

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 269**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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ADOPTED MAY 18, 2023

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Clarifies juvenile's right to attorney representation.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 21, 2023.



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

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

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

8       20. a. A juvenile shall have the right, as provided by the Rules  
9 of Court, to be represented by counsel at every critical stage **[in**  
10 **the]** of a court proceeding [which, in the opinion of the court may  
11 result in the institutional commitment of the juvenile]. For the  
12 purposes of this act “critical stage of a court proceeding” shall  
13 include <sup>1</sup>, but not be limited to<sup>1</sup> : every court appearance by the  
14 juvenile, including all post dispositional appearances; and any  
15 interrogation, identification procedure, or other investigative  
16 activity involving the juvenile undertaken by law enforcement or  
17 prosecutorial personnel subsequent to the filing of the complaint.

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

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

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

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

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

41 (cf: P.L.2013, c.103, s.1)

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43       2. This act shall take effect immediately.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate floor amendments adopted December 21, 2023.