

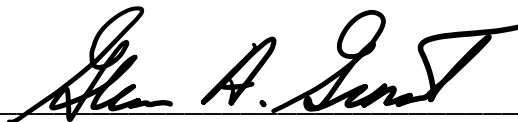
## NOTICE TO THE BAR

### **REMOVING BARRIERS TO JUVENILE REHABILITATION – ELIMINATION OF EXISTING DISCRETIONARY FINES AND CERTAIN OPEN FAILURE TO APPEAR WARRANTS**

The Supreme Court has entered an Order vacating (1) all outstanding discretionary juvenile fines and (2) juvenile warrants issued more than five years ago for a failure to appear on a non-violent 4<sup>th</sup> degree or lesser charge. The Court's October 20, 2020 Order is attached.

The Court's action removes barriers to juvenile rehabilitation that disproportionately affect youth of color and thereby advances one of the objectives in the Court's July 16, 2020 Action Plan for Ensuring Equal Justice. It also supports equity for youth not covered by the repeal of N.J.S.A. 2A:4A-43(b)(8) (which prohibits the imposition of discretionary juvenile fines as of July 1, 2020). The Court's October 20, 2020 Order does not affect requirements for juveniles to pay restitution or mandatory penalties.

Questions on this notice may be directed to Assistant Director for Family Practice Joanne M. Dietrich at [Joanne.Dietrich@njcourts.gov](mailto:Joanne.Dietrich@njcourts.gov) or Assistant Director for Probation Services Brenda Beacham at [Brenda.Beacham@njcourts.gov](mailto:Brenda.Beacham@njcourts.gov).



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Hon. Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: October 20, 2020

## **SUPREME COURT OF NEW JERSEY**

The New Jersey Supreme Court is committed to overseeing and implementing reforms to support juvenile rehabilitation, including eliminating court-imposed penalties that prevent individuals with juvenile adjudications from reintegrating in and contributing to society.

Consistent with the repeal of N.J.S.A. 2A:4A-43(b)(8) effective July 1, 2020, courts no longer are imposing discretionary fines as part of juvenile adjudications. However, as of today, more than \$140,000 in fines remain outstanding that were imposed on juveniles before July 1, 2020. The young people who owe those fines – including disproportionate numbers of youth of color – overwhelmingly lack the capacity to make necessary payments, and the fines serve only to prolong involvement with the juvenile and criminal justice systems.

At the same time, adults with juvenile histories are burdened by open failure to appear warrants issued more than five years ago for non-violent 4<sup>th</sup> degree or lesser juvenile charges. Based on the passage of time, those warrants no longer serve their intended purpose under N.J.S.A. 2A:4A-34(c)(1) and 34(c)(2), yet they continue to create barriers to employment, housing, education, and social services.

Accordingly, consistent with other ongoing efforts to enhance equity and improved outcomes for juveniles with court involvement, it is ORDERED that:

1. Effective immediately, all outstanding discretionary juvenile fines are vacated. Vicinage Assignment Judges or their designees shall take appropriate steps, including entry of orders in individual cases, to implement and memorialize the provisions of this Order.
2. Vicinage Assignment Judges or their designees are authorized and directed to issue orders vacating all open juvenile warrants for failure to appear issued more than five years prior to the date of this Order for non-violent 4<sup>th</sup> degree or lesser offenses. Orders vacating warrants for failure to appear entered in individual cases shall be served on the County Prosecutor for purposes of reviewing the underlying case. Further, Assignment Judges are authorized and directed to issue orders on an annual basis to vacate all open juvenile warrants for failure to appear that are more than five-years-old as of that date for non-violent 4<sup>th</sup> degree or lesser offenses, providing copies of those orders to the County Prosecutor for purposes of reviewing the underlying case.

For the Court,



Chief Justice

Date: October 20, 2020