

NEW JERSEY

DELINQUENCY SERVICES SUMMARY

New Jersey is a combination state. With the exception of secure detention, the state operates most delinquency services for youth in New Jersey. However, responsibility is divided between the state judicial and state executive branches.

TRANSFER LAWS

New Jersey has the following transfer provisions:

- Discretionary Waiver
- Presumptive Waiver
- Mandatory Waiver
- Statutory Exclusion
- Reverse Waiver
- Direct File
- Once an Adult, Always an Adult
- Juvenile Blended Sentencing
- Criminal Blended Sentencing

PURPOSE CLAUSE

New Jersey's purpose clause reflects Balanced and Restorative Justice (BARJ) philosophies. The BARJ movement advocates that juvenile courts give balanced attention to three primary interests: public safety, individual accountability to the victims and community, and the development in offenders of those skills necessary to live law-abiding and productive lives. It has some traces of the Standard Juvenile Court Act. Enacted in 1925 and revised numerous times, the Act proposed the idea that each child coming into court jurisdiction shall receive the care, guidance, and control that will be conducive to his welfare and to the best interest of the state. If the child is removed from the home, the court will provide care as equivalent as possible to that of his parents. It also shares some traces of a more elaborate, multi part purpose clause contained in the Legislative Guide for Drafting Family and Juvenile Court Acts, a publication issued by the Children's Bureau in the late 1960's.

DELINQUENCY JURISDICTION

Lower Age: None specified

Upper Age: 17

Extended Age : Extends until full term of the dispositional order.

DETERMINATE VS. INDETERMINATE

Commitments are for determinate terms set by statute and must not exceed the maximum sentences for crimes committed by adults.

TABLE OF CONTENTS

Detention.....	2
Diversion	2
Victim Rights.....	2
Commitment to Authority	2
Risk/Needs Assessment	2
Probation.....	3
Release.....	3
Aftercare & Reentry	3
Contacts.....	3

DETENTION

How is detention organized?

New Jersey has 17 juvenile detention centers across the state administered by county boards/ commissions, county executives/managers, and local sheriffs/police chiefs. A few counties share detention center services.

Who may be detained?

New Jersey law authorizes the court to detain youth alleged to be delinquent only if they are considered a danger to the community or if they are deemed a risk not to appear in court.

New Jersey law authorizes the sentencing of adjudicated delinquents to incarceration in secure county detention facilities for periods of up to 60 days. In addition, a court may sanction a violation of any disposition order by substituting "any other disposition which it might have made originally" -- presumably including, in appropriate cases, incarceration in a detention facility. Some youth are detained post-disposition while awaiting program placement. Alternatives to detention in New Jersey include electronic monitoring, in-home detention, shelters, and after-school reporting centers.

VICTIM RIGHTS AND SERVICES

Legislation passed in 2002 amended the definition of "victim" in the Crime Victims Bill of Rights to include persons who have suffered a loss or injury as a consequence of juvenile delinquency.

In each of the 21 county prosecutors' offices, a County Office of Victim-Witness Advocacy assists victims through the court process and helps them obtain necessary services.

DIVERSION

In lieu of signing a delinquency complaint, an officer may divert the case through several means which include releasing the youth to a responsible parent or guardian or conducting a station house adjustment. This is a diversionary program that the police department administers locally within a municipality. The Youth Services Commission coordinates these programs in many counties.

Juvenile Conference Committees (JCCs) and Intake Service Conferences (ISCs) are diversion procedures established by the court and used in select first and second minor offense cases. JCCs are comprised of community residents appointed by the court to review certain delinquency complaints. Both diversion procedures occur after the court has signed and filed delinquency complaints.

RISK/NEEDS ASSESSMENT

All committed adolescents are received by the JJC at the Juvenile Reception and Assessment Center, where they undergo a comprehensive physical, psychological, educational, vocational, and risk assessment.

No data is available as to the use of assessments in probation or detention decisions.

COMMITMENT TO AUTHORITY

Short of waiving juvenile offenders to the adult system, commitment to the Juvenile Justice Commission (JJC) for placement is the most severe disposition available to the Family Court. The Office of Juvenile Parole and Transition Services determines actual periods of confinement. For certain offense categories, the law sets minimum periods of incarceration. The average term for placement is two years.

As an alternative to committing youth to the Juvenile Justice Commission for placement, counties may place youth in local county-operated or independently operated facilities through the State Incentive Program.

PROBATION

Probation officers assigned to the Administrative Office of the Courts, Superior Court Probation Services Division supervise probationers in accordance with the court order and Probation Outcome Standards. Typically, the Vicinage Chief Probation Officer (VCPO) is in charge of the Probation Division (including juvenile supervision, adult supervision, and child support enforcement), with a Vicinage Assistant Chief Probation Officer (VACPO) overseeing juvenile supervision.

Probation supervision is the most common disposition and is often ordered together with other dispositions, such as performing community service or paying financial restitution. The Supreme Court, under the leadership of the chief justice, is responsible for setting statewide probation policy. There is no standard for probation caseload size; however, for specialized caseloads (such as domestic violence or sex offenders), Supreme Court guidelines limit caseloads to 50 probationers per officer.

Probation officers are state employees. Juvenile probation officer candidates must have a bachelor's degree in a related social service field and pass a Civil Service entry exam.

RELEASE AND AFTERCARE

Release

The Juvenile Justice Commission's Office of Juvenile Parole and Transitional Services is responsible for pre-release screening and evaluation of all juvenile offenders incarcerated in New Jersey, including juveniles in the state training schools and in certain community residential programs. Generally, the Office of Juvenile Parole and Transitional Services determines when an incarcerated juvenile may be released from confinement. However, where the Office intends to release a juvenile before one-third of the prescribed term of incarceration has been served, it must seek approval from the sentencing court, which has 30 days within which it may block the proposed release. In addition, the court may order an early release on its own: in any case in which a juvenile has been ordered incarcerated, the sentencing court retains jurisdiction for the duration of the incarceration, and may at any time substitute an alternate disposition not involving incarceration. Currently, there is not a risk/needs instrument used to make release decisions for committed juveniles.

Aftercare/Reentry

All of the adolescents released from JJC facilities are released to some form of juvenile justice system supervision and support. Youth committed to the Juvenile Justice Commission (JJC) are released to JJC's Office of Juvenile Parole and Transitional Services. Juvenile parole officers provide post-release parole/aftercare supervision.

CONTACTS:

Kylthia Roberts
Juvenile Justice Specialist
Juvenile Justice & Delinquency
Prevention Unit
P.O. 107
Trenton, NJ 08625
Phone: (609) 341-5019
kylthia.roberts@njjjc.org

The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of NCJJ.

Citation: National Center for Juvenile Justice. 2011. "New Jersey." *State Juvenile Justice Profiles*. Pittsburgh, PA: NCJJ. Online.

Compiled By: Andrew Wachter & Nina Hyland



3700 South Water Street
Suite 200
Pittsburgh, PA 15212
Phone: (412) 227-6950
Fax: (412) 227-6955