

NOTICE TO THE BAR

Questions or comments may be directed to (609) 984-4228 or (609) 292-1589

Directive # 9-03
[Supplements Directive #8-03]

To: Assignment Judges

From: Richard J. Williams

Subject: Juvenile Violation of Probation Policy - (a) Clarification Regarding Venue for Violation Hearings, (b) Omitted Language

Date: October 6, 2003

(a) Clarification of Protocol Regarding Venue

Directive #8-03, issued on August 20, 2003, promulgated the Juvenile Violation of Probation Policy and Protocol for Completion of Reports for the Court. That directive left unresolved the question of which county should conduct the violation hearing for such cases, the county where the underlying offense was originally adjudicated or the county where the juvenile probationer now lives and is being supervised. The Judicial Council referred this procedural question to the Conference of Family Presiding Judges, which has recommended that violations of probation in juvenile matters should be heard in the county where the juvenile currently resides and probation is being supervised. In exceptional circumstances, however, the judge entering the underlying disposition may elect to retain jurisdiction even though the juvenile may be supervised in another county. In such situations, the judge would need to include a jurisdictional retention provision in that underlying dispositional order.

Accordingly, Directive #8-03 and the policy promulgated by that Directive are clarified to provide that juvenile violations of probation will be heard in the county supervising that juvenile, unless the judge entering the original disposition elects to retain jurisdiction.

(b) Enumeration of Purposes of the Code of Juvenile Justice

In addition, the policy appended to Directive #8-03 inadvertently omitted one paragraph from the enumeration of the purposes of the New Jersey Code of Juvenile Justice as articulated in N.J.S.A. 2A:4A-21, recited at page 3 of the Policy. The Policy as posted on the Judiciary's Internet and InfoNet websites will be corrected to include the following language among the purposes of the juvenile delinquency statute:

Consistent with the protection of the public interest, to insure that any services and sanctions for juveniles provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable children to become responsible and productive members of the community.

The same language will also be added in future hard-copy editions of the Policy.

R.J.W.

cc: Chief Justice Deborah T. Poritz
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