

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3117
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: FEBRUARY 27, 2023

SUMMARY

Synopsis: Clarifies juvenile’s right to attorney representation; requires 12-month judicial review hearing when juvenile is placed out-of-home.

Type of Impact: Annual State expenditure increase.

Agencies Affected: The Judiciary; Office of the Public Defender.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill will result in indeterminate annual State expenditure increases due to the requirements concerning attorney representation for juveniles and out-of-home placement in juvenile delinquency cases.
- More specifically, the implementation of the bill’s provisions will result in an indeterminate expenditure increase for the Judiciary and the Office of the Public Defender due to increased workload. Under this bill, the Office of the Public Defender will have to provide increased attorney representation to juveniles, which may require additional time and resources of the office. The bill further requires that the court conduct subsequent placement review hearings every 12 months throughout the duration of any out-of-home placement ordered by the court. This will result in increased workload for the Judiciary. The OLS does not have any further information to quantify the exact fiscal impact of this bill.

BILL DESCRIPTION

This bill clarifies that a juvenile has a right to an attorney during every court appearance by the juvenile, any interrogation, identification procedure, or other investigative activity undertaken by law enforcement or prosecutorial personnel subsequent to the filing of the complaint; and the duration of any dispositional order entered by the court.

In addition, this bill establishes that when a court requires out-of-home placement of child in a delinquency case, the court shall conduct a placement review hearing no later than 12 months

after entry of the dispositional order. Under current law, although young people are routinely sentenced to serve three or more years in State custody, there is no court oversight of out-of-home placements in juvenile delinquency cases unless a specific request is made of the court.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the implementation of the bill's provisions will result in an indeterminate annual expenditure increase for the State. Under current law, a juvenile has a right to an attorney at every critical stage of a court proceeding in a delinquency case. This bill clarifies that a juvenile has a right to an attorney during every court appearance by the juvenile, any interrogation, identification procedure, or other investigative activity undertaken by law enforcement or prosecutorial personnel subsequent to the filing of the complaint; and the duration of any dispositional order entered by the court. The OLS finds that this may result in increased workload for the Office of the Public Defender to provide attorney services to juveniles.

The bill allows the court to modify the dispositional order based on the factors considered during the placement review hearing. The bill further requires that the court conduct subsequent placement review hearings every 12 months throughout the duration of any out-of-home placement ordered by the court. According to data made available on Rutgers University's School of Social Work website, 1,568 children entered out-of-home placement in calendar year 2021. The OLS finds that the placement review provision may require significant bench time of the courts to review the treatment, care, and custody status of the juveniles. The OLS does not have any further information on how many juveniles are placed out-of-home for longer than a 12-month period.

Section: *Judiciary*

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 Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).