

2A:4A-70 to 75

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:4A-70 to 2A:4A-75

(Family & Juvenile court intake
service--appointment of juvenile
conference committees)

LAWS OF: 1982

CHAPTER: 81

Bill No: A645

Sponsor(s): Thompson and others

Date Introduced: January 19, 1982

Committee: Assembly: -----

Senate: Revenue, Finance & Appropriations

Amended during passage: Substituted for S921 (not attached since
identical to A645). Amendments during
passage denoted by asterisks.

Date of Passage: Assembly: February 1, 1982

Senate: May 24, 1982

Date of Approval: July 23, 1982

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes 2/8/82 & 3/15/82

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: Yes

Hearings: No

(Over)

- 974.90
C866
198d
New Jersey. State Family Court Committee.
Report...to the June 24, 1983 Judicial Conference.
June 10, 1983.
- 974.90
C866
1983c
Family part operations and organization: draft
report...Administrative Office of the courts, Trenton, 1983.
- 974.90
C866
1982e
Juvenile justice/county family court bills: Assembly nos.
641-645...August 3, 1982. Trenton, 1982.
- 974.90
J97
1881e
New Jersey. Juvenile Justice Task Force. Advisory
Committee on "Pre-trial Practices"
Final report... Jan. 1981.
Trenton, 1981.
- 974.90
J97
1980
Part I
New Jersey Legislature. General Assembly.
Judiciary, Law Public Safety and Defense Committee.
Subcommittee on Juvenile Justice. Report and
recommendations...May 8, 1979. Trenton, 1979.
- 974.90
J97
1979b
Dannefer, Dale
Juvenile justice in New Jersey: an assessment of the new
juvenile code. December, 1979. Trenton, 1979.
- 974.90
J97
1978
New Jersey. Administrative Office of the Courts
Guide for juvenile conference committees. Trenton, July, 1978.
- 974.90
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Part II
New Jersey. Task Force on Juvenile Justice Report.
(In: New Jersey Law Journal, v.100, no.4, 1-27-77 and
no.20 (section two), May 19, 1977)
- 974.901
C35.7
New Jersey. Juvenile Delinquency Disposition Commission.
First annual report...September 19, 1986.
Trenton, 1986.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 645

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1982

By Assemblymen THOMPSON, HERMAN, KERN, DOYLE, KAVANAUGH, GORMLEY, KARCHER, GORMAN, VISOTCKY, BOCCHINI, BROWN, PANKOK, D. GALLO, ROCCO, JANISZEWSKI, BRYANT, RILEY, MARSELLA, Assemblywoman COSTA, Assemblyman MARKERT, Assemblywoman PERUN, Assemblymen FORTUNATO, SCHWARTZ, PATERNITI, DORIA, MATTHEWS, ZANGARI, FLYNN, GIRGENTI, MAZUR, BAER, DEVERIN, LESNIAK, Assemblywoman WRIGHT, Assemblymen FRANKS, HENDRICKSON, WOLF, ROD, KOSCO, SCHUBER, SHUSTED, HARDWICK, LACORTE, MILLER, ALBOHN, Assemblywoman BROWN, Assemblymen GILL, BENNETT, PALAIA, SMITH, PATERO, ADUBATO and Assemblywoman KALIK

(Without Reference)

AN ACT directing the establishment of family and juvenile court intake services and authorizing the appointment of juvenile conference committees.

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

1 1. County court intake services.

2 a. Each county shall establish a court intake service which shall
3 have among its responsibilities the screening of juvenile delin-
4 quency complaints and juvenile-family crisis referrals. The intake
5 service shall operate in compliance with standards established by
6 the Supreme Court.

7 b. The court intake service shall make arrangements for the
8 receipt of complaints, on a continuous basis, in situations where

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 printed in italics *thus is new matter.*

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted February 8, 1982.

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9 the subject of the complaint is a juvenile, or referrals through
 10 crisis intervention units where a juvenile-family crisis may exist.
 11 It shall assist the court in screening referrals for court interven-
 12 tion, making referrals to appropriate agencies, reviewing and
 13 approving alternative living arrangements as provided by law,
 14 determining that jurisdiction for juvenile-family crisis proceed-
 15 ings may exist prior to filing a petition, and in monitoring referrals
 16 for development and implementation of family service plans. Every
 17 complaint or juvenile-family crisis petition shall be reviewed by
 18 the court intake service unless otherwise ordered by the court.

19 c. The court intake service shall have the responsibility for
 20 monitoring, on a 24-hour a day, 7 days a week basis, the admission
 21 of alleged delinquents to the detention or shelter care facilities
 22 and no juvenile may be admitted to a detention or shelter care
 23 facility without its approval.

24 d. The Supreme Court shall have the authority to issue rules
 25 governing the duties, responsibilities, and practices of court intake
 26 services as it deems necessary to effectuate the purposes of this act;
 27 establish guidelines and procedures for the training of intake ser-
 28 vices staff; establish reporting procedures to be followed by court
 29 intake services in providing data for its evaluation; and conduct,
 30 at least annually, an evaluation of all intake services.

1 2. Review and processing of complaints.

2 a. The jurisdiction of the court in any complaint filed pursuant
 3 to section 11 of P. L. . . . , c. . . . (now pending before the Legis-
 4 lature as Assembly Bill No. 641) shall extend to the juvenile who
 5 is the subject to the complaint and his parents or guardian.

6 b. Every complaint shall be reviewed by court intake services
 7 for recommendation as to whether the complaint should be dis-
 8 missed, diverted, or referred for court action. Where the complaint
 9 alleges a crime which, if committed by an adult, would be a crime
 10 of the first, second, third or fourth degree, or a repetitive disorderly
 11 persons offense, the complaint shall be referred for court action,
 12 unless the prosecutor otherwise consents to diversion. Court intake
 13 services shall consider the following factors in determining whether
 14 to recommend diversion:

15 (1) The seriousness of the alleged offense or conduct and the
 16 circumstances in which it occurred;

17 (2) The age and maturity of the juvenile;

18 (3) The risk that the juvenile presents as a substantial danger
 19 to others;

20 (4) The family circumstances, including any history of drugs,
 21 alcohol abuse or child abuse on the part of the juvenile, his parent

22 or guardian;

23 (5) The nature and number of contacts with court intake ser-
24 vices and the court that the juvenile or his family have had;

25 (6) The outcome of those contacts, including the services to
26 which the juvenile or family have been referred and the results
27 of those referrals;

28 (7) The availability of appropriate services outside referral to
29 the court;

30 (8) Any recommendations expressed by the victim or complain-
31 ant, or arresting officer, as to how the case should be resolved; and

32 (9) Any recommendation expressed by the county prosecutor.

1 3. Recommendation of diversion.

2 a. Where court intake services recommends diverting the juve-
3 nile, the reasons for the recommendation shall be submitted by
4 intake services and approved by the court before the case is deemed
5 diverted.

6 b. Where, in determining whether to recommend diversion, court
7 intake services has reason to believe that a parent or guardian is
8 a drug dependent person, as defined in section 2 of the "New Jersey
9 Controlled Dangerous Substances Act," P. L. 1970, c. 226
10 (C. 24:21-2) or an alcoholic as defined by P. L. 1975, c. 305
11 (C. 26:2B-8), the basis for this determination shall be stated in
12 its recommendation to the court.

13 c. The county prosecutor shall receive a copy of each complaint
14 filed pursuant to section 11 of P. L. 1975, c. 305 (now pending be-
15 fore the Legislature as Assembly Bill No. 641) promptly after the
16 filing of the complaint.

17 d. Within 5 days after receiving a complaint, the intake services
18 officer shall advise the presiding judge and the prosecuting attorney
19 of intake service's recommendation, as well as any other recom-
20 mendations or objections received as to the complaint. In deter-
21 mining whether to divert, the court may hold a hearing to consider
22 the recommendations and any objections submitted by court intake
23 services in light of the factors provided in this section. The court
24 shall give notice of the hearing to the juvenile, his parents or
25 guardian, the prosecutor, arresting police officer and complainant
26 or victim. Each party shall have the right to be heard on the matter.
27 If the court finds that not enough information has been received
28 to make a determination, a further hearing may be ordered. The
29 court may dismiss the complaint upon a finding that the facts as
30 alleged are not sufficient to establish jurisdiction, or that probable
31 cause has not been shown that the juvenile committed a delinquent
32 act.

1 4. Diverting complaints.

2 a. The court may divert a complaint filed pursuant to section 11
3 of P. L. . . . , c. . . . (now pending before the Legislature as Assem-
4 bly Bill No. 641), to intake conferences or juvenile conference com-
5 mittees. Where the complaint alleges a disorderly persons or petty
6 disorderly persons offense the court may dispose of the case as a
7 juvenile-family crisis pursuant to P. L. . . . , c. . . . (now pending
8 before the Legislature as Assembly Bill No. ***[641]*** *644*). The
9 county prosecutor shall be promptly notified of the diversion of a
10 complaint.

11 b. The complainant or victim of any offense committed by a
12 juvenile diverted by the court, which offense would be a crime if
13 committed by an adult, shall receive a statement as to the reasons
14 for the proposed diversion.

1 5. Court intake services conference.

2 a. Where the juvenile is diverted to a court intake service con-
3 ference, notices of the conference shall be sent to the juvenile and
4 his parent or guardian and to the complainant or victim. The
5 parties may be requested to bring to the conference all pertinent
6 documents in their possession, including medical, social, and school
7 records.

8 b. In determining the appropriate resolution of a complaint, the
9 following factors shall be considered by court intake services:

10 (1) The seriousness of the alleged offense or conduct and the
11 circumstances in which it occurred;

12 (2) The age and maturity of the juvenile;

13 (3) The risk that the juvenile presents as a substantial danger
14 to others;

15 (4) The family circumstances, including any history of drug,
16 alcohol abuse or child abuse on the part of the juvenile, his parent
17 or guardian;

18 (5) The nature and number of contacts with court intake services
19 and the court that the juvenile and his family have had;

20 (6) The outcome of those contacts, including the services to
21 which the juvenile or family have been referred and the results of
22 those referrals;

23 (7) The availability of appropriate services; and

24 (8) Any recommendations expressed by the victim or complain-
25 ant, or arresting officer, as to how the case should be disposed.

26 c. Each juvenile shall be reviewed without a presumption of guilt.
27 The intake conference shall be concerned primarily with preventing
28 more serious future misconduct by the juvenile offender by obtain-
29 ing the cooperation of the juvenile and his parents or guardians in

30 complying with its recommendations. The court may schedule a
31 hearing where the complainant or victim objects to the recom-
32 mendations from the conference.

33 d. The resolution from the conference may include but shall not
34 be limited to counseling, restitution, referral to appropriate com-
35 munity agencies, or any other community work programs or other
36 conditions consistent with diversion that aids in the juvenile's
37 rehabilitation, provided that:

38 (1) Obligations imposed as a result of the intake conference shall
39 be an order of the court approved by the presiding judge and shall
40 be set forth in writing and may not exceed 6 months. The juvenile
41 and his or her parents or guardian, shall receive copies, as shall
42 any agencies providing services under the agreement;

43 (2) The court intake service worker shall inform the juvenile
44 and the juvenile's parents or guardian in writing of their right to
45 object at any time prior to their written agreement to the facts or
46 terms of the intake conference decision, and if objections arise, the
47 intake services worker may alter the terms of the proposed agree-
48 ment or refer the matter to the presiding judge who shall determine
49 if the complaint will be heard in court or returned to intake con-
50 ference for further action;

51 (3) Written agreement pursuant to intake conferences may be
52 terminated at any time upon the request of the juvenile and the
53 matter referred to the presiding judge;

54 (4) The court intake services conference may not order the
55 confinement of a juvenile, place a juvenile on probation, or remove
56 a juvenile from his family as a disposition; and

57 (5) If, at any time during the diversion period, the court intake
58 services worker determines that the obligations imposed under the
59 written agreement are not being met, the intake worker shall notify
60 the presiding judge in writing. In the case of failure to comply
61 with the obligations imposed under the agreement by the parents or
62 guardian, the court may proceed against such persons for enforce-
63 ment of the agreement. In the case of failure to comply by the
64 juvenile, the matter shall be referred to the court for action.

65 e. At the end of the diversion period a second court intake
66 services conference may be held with all parties to the written
67 agreement present to ascertain if the terms of the agreement have
68 been fulfilled. If all conditions have been met, the intake worker
69 shall so inform the presiding judge in writing who shall order the
70 complaint dismissed. A copy of the order dismissing the complaint
71 shall be sent to the juvenile. If the conditions of the written agree-
72 ment have not been met, the intake worker may refer the matter

73 to the presiding judge who shall determine if the complaint will be
74 heard in court or returned to court intake services for further
75 action. Based on the evaluations required under this paragraph, the
76 intake conference agreement may be extended beyond the 6 month
77 maximum if all parties agree. In no case shall an intake conference
78 agreement exceed 9 months.

79 f. All proceedings before the conference are confidential and they
80 shall receive only those records which in the court's judgment are
81 necessary to aid in making a recommendation.

1 6. Juvenile conference committees. a. The court may appoint one
2 or more juvenile conference committees for each county or munici-
3 pality to hear and decide matters referred to it by the court.

4 b. The method of appointment and terms of membership to the
5 committees shall be made pursuant to guidelines developed by the
6 Supreme Court.

7 c. Where the juvenile is diverted to a juvenile conference com-
8 mittee, notices of the conference shall be sent to the juvenile and
9 his parent or guardian and to the complainant or victim. The parties
10 may be requested to bring to the conference all pertinent documents
11 in their possession, including medical, social, and school records.

12 d. The committee shall serve under the authority of the court in
13 hearing and deciding such matters involving alleged juvenile
14 offenders as are specifically referred to it by the court. Each juve-
15 nile shall be reviewed without a presumption of guilt. The com-
16 mittee shall be concerned primarily with preventing more serious
17 future misconduct by the juvenile offender by obtaining the
18 cooperation of the juvenile and his parents or guardians in
19 complying with its recommendations. The court may schedule a
20 hearing where the complainant or victim objects to the recom-
21 mendations from the conference.

22 e. The committee shall provide for the resolution of the matter
23 and shall supervise and follow up compliance with its recommenda-
24 tions in the same manner and under the same limitations and with
25 the same sanctions as the court intake service conference.

26 f. All proceedings before the juvenile conference committee are
27 confidential and include only those records which in the court's
28 judgment are necessary to aid in making a recommendation.

1 7. This act shall take effect on September 1, 1983 but shall remain
2 inoperative unless and until the following bills now pending before
3 the Legislature as Assembly Bill No. 641, Assembly Bill No. 642,
4 Assembly Bill No. 643, and Assembly Bill No. 644 are enacted
5 into law.

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5 into law.

SPONSOR'S STATEMENT

This bill attempts to revise and standardize court intake service procedures in the juvenile system. Court intake is that part of the juvenile court system which processes and handles juvenile matters prior to intervention by the court. Each county presently operates a

court intake service and they will continue to do so under this bill. This bill follows many of the procedures and policies of the court Intake Manual which presently dictates intake's responsibilities. It is the objective of this bill to structure a more efficient and responsive intake service which will permit less court time on minor matters and more court time for serious and violent juvenile offenders.

Section 1 establishes a court intake service which shall have the responsibility to screen juvenile delinquency complaints and juvenile-family crisis referrals. The intake service is to operate in compliance with standards established by the Supreme Court. Court intake service shall receive complaints on a continuous 24-hour basis. In addition, court intake is to assist the court in screening referrals for court intervention, make referrals to appropriate agencies, review and approve alternative living arrangements, determine that jurisdiction for juvenile-family crisis proceedings may exist and monitor referrals for development and implementation of family service plans. Every complaint or juvenile-family crisis petition must be reviewed by court intake unless otherwise ordered by the court.

The court intake service shall also have the responsibility for monitoring and approving the admission of alleged delinquents to the detention or shelter care facilities.

Section 2 provides that every delinquency complaint shall be reviewed by court intake services for recommendation as to whether the complaint should be dismissed, diverted, or referred for court action. Court intake services shall consider the seriousness of the offense, age and maturity of the juvenile, family circumstances, the juvenile's prior contacts with court intake services and the court and other appropriate factors in determining whether to recommend diversion. Where the complaint alleges an act which, if committed by an adult, would be a crime of the first, second, third or fourth degree, or a repetitive disorderly persons offense, the complaint is to be referred for court action, unless the prosecutor consents to diversion.

Section 3 provides that court intake must state the reasons for recommending diversion. Where, in deciding whether to divert, information of alcoholism or drug dependency of the juvenile's parent or guardian is revealed, intake shall make this information part of its report to the court.

Within 5 days after receiving a complaint, intake shall advise the presiding judge and the prosecuting attorney of its recommendation, as well as any other recommendations or objections received

concerning the complaint. In determining whether to divert, the court may hold one or more hearings to consider intake's recommendation. Notice of any hearing is given to the juvenile, his parents or guardian, the prosecutor, arresting police officer and complainant or victim. These parties may be present and have the right to be heard at the hearing concerning intake's recommendations for diversion.

Section 4 provides that a complaint may be diverted to intake conferences or juvenile justice conference committees and that the county prosecutor is to be promptly notified of the diversion of a complaint. The complainant or victim of any offense committed by a juvenile diverted by the court, which offense would be a crime if committed by an adult, shall receive a statement as to the reasons for the proposed diversion. This provision reflects the policy that the victim or person filing a complaint should be a part of the juvenile justice process.

Section 5 provides for a conference procedure where court intake is responsible for resolving a diverted delinquency complaint.

Notice of the conference will be sent to the juvenile and his parent or guardian and to the complainant or victim. The parties may be requested to bring to the conference all pertinent documents and records in their possession.

In determining the appropriate resolution of a complaint, court intake services shall consider factors substantially identical to those considered when determining whether to divert. Attention must be given to matching the disposition with the circumstances. Moreover, each juvenile shall be reviewed without a presumption of guilt and intake shall be concerned primarily with preventing more serious future misconduct by the juvenile by obtaining the cooperation of the juvenile and his parents or guardians in complying with its recommendations. The court may schedule a hearing where the complainant or victim objects to the recommendations from the conference.

This section sets forth that the conference's recommendations may include counseling, restitution, referral to appropriate community agencies, or other community work programs, but may not include confinement or removal of the juvenile from his home. Obligations imposed as a result of the intake conference are to be by order of the court and in writing and may not exceed 6 months. The juvenile and the juvenile's parents or guardian have the right to object at any time prior to their written agreement to the facts or terms of the intake conference decision and each may request alteration of the terms of the proposed agreement or referral of

the matter to the presiding judge. The judge would then determine if the complaint will be heard in court or returned to intake conference for further action. In addition, the written agreement may be terminated after performance of its terms has begun upon the request of the juvenile and the matter referred to the court.

If during the diversion period court intake determines that the obligations imposed under the agreement are not being met, they shall notify the presiding judge in writing. In the case of failure to comply with the obligations by the parents or guardian, the court may proceed against such persons for enforcement of the agreement. In the case of failure to comply by the juvenile, the matter shall be referred to the court for action.

At the end of the diversion period, a second court intake services conference may be held with all parties present to ascertain if the terms of the agreement have been fulfilled. If all conditions have been met, intake shall inform the presiding judge in writing who shall order the complaint dismissed. If the conditions of the written agreement have not been met at this time, intake may refer the matter to the presiding judge to determine if the complaint will be heard in court or returned to court intake for further action. Based on the evaluations of performance, the conference agreement may be extended beyond the 6 month maximum if all parties agree. In no case shall an intake conference agreement exceed 9 months in total.

Section 6 authorizes the Supreme Court to establish one or more juvenile conference committees for each county or municipality. These committees shall serve as an arm of the court in hearing and deciding matters involving alleged juvenile offenders which are specifically referred to it by the court. The method of appointment and terms of membership to the committee are to be developed by the Supreme Court. These committees are intended to be made up of citizen members. The committee shall provide for the resolution of the case and shall supervise and follow-up compliance with its recommendations in the same manner and under the same limitations and sanctions as the court intake service conference established in section 5. All proceedings before the juvenile conference committee are to be confidential and based upon only those records which are supplied by or approved by the court.

Section 7 provides for an effective date of September 1, 1983.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 645

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1982

This bill attempts to revise and standardize court intake service procedures in the juvenile system. Court intake is that part of the juvenile court system which processes and handles juvenile matters prior to intervention by the court. Each county presently operates a court intake service and they will continue to do so under this bill. This bill follows many of the procedures and policies of the court Intake Manual which presently dictates intake's responsibilities. It is the objective of this bill to structure a more efficient and responsive intake service which will permit less court time on minor matters and more court time for serious and violent juvenile offenders.

Section 1 establishes a court intake service which shall have the responsibility to screen juvenile delinquency complaints and juvenile-family crisis referrals. The intake service is to operate in compliance with standards established by the Supreme Court. Court intake service shall receive complaints on a continuous 24-hour basis. In addition, court intake is to assist the court in screening referrals for court intervention, make referrals to appropriate agencies, review and approve alternative living arrangements, determine that jurisdiction for juvenile-family crisis proceedings may exist and monitor referrals for development and implementation of family service plans. Every complaint or juvenile-family crisis petition must be reviewed by court intake unless otherwise ordered by the court.

The court intake service shall also have the responsibility for monitoring and approving the admission of alleged delinquents to the detention or shelter care facilities.

Section 2 provides that every delinquency complaint shall be reviewed by court intake services for recommendation as to whether the complaint should be dismissed, diverted, or referred for court action. Court intake services shall consider the seriousness of the offense, age and maturity of the juvenile, family circumstances, the juvenile's prior contacts with court intake services and the court and other appropriate factors in determining whether to recommend diversion. Where the complaint alleges an act which, if committed by an adult, would be a crime of the

first, second, third or fourth degree, or a repetitive disorderly persons offense, the complaint is to be referred for court action, unless the prosecutor consents to diversion.

Section 3 provides that court intake must state the reasons for recommending diversion. Where, in deciding whether to divert, information of alcoholism or drug dependency of the juvenile's parent or guardian is revealed, intake shall make this information part of its report to the court.

Within 5 days after receiving a complaint, intake shall advise the presiding judge and the prosecuting attorney of its recommendation, as well as any other recommendations or objections received concerning the complaint. In determining whether to divert, the court may hold one or more hearings to consider intake's recommendation. Notice of any hearing is given to the juvenile, his parents or guardian, the prosecutor, arresting police officer and complainant or victim. These parties may be present and have the right to be heard at the hearing concerning intake's recommendations for diversion.

Section 4 provides that a complaint may be diverted to intake conferences or juvenile justice conference committees and that the county prosecutor is to be promptly notified of the diversion of a complaint. The complainant or victim of any offense committed by a juvenile diverted by the court, which offense would be a crime if committed by an adult, shall receive a statement as to the reasons for the proposed diversion. This provision reflects the policy that the victim or person filing a complaint should be a part of the juvenile justice process.

Section 5 provides for a conference procedure where court intake is responsible for resolving a diverted delinquency complaint.

Notice of the conference will be sent to the juvenile and his parent or guardian and to the complainant or victim. The parties may be requested to bring to the conference all pertinent documents and records in their possession.

In determining the appropriate resolution of a complaint, court intake services shall consider factors substantially identical to those considered when determining whether to divert. Attention must be given to matching the disposition with the circumstances. Moreover, each juvenile shall be reviewed without a presumption of guilt and intake shall be concerned primarily with preventing more serious future misconduct by the juvenile by obtaining the cooperation of the juvenile and his parents or guardians in complying with its recommendations. The court may schedule a hearing where the complainant or victim objects to the recommendations from the conference.

This section sets forth that the conference's recommendations may

include counseling, restitution, referral to appropriate community agencies, or other community work programs, but may not include confinement or removal of the juvenile from his home. Obligations imposed as a result of the intake conference are to be by order of the court and in writing and may not exceed 6 months. The juvenile and the juvenile's parents or guardian have the right to object at any time prior to their written agreement to the facts or terms of the intake conference decision and each may request alteration of the terms of the proposed agreement or referral of the matter to the presiding judge. The judge would then determine if the complaint will be heard in court or returned to intake conference for further action. In addition, the written agreement may be terminated after performance of its terms has begun upon the request of the juvenile and the matter referred to the court.

If during the diversion period court intake determines that the obligations imposed under the agreement are not being met, they shall notify the presiding judge in writing. In the case of failure to comply with the obligations by the parents or guardian, the court may proceed against such persons for enforcement of the agreement. In the case of failure to comply by the juvenile, the matter shall be referred to the court for action.

At the end of the diversion period, a second court intake services conference may be held with all parties present to ascertain if the terms of the agreement have been fulfilled. If all conditions have been met, intake shall inform the presiding judge in writing who shall order the complaint dismissed. If the conditions of the written agreement have not been met at this time, intake may refer the matter to the presiding judge to determine if the complaint will be heard in court or returned to court intake for further action. Based on the evaluations of performance, the conference agreement may be extended beyond the 6 month maximum if all parties agree. In no case shall an intake conference agreement exceed 9 months in total.

Section 6 authorizes the Supreme Court to establish one or more juvenile conference committees for each county or municipality. These committees shall serve as an arm of the court in hearing and deciding matters involving alleged juvenile offenders which are specifically referred to it by the court. The method of appointment and terms of membership to the committee are to be developed by the Supreme Court. These committees are intended to be made up of citizen members. The committee shall provide for the resolution of the case and shall supervise and follow-up compliance with its recommendations in the same manner and under the same limitations and sanctions as the

court intake service conference established in section 5. All proceedings before the juvenile conference committee are to be confidential and based upon only those records which are supplied by or approved by the court.

Section 7 provides for an effective date of September 1, 1983.

The committee amendments are of a technical nature.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 645
[SENATE REPRINT]

STATE OF NEW JERSEY

DATED: MARCH 15, 1982

Assembly Bill No. 645, Senate Reprint, provides that each county shall establish a family and juvenile court intake service. Its prime responsibilities include the screening of juvenile delinquency complaints and juvenile-family crisis referrals on behalf of the court as well as monitoring and approving if, in the judgment of the intake service such action is warranted, the admission of alleged delinquents to detention or shelter care facilities.

The essential purpose of the intake service as provided for in this bill is to provide for a means whereby less serious matters can be resolved while under the jurisdiction of the court but, for the most part, outside the courtroom itself, thereby freeing the court to devote more of its time to serious and violent juvenile offenders.

FISCAL IMPACT

The rules of the court now require that a juvenile and domestic relations court intake service be established in each county, which has been done. This bill incorporates many of the provisions in the manual that sets forth the intake service's responsibilities. The bill, however, does set forth some new requirements such as an annual evaluation, and a requirement for intake services to advise the judge and prosecutor 5 days from the time a complaint is received as to its recommendations for disposition, which may result in increased costs to the counties. A fiscal note is not available on this bill.