

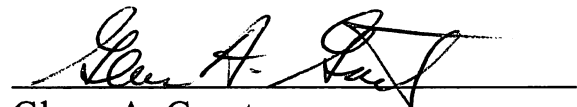
NOTICE TO THE BAR

JUVENILE – RELAXATION OF COURT RULE 5:21-1 – CLARIFICATION OF COMPLAINT-WARRANT PROTOCOL FOR JUVENILES NOT IN CUSTODY (“BODILESS WARRANTS”)

The Supreme Court in the attached September 6, 2022 Order has relaxed Rule 5:21-1 (“Taking into Custody, Initial Procedure”) to clarify the procedure for issuance of a complaint-warrant for a juvenile in those limited situations when a law enforcement officer is seeking to detain a juvenile who is not in custody (“bodiless warrants”).

The Court’s order provides that in such situations: (1) a complaint-warrant shall be issued for a juvenile who is not in custody only if the court finds probable cause that the juvenile committed the act of delinquency and the severity of the offense justifies bringing the juvenile into custody; and (2) once the juvenile has been taken into custody on such a complaint-warrant, law enforcement shall contact court intake services pursuant to N.J.S.A. 2A:4A-34, and a juvenile detention screening tool is to be used to assist in the determination of whether to detain or to release the juvenile.

Questions on the attached Order may be directed to the Family Practice Division at (609) 815-2900 x55350.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

Glenn A. Grant
Administrative Director

Dated: September 6, 2022

SUPREME COURT OF NEW JERSEY

IT IS ORDERED, pursuant to N.J. Const. Art. VI, sec. 2, par. 3, that, effective immediately and until further order, the provisions of Rule 5:21-1 (“Taking into Custody, Initial Procedure”) of the Rules Governing the Courts of the State of New Jersey are relaxed to clarify that:

1. A complaint-warrant shall be issued for a juvenile who is not in custody only if the court finds probable cause that the juvenile committed the act of delinquency and the severity of the offense justifies bringing the juvenile into custody; and
2. Once the juvenile has been taken into custody pursuant to the above, law enforcement shall contact court intake services pursuant to N.J.S.A. 2A:4A-34, and a juvenile detention screening tool shall be used to assist in the determination of whether to detain or to release the juvenile.

The provisions of this Order shall remain in effect pending adoption of conforming rule amendments.

For the Court,



Chief Justice

Dated: September 6, 2022