

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3117

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 2023

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3117.

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.

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.

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 placement hearing, the court is to review the treatment, care, and custody status of the juvenile; determine whether the placement agency is providing those mental health, substance abuse, educational, and other rehabilitative services necessary 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 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.