

DEPARTMENT OF THE PUBLIC ADVOCATE
OVERVIEW

Mission and Goals

In fiscal 2011 the Division of Administration (including the Office of the Public Advocate), the Office of Citizen Relations, the Division of Public Interest Advocacy, and the Division of Advocacy for the Developmentally Disabled will no longer be funded, representing the initiative to eliminate the Department. The functions of the Division of Elder Advocacy (including the Ombudsman for Institutionalized Elderly), Division of Citizen Relations (including the Office of Dispute Resolution and the Corrections Ombudsman), the Division of Rate Counsel, and the Division of Mental Health Advocacy will be assigned to other State agencies.

Budget Highlights

The Fiscal 2011 Budget for the Department of the Public Advocate totals \$12.2 million, a decrease of \$4.0 million, or 24.6%, under the fiscal 2010 adjusted appropriation of \$16.2 million. The recommendation includes savings from either abolishing functions of the Department of the Public Advocate or assigning them to other agencies.

Office of the Child Advocate

The New Jersey Office of the Child Advocate is an independent State agency that oversees issues affecting child safety. It is recommended that this office be abolished in fiscal 2011 because it provides duplicative State oversight.

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

Year Ending June 30, 2009						Year Ending June 30, 2011		
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended		2010 Adjusted Approp.	Requested	Recommended
16,966	4,758	9	21,733	16,470	GENERAL FUND			
					Direct State Services	16,158	12,191	12,191
16,966	4,758	9	21,733	16,470	Total General Fund	16,158	12,191	12,191
16,966	4,758	9	21,733	16,470	Total Appropriation, Department of the Public Advocate	16,158	12,191	12,191

SUMMARY OF APPROPRIATIONS BY PROGRAM
(thousands of dollars)

Year Ending June 30, 2009						Year Ending June 30, 2011		
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended		2010 Adjusted Approp.	Requested	Recommended
DIRECT STATE SERVICES - GENERAL FUND								
Protection of Citizens' Rights								
1,705	234	-208	1,731	1,374	Citizen Relations	1,400	1,400	1,400
3,393	32	596	4,021	3,915	Mental Health Advocacy	4,103	4,103	4,103
1,357	3	-95	1,265	1,129	Elder Advocacy	1,151	1,151	1,151
1,274	61	-190	1,145	1,052	Public Interest Advocacy	1,066	1,066	1,066
149	20	-59	110	59	Advocacy for the Developmentally Disabled	67	67	67
5,674	1,899	---	7,573	5,749	Rate Counsel	5,771	5,771	5,771
1,768	2,118	-225	3,661	1,349	Child Advocate	1,351	1,351	1,351
1,646	391	190	2,227	1,843	Management and Administrative Services	1,249	-2,718	-2,718
16,966	4,758	9	21,733	16,470	Subtotal	16,158	12,191	12,191
16,966	4,758	9	21,733	16,470	Total Direct State Services - General Fund	16,158	12,191	12,191
16,966	4,758	9	21,733	16,470	TOTAL DIRECT STATE SERVICES	16,158	12,191	12,191
16,966	4,758	9	21,733	16,470	Total Appropriation, Department of the Public Advocate	16,158	12,191	12,191

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

OBJECTIVES

1. 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.
2. To promote, advocate, and ensure the welfare of elderly citizens and to administer services in order to provide a better quality of life.
3. To continue to serve as an effective and visible advocate for institutionalized persons with mental illness.
4. To represent and ensure New Jersey ratepayers fair rate increases and services for regulated utilities, auto, and health insurance.
5. To provide legal representation to protect the rights of any public group or interest.
6. To provide assistance and resolve complaints about correctional institutions from inmates and their families.

PROGRAM CLASSIFICATIONS

01. **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, and maintains records indicating the final disposition of any complaint forwarded by the Division to an agency. The Division includes the Office of Citizen Relations, which investigates citizen complaints to determine if any governmental activities are unreasonable, unfair, oppressive, potentially discriminatory, or inefficient. For fiscal 2011, it is recommended that this office be consolidated into another agency where similar functions are performed.

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 that 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. For fiscal 2011, it is recommended that this office be relocated into another agency.

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. For fiscal 2011, it is recommended that this office be relocated into another agency.

03. **Division of Mental Health Advocacy.** Promotes, advocates, and ensures 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. For fiscal 2011, it is recommended that this division be relocated into another agency.
04. **Division of Elder Advocacy.** Primary purpose is protecting 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, and 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.

For fiscal 2011, it is recommended that this division be relocated into another agency.

05. **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. For fiscal 2011, it is recommended that this division be abolished.
07. **Division of Advocacy for the Developmentally Disabled.** Promotes, advocates, and ensures 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. For fiscal 2011, it is recommended that this division be abolished.
08. **Division of Rate Counsel.** Represents New Jersey ratepayers before regulatory and legal tribunals and decision-making bodies, and establishes 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.

For fiscal 2011, it is recommended that this division be relocated into another agency.

09. **Office of the Child Advocate.** Allocated within the Department of the Public Advocate, this Office 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. For fiscal 2011, it is recommended that this office be abolished.

99. **Management and Administrative Services.** The Division of Administration, which includes the Office of the Public Advocate, provides the Public Advocate both 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. For fiscal 2011, it is recommended that this division, to include the Office of the Public Advocate, be abolished.

EVALUATION DATA

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
PROGRAM DATA				
Division of Citizens Relations				
Office of Dispute Settlement				
Court Mediation	48	43	45	45
Utility Act Mediation	100	104	110	110
Residential Warranty Arbitrations	223	147	200	200
New Home Warranty Arbitrations	243	211	250	275
OPRA	78	70	70	70
NJ Home Owner Warranty Programs	---	5	50	80
Postal Mediations	---	5	8	8
Equal Employment Opportunity Commission (EEOC)	---	---	5	5
Office of the Corrections Ombudsperson				
Cases Processed	9,525	10,157	10,157	10,157
Dispositions per Representatives	1,905	2,539	2,031	2,031
Number of Representatives	5	4	5	5
Telephone Contacts	6,447	6,900	6,900	6,900
Correspondence	2,329	2,484	2,484	2,484
Other	749	841	841	841
Office of Citizen Relations				
Cases July 1	2,580	4,294	5,640	6,592
Added	1,964	1,659	1,248	1,750
Closed	250	313	296	460
Cases June 30	4,294	5,640	6,592	7,882
Dispositions per Representatives	715	1,128	1,318	1,576
Number of Representatives	6	5	5	5
Division of Mental Health Advocacy				
Mental Health Screening Services				
Regional Representation (Civil Commitment)				
Cases Added	18,963	17,909	18,000	19,000
Cases Closed	16,579	16,638	16,500	17,500
Dispositions per staff attorney	1,185	1,119	1,100	1,100
Sexual Offender Representation (Civil Commitment)				
Active Cases	370	422	430	430
Division of Elder Advocacy				
Office of the Ombudsperson				
Institutionalized elderly	125,000	125,000	125,000	125,000
On-site investigations:				
Involving patient funds	662	749	756	756
Involving care/abuse/neglect	7,296	7,143	7,857	7,857
Nursing homes visited	5,930	5,539	6,093	6,093
Boarding homes visited	1,241	1,457	1,603	1,603
Other facilities visited	125	147	162	162
Residential health care/psychiatric and development centers visits	100	103	113	113
Cases referred to enforcement agencies	477	551	606	606

PUBLIC ADVOCATE

	Actual FY 2008	Actual FY 2009	Revised FY 2010	Budget Estimate FY 2011
Rate Counsel				
Utility Cases				
Electric	177	169	180	195
Gas	104	93	110	120
Telephone	909	417	300	250
Water/Sewer	119	100	110	125
Other Utility Matters				
Electric	8	8	10	11
Gas	6	6	8	8
Telephone	6	6	8	8
Water/Sewer	2	2	6	8
Federal Energy Regulation Commission (FERC)	22	37	45	50
Generic	55	57	60	60
Cable Television				
Cable Television (w/Generic Cable)	282	271	250	250

PERSONNEL DATA

Affirmative Action Data

Male Minority	23	14	14	14
Male Minority %	11.9	8.2	8.6	11.8
Female Minority	49	54	50	50
Female Minority %	25.4	31.8	30.9	42
Total Minority	72	68	64	64
Total Minority %	37.3	40	39.5	53.8

Position Data

Filled Positions by Funding Source

State Supported	153	135	127	85
Federal	2	2	1	2
All Other	38	33	34	32
Total Positions	193	170	162	119

Filled Positions by Program Class

Division of Citizen Relations	22	19	22	14
Division of Mental Health Advocacy	58	54	54	52
Division of Elder Advocacy	24	23	25	22
Division of Public Interest Advocacy	16	11	8	---
Division of Advocacy for the Developmentally Disabled	3	1	---	---
Division of Rate Counsel	36	32	33	31
Office of the Child Advocate	22	16	15	---
Division of Administration	12	14	5	---
Total Positions	193	170	162	119

Notes:

Actual payroll counts are reported for fiscal years 2008 and 2009 as of December and revised fiscal year 2010 as of January. The Budget Estimate for fiscal year 2011 reflects the number of positions funded, including a reduction for the savings and efficiencies from the consolidation of the Department.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2009					Year Ending June 30, 2011				
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recommended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
1,705	234	-208	1,731	1,374	01	1,400	1,400	1,400	
3,393	32	596	4,021	3,915	03	4,103	4,103	4,103	
1,357	3	-95	1,265	1,129	04	1,151	1,151	1,151	
1,274	61	-190	1,145	1,052	05	1,066	1,066	1,066	
149	20	-59	110	59	07	67	67	67	
5,674	1,899	---	7,573	5,749	08	5,771	5,771	5,771	

PUBLIC ADVOCATE

Year Ending June 30, 2009					Year Ending June 30, 2011			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2010 Adjusted Approp.	Requested	Recommended
DIRECT STATE SERVICES								
1,768	2,118	-225	3,661	1,349	09	1,351	1,351	1,351
1,646	391	190	2,227	1,843	99	1,249	1,249	1,249
16,966	4,758	9	21,733	16,470		16,158 ^(a)	16,158	16,158
---	---	---	---	---	<i>Less:</i>			
---	---	---	---	---		---	(3,967)	(3,967)
16,966	4,758	9	21,733	16,470		---	(3,967)	(3,967)
Total State Appropriation						16,158	12,191	12,191
Distribution by Fund and Object								
Personal Services:								
10,631	1,348	-693	11,286	9,659		9,628	9,628	9,628
10,631	1,348	-693	11,286	9,659		9,628	9,628	9,628
219	76	52	347	156		200	200	200
2,684	363	774	3,821	3,769		3,148	3,148	3,148
571	106	55	732	535		726	726	726
Special Purpose:								
850	---	132	982	982				
					03	956	956	956
1,768	2,118	-225	3,661	1,349	09	1,351	1,351	1,351
243	747	-86	904	20				
---	---	---	---	---		149	149	149
16,966	4,758	9	21,733	16,470		---	(3,967)	(3,967)
Grand Total State Appropriation						16,158	12,191	12,191
OTHER RELATED APPROPRIATIONS								
Federal Funds								
223	---	---	223	223	03	223	223	223
1,427	167	---	1,594	1,200	04	1,427	1,427	1,427
1,650	167	---	1,817	1,423		1,650	1,650	1,650
All Other Funds								
---	261	20	645	307	01	341	341	341
---	364 ^R	---	107	107	08	149	149	149
---	107 ^R	---	752	414		490	490	490
18,616	5,657	29	24,302	18,307		18,298	14,331	14,331

Notes -- Direct State Services - General Fund

- (a) The fiscal year 2010 appropriation has been adjusted for the allocation of salary program, the annualized savings from continued attrition, and the reallocation of management and procurement efficiencies.
- (b) The fiscal 2011 deduction reflects savings from functions of the Department of the Public Advocate that either were abolished, relocated to other agencies, or consolidated into other agencies where similar functions are performed.

Language Recommendations -- Direct State Services - General Fund

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 C.52:27EE-55).

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.