

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3117

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 2, 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 a placement review no later than 12 months after entry of the dispositional order and may conduct a formal hearing if so requested by the juvenile or ordered by the court. This will result in increased bench time and workload of the Judiciary. The OLS does not have any further information to quantify the exact fiscal impact of this bill.

BILL DESCRIPTION

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, including all post dispositional appearances; and any

interrogation, identification procedure, or other investigative activity undertaken by law enforcement or prosecutorial personnel subsequent to the filing of the complaint.

In addition, the bill establishes that when a court requires out-of-home placement of a child in a delinquency case, the court shall conduct a placement review no later than 12 months after entry of the dispositional order and may conduct a formal hearing if so requested by the juvenile or ordered by the court. Under current law, there is no court oversight of out-of-home placements in juvenile delinquency cases unless a specific request is made of the court.

The bill provides that during the review, the court is to review the treatment, care, and custody status of the juvenile, including the mental health, substance abuse, educational, and other rehabilitative services provided to promote the juvenile's successful reintegration into the community; and determine whether the placement continues to be consistent with the factors weighed in determining the original disposition of the juvenile. The bill further provides that the court may conduct subsequent placement reviews every 12 months throughout the duration of any out-of-home placement ordered by the court if so requested by the juvenile.

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 and defines "critical stage of a court proceeding" as every court appearance by the juvenile, including all post dispositional appearances; and any interrogation, identification procedure, or other investigative activity involving the juvenile taken by law enforcement or prosecutorial personnel subsequent to the filing of the complaint. The OLS finds that this may result in increased workload for the Office of the Public Defender to provide attorney services to juveniles during the critical stages of court proceedings enumerated above. However, the OLS does not have sufficient information to quantify the fiscal impact due to the increased workload of the office.

The bill requires that the court conduct a placement review no later than 12 months after entry of the dispositional order and may conduct a formal hearing if so requested by the juvenile or ordered by the court. According to data made available on the Rutgers University 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. Further, the courts are required to review the treatment, care, and custody status of the juvenile, including the mental health, substance abuse, educational, and other rehabilitative services provided to promote the juvenile's successful reintegration into the community, which will require additional time and resources of the courts. The bill also provides that subsequent placement reviews may be conducted by the court at least once every 12 months during the duration of any out-of-home placement if so requested by the juvenile. 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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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.).