

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 2010 Budget for the Department of the Public Advocate totals \$16.8 million, a decrease of \$296,000, or 1.7% under the fiscal 2009 adjusted appropriation of \$17.1 million.

Office of the Child Advocate

The New Jersey Office of the Child Advocate is an independent State agency dedicated to promoting positive change in public policy and practice to improve the safety, health, and well-being of New Jersey children, especially those with the greatest need. To achieve this goal, the Child Advocate identifies important issues that require systemic change. The Child Advocate works closely with legislators, government officials, community stakeholders, and other advocates to craft innovative solutions to identified problems. The Child Advocate then monitors implementation of these reforms to make a real difference in the lives of New Jersey's children and their families. The Child Advocate has broad statutory authority to protect children's rights and to ensure they receive the care, supervision, and safety to which they are entitled. This authority is used to monitor systems that serve children and families, including the child welfare, juvenile justice, and child behavioral health systems.

DEPARTMENT OF THE PUBLIC ADVOCATE

SUMMARY OF APPROPRIATIONS BY FUND

(thousands of dollars)

Year Ending June 30, 2008						Year Ending June 30, 2010		
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended		2009 Adjusted Approp.	Requested	Recommended
19,202	6,988	-187	26,003	17,981	GENERAL FUND			
					Direct State Services	17,130	16,834	16,834
19,202	6,988	-187	26,003	17,981	Total General Fund	17,130	16,834	16,834
19,202	6,988	-187	26,003	17,981	Total Appropriation, Department of the Public Advocate	17,130	16,834	16,834

SUMMARY OF APPROPRIATIONS BY PROGRAM

(thousands of dollars)

Year Ending June 30, 2008						Year Ending June 30, 2010		
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended		2009 Adjusted Approp.	Requested	Recommended
					DIRECT STATE SERVICES - GENERAL FUND			
					Protection of Citizens' Rights			
1,944	496	---	2,440	1,506	Citizen Relations	1,400	1,400	1,400
3,698	327	415	4,440	4,121	Mental Health Advocacy	4,148	4,148	4,148
1,143	51	215	1,409	1,197	Elder Advocacy	1,151	1,151	1,151
1,446	724	-410	1,760	1,200	Public Interest Advocacy	1,066	1,066	1,066
294	147	---	441	158	Advocacy for the Developmentally Disabled	67	67	67
6,188	1,359	186	7,733	5,944	Rate Counsel	5,761	5,761	5,761
2,523	1,973	-373	4,123	2,007	Child Advocate	1,647	1,351	1,351
1,966	1,911	-220	3,657	1,848	Management and Administrative Services	1,890	1,890	1,890
19,202	6,988	-187	26,003	17,981	Subtotal	17,130	16,834	16,834
19,202	6,988	-187	26,003	17,981	Total Direct State Services - General Fund	17,130	16,834	16,834
19,202	6,988	-187	26,003	17,981	TOTAL DIRECT STATE SERVICES	17,130	16,834	16,834
19,202	6,988	-187	26,003	17,981	Total Appropriation, Department of the Public Advocate	17,130	16,834	16,834

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 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.

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.

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.

EVALUATION DATA

PROGRAM DATA	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
Division of Citizens Relations				
Office of Dispute Settlement				
Cases July 1	132	177	269	310
Added	570	940	1,310	1,441
Closed	525	848	1,269	1,451
Cases June 30	177	269	310	300
Dispositions per Representatives	116	116	263	291
Office of the Corrections Ombudsperson				
Cases Processed	9,672	9,525	8,560	8,560
Dispositions per Representatives	1,612	1,905	2,140	2,140
Number of Representatives	6	5	4	4
Telephone Contacts	6,420	6,447	5,392	5,392
Correspondence	2,443	2,329	2,416	2,416
Other	809	749	752	752
Division of Mental Health Advocacy				
Mental Health Screening Services				
Regional Representation (Civil Commitment)				
Cases Added	18,619	18,963	18,500	19,000
Cases Closed	16,484	16,579	16,000	16,500
Dispositions per staff attorney	1,241	1,185	1,100	1,100
Sexual Offender Representation (Civil Commitment)				
Active Cases	372	370	380	380
Division of Elder Advocacy				
Office of the Ombudsperson				
Institutionalized elderly	125,000	125,000	125,000	125,000
On-site investigations:				
Involving patient funds	584	662	728	728
Involving care/abuse/neglect	6,271	7,296	8,025	8,025
Nursing homes visited	4,411	5,930	6,523	6,523
Boarding homes visited	1,067	1,241	1,365	1,365
Other facilities visited	109	125	137	137
Residential health care/psychiatric and development centers visits	100	100	110	110
Cases referred to enforcement agencies	550	477	524	524
Rate Counsel				
Utility Cases				
Electric	163	177	159	159
Gas	92	104	77	77
Telephone	877	909	219	219
Water/Sewer	108	119	91	91

PUBLIC ADVOCATE

	Actual FY 2007	Actual FY 2008	Revised FY 2009	Budget Estimate FY 2010
Other Utility Matters				
Electric	8	8	8	8
Gas	6	6	6	6
Telephone	6	6	6	6
Water/Sewer	2	2	2	2
FERC	20	22	22	22
Generic	50	55	55	55
Cable Television				
Cable Television (w/Generic Cable)	252	282	219	219

PERSONNEL DATA

Affirmative Action Data

Male Minority	18	23	14	14
Male Minority %	12	12	8	8
Female Minority	40	49	54	54
Female Minority %	26	26	32	32
Total Minority	58	72	68	68
Total Minority %	37	38	40	40

Position Data

Filled Positions by Funding Source

State Supported	113	153	136	135
Federal	2	2	2	2
All Other	40	38	33	33
Total Positions	155	193	171	170

Filled Positions by Program Class

Division of Citizen Relations	21	22	19	18
Division of Mental Health Advocacy	43	58	54	56
Division of Elder Advocacy	23	24	24	22
Division of Public Interest Advocacy	7	16	11	12
Division of Advocacy for the Developmentally Disabled	2	3	1	1
Division of Rate Counsel	38	36	32	32
Office of the Child Advocate	9	22	16	16
Division of Administration	12	12	14	13
Total Positions	155	193	171	170

Notes:

Actual payroll counts are reported for fiscal years 2007 and 2008 as of December and revised fiscal year 2009 as of January. The Budget Estimate for fiscal year 2010 reflects the number of positions funded.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2008					Year Ending June 30, 2010				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2009 Adjusted Approp.	Requested	Recommended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
1,944	496	---	2,440	1,506	01	1,400	1,400	1,400	
3,698	327	415	4,440	4,121	03	4,148	4,148	4,148	
1,143	51	215	1,409	1,197	04	1,151	1,151	1,151	
1,446	724	-410	1,760	1,200	05	1,066	1,066	1,066	
294	147	---	441	158	07	67	67	67	
6,188	1,359	186	7,733	5,944	08	5,761	5,761	5,761	
2,523	1,973	-373	4,123	2,007	09	1,647	1,351	1,351	
1,966	1,911	-220	3,657	1,848	99	1,890	1,890	1,890	
19,202	6,988	-187	26,003	17,981	Total Direct State Services		17,130^(a)	16,834	16,834

PUBLIC ADVOCATE

Orig. & (S)Supple- mental	Year Ending June 30, 2008				Prog. Class.	2009 Adjusted Approp.	Year Ending June 30, 2010	
	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended			Requested	Recom- mended
DIRECT STATE SERVICES								
Distribution by Fund and Object								
Personal Services:								
11,178	2,364 145 ^R	79	13,766	11,143				
					Salaries and Wages	10,099	10,099	10,099
<u>11,178</u>	<u>2,509</u>	<u>79</u>	<u>13,766</u>	<u>11,143</u>	<i>Total Personal Services</i>	<u>10,099</u>	<u>10,099</u>	<u>10,099</u>
219	58	30	307	199	Materials and Supplies	200	200	200
3,771	1,628	-300	5,099	2,901	Services Other Than Personal	3,353	3,353	3,353
571	243	-15	799	539	Maintenance and Fixed Charges	726	726	726
Special Purpose:								
697	45	215	957	941	Representation of Civilly Committed Sexual Offenders	03 956	956	956
2,523	1,973	-373	4,123	2,007	Child Advocate	09 1,647	1,351	1,351
243	532	177	952	251	Additions, Improvements and Equipment	149	149	149
<u>19,202</u>	<u>6,988</u>	<u>-187</u>	<u>26,003</u>	<u>17,981</u>	<i>Grand Total State Appropriation</i>	<u>17,130</u>	<u>16,834</u>	<u>16,834</u>
OTHER RELATED APPROPRIATIONS								
Federal Funds								
223	---	---	223	223	Mental Health Advocacy	03 223	223	223
1,427	54	---	1,481	909	Elder Advocacy	04 1,427	1,427	1,427
<u>1,650</u>	<u>54</u>	<u>---</u>	<u>1,704</u>	<u>1,132</u>	<i>Total Federal Funds</i>	<u>1,650</u>	<u>1,650</u>	<u>1,650</u>
All Other Funds								
---	111 447 ^R	---	558	329	Citizen Relations	01 409	409	409
---	133 ^R	---	133	133	Rate Counsel	08 149	149	149
---	691	---	691	462	<i>Total All Other Funds</i>	<u>558</u>	<u>558</u>	<u>558</u>
<u>20,852</u>	<u>7,733</u>	<u>-187</u>	<u>28,398</u>	<u>19,575</u>	<i>GRAND TOTAL ALL FUNDS</i>	<u>19,338</u>	<u>19,042</u>	<u>19,042</u>

Notes -- Direct State Services - General Fund

(a) The fiscal year 2009 appropriation has been adjusted for the allocation of salary program, the annualized savings from the Early Retirement Incentive program and continued attrition, and the reallocation of procurement 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 C52:27EE-55).

To permit flexibility in the handling of appropriations to effectuate the provisions of P.L.2005, c.155 (C.52:27EE-1 et seq.), 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.