

ASSEMBLY, No. 1630

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblywoman BUONO and Assemblyman Barnes

1 AN ACT concerning juvenile delinquency and amending P.L.1982,  
2 c.77.

3

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

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7 1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to read  
8 as follows:

9 24. Disposition of delinquency cases. a. In determining the  
10 appropriate disposition for a juvenile adjudicated delinquent the court  
11 shall weigh the following factors:

12 (1) The nature and circumstances of the offense;

13 (2) The degree of injury to persons or damage to property caused  
14 by the juvenile's offense;

15 (3) The juvenile's age, previous record, prior social service  
16 received and out-of-home placement history;

17 (4) Whether the disposition supports family strength, responsibility  
18 and unity and the well-being and physical safety of the juvenile;

19 (5) Whether the disposition provides for reasonable participation  
20 by the child's parent, guardian, or custodian, provided, however, that  
21 the failure of a parent or parents to cooperate in the disposition shall  
22 not be weighed against the juvenile in arriving at an appropriate  
23 disposition;

24 (6) Whether the disposition recognizes and treats the unique  
25 physical, psychological and social characteristics and needs of the  
26 child;

27 (7) Whether the disposition contributes to the developmental needs  
28 of the child, including the academic and social needs of the child where  
29 the child has mental retardation or learning disabilities; and

30 (8) Any other circumstances related to the offense and the  
31 juvenile's social history as deemed appropriate by the court.

32 b. If a juvenile is adjudged delinquent, and except to the extent that  
33 an additional specific disposition is required pursuant to subsection e.  
34 or f. of this section, the court may order incarceration pursuant to

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

**Matter underlined thus is new matter.**

1 section 25 of P.L.1982, c.77(C.2A:4A-44) or any one or more of the  
2 following dispositions:

3 (1) Adjourn formal entry of disposition of the case for a period not  
4 to exceed 12 months for the purpose of determining whether the  
5 juvenile makes a satisfactory adjustment, and if during the period of  
6 continuance the juvenile makes such an adjustment, dismiss the  
7 complaint; provided that if the court adjourns formal entry of  
8 disposition of delinquency for a violation of an offense defined in  
9 chapter 35 or 36 of Title 2C, of the New Jersey Statutes the court  
10 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but may  
11 waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
12 juveniles adjudicated delinquent;

13 (2) Release the juvenile to the supervision of the juvenile's parent  
14 or guardian;

15 (3) Place the juvenile on probation to the chief probation officer of  
16 the county or to any other suitable person who agrees to accept the  
17 duty of probation supervision for a period not to exceed three years  
18 upon such written conditions as the court deems will aid rehabilitation  
19 of the juvenile;

20 (4) Transfer custody of the juvenile to any relative or other person  
21 determined by the court to be qualified to care for the juvenile;

22 (5) Place the juvenile under the care of the Department of Human  
23 Services under the responsibility of the Division of Youth and Family  
24 Services pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the  
25 purpose of providing services in or out of the home. Within 14 days,  
26 unless for good cause shown, but not later than 30 days, the  
27 Department of Human Services shall submit to the court a service  
28 plan, which shall be presumed valid, detailing the specifics of any  
29 disposition order. The plan shall be developed within the limits of  
30 fiscal and other resources available to the department. If the court  
31 determines that the service plan is inappropriate, given existing  
32 resources, the department may request a hearing on that  
33 determination;

34 (6) Place the juvenile under the care and custody of the  
35 Commissioner of the Department of Human Services for the purpose  
36 of receiving the services of the Division of Developmental Disabilities  
37 of that department, provided that the juvenile has been determined to  
38 be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

39 (7) Commit the juvenile, pursuant to applicable laws and the Rules  
40 of Court governing civil commitment, to the Department of Human  
41 Services under the responsibility of the Division of Mental Health  
42 Services for the purpose of placement in a suitable public or private  
43 hospital or other residential facility for the treatment of persons who  
44 are mentally ill, on the ground that the juvenile is in need of  
45 involuntary commitment;

46 (8) Fine the juvenile an amount not to exceed the maximum

1 provided by law for such a crime or offense if committed by an adult  
2 and which is consistent with the juvenile's income or ability to pay and  
3 financial responsibility to the juvenile's family, provided that the fine  
4 is specially adapted to the rehabilitation of the juvenile or to the  
5 deterrence of the type of crime or offense. If the fine is not paid due  
6 to financial limitations, the fine may be satisfied by requiring the  
7 juvenile to submit to any other appropriate disposition provided for in  
8 this section;

9 (9) Order the juvenile to make restitution to a person or entity who  
10 has suffered loss resulting from personal injuries or damage to  
11 property as a result of the offense for which the juvenile has been  
12 adjudicated delinquent. The court may determine the reasonable  
13 amount, terms and conditions of restitution. If the juvenile  
14 participated in the offense with other persons, the participants shall be  
15 jointly and severally responsible for the payment of restitution. The  
16 court shall not require a juvenile to make full or partial restitution if  
17 the juvenile reasonably satisfies the court that the juvenile does not  
18 have the means to make restitution and could not reasonably acquire  
19 the means to pay restitution;

20 (10) Order that the juvenile perform community services under the  
21 supervision of a probation division or other agency or individual  
22 deemed appropriate by the court. Such services shall be compulsory  
23 and reasonable in terms of nature and duration. Such services may be  
24 performed without compensation, provided that any money earned by  
25 the juvenile from the performance of community services may be  
26 applied towards any payment of restitution or fine which the court has  
27 ordered the juvenile to pay;

28 (11) Order that the juvenile participate in work programs which are  
29 designed to provide job skills and specific employment training to  
30 enhance the employability of job participants. Such programs may be  
31 without compensation, provided that any money earned by the juvenile  
32 from participation in a work program may be applied towards any  
33 payment of restitution or fine which the court has ordered the juvenile  
34 to pay;

35 (12) Order that the juvenile participate in programs emphasizing  
36 self-reliance, such as intensive outdoor programs teaching survival  
37 skills, including but not limited to camping, hiking and other  
38 appropriate activities;

39 (13) Order that the juvenile participate in a program of academic  
40 or vocational education or counseling, such as a youth service bureau,  
41 requiring attendance at sessions designed to afford access to  
42 opportunities for normal growth and development. This may require  
43 attendance after school, evenings and weekends;

44 (14) Place the juvenile in a suitable residential or nonresidential  
45 program for the treatment of alcohol or narcotic abuse, provided that  
46 the juvenile has been determined to be in need of such services; or

1 (15) Order the parent or guardian of the juvenile to participate in  
2 appropriate programs or services when the court has found either that  
3 such person's omission or conduct was a significant contributing factor  
4 towards the commission of the delinquent act, or, under its authority  
5 to enforce litigant's rights, that such person's omission or conduct has  
6 been a significant contributing factor towards the ineffective  
7 implementation of a court order previously entered in relation to the  
8 juvenile. Such programs shall include, but not be limited to, an  
9 appropriate program of instructional classes in parenting and conflict  
10 resolution and training programs which emphasize parental  
11 involvement in school-related issues and interaction among parents,  
12 teachers and administrators, and which provide guidance to ensure that  
13 the parent or guardian communicates with the child's teacher regarding  
14 the child's academic performance, reviews and comments on each  
15 school report card issued for that child, makes a reasonable effort to  
16 ensure the child's timely completion of homework assignments, and  
17 otherwise participates in school-related activities which will further the  
18 child's education;

19 (16) (a) Place the juvenile in a nonresidential program operated by  
20 a public or private agency, providing intensive services to juveniles for  
21 specified hours, which may include education, counseling to the  
22 juvenile and the juvenile's family if appropriate, vocational training,  
23 employment counseling, work or other services; or

24 (b) Place the juvenile under the custody of the Juvenile Justice  
25 Commission established pursuant to section 2 of P.L.1995, c.284  
26 (C.52:17B-170) for placement with any private group home or private  
27 residential facility with which the commission has entered into a  
28 purchase of service contract;

29 (17) Instead of or in addition to any disposition made according to  
30 this section, the court may postpone, suspend, or revoke for a period  
31 not to exceed two years the driver's license, registration certificate, or  
32 both of any juvenile who used a motor vehicle in the course of  
33 committing an act for which the juvenile was adjudicated delinquent.  
34 In imposing this disposition and in deciding the duration of the  
35 postponement, suspension, or revocation, the court shall consider the  
36 severity of the delinquent act and the potential effect of the loss of  
37 driving privileges on the juvenile's ability to be rehabilitated. Any  
38 postponement, suspension, or revocation shall be imposed  
39 consecutively with any custodial commitment;

40 (18) Order that the juvenile satisfy any other conditions reasonably  
41 related to the rehabilitation of the juvenile; or

42 (19) Order a parent or guardian who has failed or neglected to  
43 exercise reasonable supervision or control of a juvenile who has been  
44 adjudicated delinquent to make restitution to any person or entity who  
45 has suffered a loss as a result of that offense. The court may  
46 determine the reasonable amount, terms and conditions of restitution.

1 c. (1) Except as otherwise provided in subsections e. and f. of this  
2 section, if the county in which the juvenile has been adjudicated  
3 delinquent has a juvenile detention facility meeting the physical and  
4 program standards established pursuant to this subsection by the  
5 Juvenile Justice Commission, the court may, in addition to any of the  
6 dispositions not involving placement out of the home enumerated in  
7 this section, incarcerate the juvenile in the youth detention facility in  
8 that county for a term not to exceed 60 consecutive days. Counties  
9 which do not operate their own juvenile detention facilities may  
10 contract for the use of approved commitment programs with counties  
11 with which they have established agreements for the use of  
12 pre-disposition juvenile detention facilities. The Juvenile Justice  
13 Commission shall promulgate such rules and regulations from time to  
14 time as deemed necessary to establish minimum physical facility and  
15 program standards for the use of juvenile detention facilities pursuant  
16 to this subsection.

17 (2) No juvenile may be incarcerated in any county detention facility  
18 unless the county has entered into an agreement with the Juvenile  
19 Justice Commission concerning the use of the facility for sentenced  
20 juveniles. Upon agreement with the county, the Juvenile Justice  
21 Commission shall certify detention facilities which may receive  
22 juveniles sentenced pursuant to this subsection and shall specify the  
23 capacity of the facility that may be made available to receive such  
24 juveniles; provided, however, that in no event shall the number of  
25 juveniles incarcerated pursuant to this subsection exceed 50% of the  
26 maximum capacity of the facility.

27 (3) The court may fix a term of incarceration under this subsection  
28 where:

29 (a) The act for which the juvenile was adjudicated delinquent, if  
30 committed by an adult, would have constituted a crime or repetitive  
31 disorderly persons offense;

32 (b) Incarceration of the juvenile is consistent with the goals of  
33 public safety, accountability and rehabilitation and the court is clearly  
34 convinced that the aggravating factors substantially outweigh the  
35 mitigating factors as set forth in section 25 of P.L.1982, c.77  
36 (C.2A:4A-44); and

37 (c) The detention facility has been certified for admission of  
38 adjudicated juveniles pursuant to paragraph (2).

39 (4) If as a result of incarceration of adjudicated juveniles pursuant  
40 to this subsection, a county is required to transport a predisposition  
41 juvenile to a juvenile detention facility in another county, the costs of  
42 such transportation shall be borne by the Juvenile Justice Commission.

43 d. Whenever the court imposes a disposition upon an adjudicated  
44 delinquent which requires the juvenile to perform a community service,  
45 restitution, or to participate in any other program provided for in this  
46 section other than subsection c., the duration of the juvenile's

1 mandatory participation in such alternative programs shall extend for  
2 a period consistent with the program goal for the juvenile and shall in  
3 no event exceed one year beyond the maximum duration permissible  
4 for the delinquent if the juvenile has been committed to a term of  
5 incarceration.

6 e. In addition to any disposition the court may impose pursuant to  
7 this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the  
8 following orders shall be included in dispositions of the adjudications  
9 set forth below:

10 (1) An order of incarceration for a term of the duration authorized  
11 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)  
12 or an order to perform community service pursuant to paragraph (10)  
13 of subsection b. of this section for a period of at least 60 days, if the  
14 juvenile has been adjudicated delinquent for an act which, if committed  
15 by an adult, would constitute the crime of theft of a motor vehicle, or  
16 the crime of unlawful taking of a motor vehicle in violation of  
17 subsection c. of N.J.S.2C:20-10, or the third degree crime of eluding  
18 in violation of subsection b. of N.J.S.2C:29-2;

19 (2) An order of incarceration for a term of the duration authorized  
20 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)  
21 which shall include a minimum term of 60 days during which the  
22 juvenile shall be ineligible for parole, if the juvenile has been  
23 adjudicated delinquent for an act which, if committed by an adult,  
24 would constitute the crime of aggravated assault in violation of  
25 paragraph (6) of subsection b. of N.J.S.2C:12-1, the second degree  
26 crime of eluding in violation of subsection b. of N.J.S.2C:29-2, or  
27 theft of a motor vehicle, in a case in which the juvenile has previously  
28 been adjudicated delinquent for an act, which if committed by an adult,  
29 would constitute unlawful taking of a motor vehicle or theft of a motor  
30 vehicle;

31 (3) An order to perform community service pursuant to paragraph  
32 (10) of subsection b. of this section for a period of at least 30 days, if  
33 the juvenile has been adjudicated delinquent for an act which, if  
34 committed by an adult, would constitute the fourth degree crime of  
35 unlawful taking of a motor vehicle in violation of subsection b. of  
36 N.J.S.2C:20-10;

37 (4) An order of incarceration for a term of the duration authorized  
38 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)  
39 which shall include a minimum term of 30 days during which the  
40 juvenile shall be ineligible for parole, if the juvenile has been  
41 adjudicated delinquent for an act which, if committed by an adult,  
42 would constitute the crime of unlawful taking of a motor vehicle in  
43 violation of N.J.S.2C:20-10 or the third degree crime of eluding in  
44 violation of subsection b. of N.J.S.2C:29-2, and if the juvenile has  
45 previously been adjudicated delinquent for an act which, if committed  
46 by an adult, would constitute either theft of a motor vehicle, the

1 unlawful taking of a motor vehicle or eluding.

2 f. (1) The minimum terms of incarceration required pursuant to  
3 subsection e. of this section shall be imposed regardless of the weight  
4 or balance of factors set forth in this section or in section 25 of  
5 P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of those  
6 factors shall determine the length of the term of incarceration  
7 appropriate, if any, beyond any mandatory minimum term required  
8 pursuant to subsection e. of this section.

9 (2) When a court in a county that does not have a juvenile  
10 detention facility or a contractual relationship permitting incarceration  
11 pursuant to subsection c. of this section is required to impose a term  
12 of incarceration pursuant to subsection e. of this section, the court  
13 may, subject to limitations on commitment to State correctional  
14 facilities of juveniles who are under the age of 11 or developmentally  
15 disabled, set a term of incarceration consistent with subsection c.  
16 which shall be served in a State correctional facility. When a juvenile  
17 who because of age or developmental disability cannot be committed  
18 to a State correctional facility or cannot be incarcerated in a county  
19 facility, the court shall order a disposition appropriate as an alternative  
20 to any incarceration required pursuant to subsection e.

21 (3) For purposes of subsection e. of this section, in the event that  
22 a "boot camp" program for juvenile offenders should be developed and  
23 is available, a term of commitment to such a program shall be  
24 considered a term of incarceration.

25 (cf: 1995, c.280, s.10)

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27 2. This act shall take effect immediately.

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#### STATEMENT

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32 This bill would authorize the family court, under certain  
33 circumstances, to order a juvenile's parent or guardian to participate  
34 in instructional classes in parenting and conflict resolution and training  
35 programs which emphasize parental involvement in school-related  
36 issues.

37 The bill provides that, in the disposition of a juvenile delinquency  
38 case, the court may order the juvenile's parent or guardian to  
39 participate in an appropriate program of instructional classes in  
40 parenting and conflict resolution and training programs which  
41 emphasize parental involvement in school-related issues where it has  
42 found that the parent or guardian's omission or conduct was a  
43 significant contributing factor towards the commission of the  
44 delinquent act or a significant contributing factor towards the  
45 ineffective implementation of a previous court order concerning the  
46 juvenile.

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3 Authorizes family court, under certain circumstances, to order

4 juvenile's parent or guardian to participate in classes in parenting and

5 conflict resolution.