

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3117

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3117.

As amended, 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 as amended 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 amended bill establishes that when a court requires out-of-home placement of 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, 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.

This provision would amend the current law in New Jersey to be consistent with Key Principle No. 13 of the National Council of Juvenile and Family Court Judges' *Juvenile Delinquency Guidelines* (2005), which states: "Juvenile Delinquency Court Judges Should Ensure Effective Post-Disposition Review Is Provided to Each Delinquent Youth as Long as the Youth is Involved in any Component of the Juvenile Justice System." Such reviews are essential to monitor compliance with the court's dispositional orders, to ascertain whether the difficulties that led young people into state custody are being addressed by the placement agency, and to ensure that out-of-home placement continues to be appropriate. Such hearings are required in a number of other states, including New York and Pennsylvania.

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 allows the court to modify the disposition based on the factors considered during the review. 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.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) change the definition of “critical stage of a court proceeding” to provide that the phrase shall include 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;

2) change the term “placement review hearing” to “placement review” and provide that the court may conduct a formal hearing if requested by the juvenile or ordered by the court;

3) Delete the provision requiring the court to determine whether the placement agency is providing mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile’s successful reintegration into the community; replace this provision with a requirement that the court 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

4) provide 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.

FISCAL IMPACT

Fiscal information for this bill is currently unavailable.