities visited	47	109	109	110
Residential health care/psychiatric and development centers visits	47	100	100	100
Cases referred to enforcement agencies	514	550	550	550
 Rate Counsel				
Utility Cases				
Electric	114	163	177	177
Gas	63	92	104	104
Telephone	567	877	909	909
Water/Sewer	93	108	119	119
Other Utility Matters				
Electric	1	8	8	8
Gas	6	6	6	6
Telephone	2	6	6	6
Water/Sewer	3	2	2	2
FERC	15	20	22	22
Generic	41	50	55	55
Cable Television				
Cable Television (w/Generic Cable)	136	252	282	282
 PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	110	113	149	149
Federal	---	2	2	2
All Other	43	40	37	37
Total Positions	153	155	188	188
Filled Positions by Program Class				
Division of Citizen Relations	22	21	22	22
Division of Mental Health Advocacy	45	43	55	51
Division of Elder Advocacy	22	23	24	25
Division of Public Interest Advocacy	---	7	16	16
Division of Advocacy for the Developmentally Disabled	---	2	3	3
Division of Rate Counsel	41	38	35	35
Office of the Child Advocate	23	9	22	24
Division of Administration	---	12	11	12
Total Positions	153	155	188	188

Notes:

Actual payroll counts are reported for fiscal years 2006 and 2007 as of December and revised fiscal year 2008 as of January.
The Budget Estimate for fiscal year 2009 reflects the number of positions funded.

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APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 2007					Year Ending June 30, 2009				
Orig. & (S)Supplemental	Reapp. & (R)Repts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2008 Adjusted Approp.	Requested	Recommended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
1,872	1	10	1,883	1,386	Citizen Relations	01	2,055	1,705	1,705
3,608	---	23	3,631	3,308	Mental Health Advocacy	03	4,028	3,393	3,393
971	---	164	1,135	1,083	Elder Advocacy	04	1,442	1,357	1,357
1,446	---	---	1,446	722	Public Interest Advocacy	05	1,574	1,274	1,274
294	---	---	294	146	Advocacy for the Developmentally Disabled	07	299	149	149
6,024	1,432	164	7,620	5,466	Rate Counsel	08	6,374	5,674	5,674
2,500	322	---	2,822	913	Child Advocate	09	2,587	2,268	2,268
2,705	1,506	-164	4,047	2,469	Management and Administrative Services	99	1,998	1,646	1,646
19,420	3,261	197	22,878	15,493	Total Direct State Services		20,357^(a)	17,466	17,466
Distribution by Fund and Object									
Personal Services:									
11,380	1,797 901 ^R	-1,246	12,832	9,501	Salaries and Wages		11,966	10,631	10,631
<i>11,380</i>	<i>2,698</i>	<i>-1,246</i>	<i>12,832</i>	<i>9,501</i>	<i>Total Personal Services</i>		<i>11,966</i>	<i>10,631</i>	<i>10,631</i>
219	20	57	296	243	Materials and Supplies		219	219	219
3,810	190	306	4,306	3,014	Services Other Than Personal		3,771	2,684	2,684
571	27	257	855	619	Maintenance and Fixed Charges		571	571	571
Special Purpose:									
697	---	230	927	882	Representation of Civilly Committed Sexual Offenders	03	1,000	850	850
2,500	322	---	2,822	913	Child Advocate	09	2,587	2,268	2,268
---	---	93	93	93	Award Settlement	99	---	---	---
243	4	500	747	228	Additions, Improvements and Equipment		243	243	243
19,420	3,261	197	22,878	15,493	Grand Total State Appropriation		20,357	17,466	17,466
OTHER RELATED APPROPRIATIONS									
Federal Funds									
223	---	---	223	223	Mental Health Advocacy	03	223	223	223
<u>800</u>	<u>---</u>	<u>426</u>	<u>1,226</u>	<u>771</u>	Elder Advocacy	04	<u>1,427</u>	<u>1,427</u>	<u>1,427</u>
1,023	---	426	1,449	994	Total Federal Funds		1,650	1,650	1,650
All Other Funds									
---	370 ^R	26	396	285	Citizen Relations	01	409	409	409
---	32 ^R	---	32	32	Rate Counsel	08	1,124	149	149
---	<u>402</u>	<u>26</u>	<u>428</u>	<u>317</u>	Total All Other Funds		1,533	558	558
20,443	3,663	649	24,755	16,804	GRAND TOTAL ALL FUNDS		23,540	19,674	19,674

Notes -- Direct State Services - General Fund

(a) The fiscal year 2008 appropriation has been adjusted for the allocation of salary program and reallocation of management efficiencies.

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).

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 in the Rate Counsel accounts are appropriated.

Receipts in excess of the amount anticipated for the Office of Dispute Settlement are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.