

## CHAPTER 257

AN ACT concerning juvenile justice and amending P.L.1982, c.77.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. Section 20 of P.L.1982, c.77 (C.2A:4A-39) is amended to read as follows:

C.2A:4A-39 Right to counsel.

20. a. A juvenile shall have the right, as provided by the Rules of Court, to be represented by counsel at every critical stage of a court proceeding. For the purposes of this act “critical stage of a court proceeding” shall include, but not be limited to: every court appearance by the juvenile, including all post dispositional appearances; and any interrogation, identification procedure, or other investigative activity involving the juvenile undertaken by law enforcement or prosecutorial personnel subsequent to the filing of the complaint.

b. During every critical stage of a court proceeding in a delinquency case provided under subsection a. of this section, the waiving of any right afforded to a juvenile shall be accomplished in the following manner:

(1) A juvenile who is found to have mental capacity may not waive any rights except in the presence of and after consultation with counsel, and unless a parent has first been afforded a reasonable opportunity to consult with the juvenile and the juvenile's counsel regarding this decision. The parent or guardian may not waive the rights of a juvenile found to have mental capacity.

(2) Any such waiver shall be executed in writing or recorded. Before the court may accept a waiver, the court shall question the juvenile and the juvenile's counsel to determine if the juvenile is knowingly, willingly, and voluntarily waiving any right. If the court finds after questioning the juvenile that the waiver is not being made voluntarily and intelligently, the waiver shall be denied.

(3) A juvenile who is found to lack mental capacity may not waive any right. A guardian ad litem shall be appointed for the juvenile who may waive rights after consultation with the juvenile and the juvenile's counsel.

(4) Waivers shall be executed in the language regularly spoken by the juvenile.

2. This act shall take effect immediately.

Approved January 12, 2024.