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**TO: Assignment Judges
Trial Court Administrators**

FROM: Glenn A. Grant, J.A.D.



DIRECTIVE # 11-24

Questions or comments may be
directed to 609-815-2900, ext. 55350

**SUBJECT: Family - Juvenile - Procedure to Request Complaint-Warrant to
Take Youth into Custody**

DATE: October 29, 2024

When a juvenile is not in custody and law enforcement is seeking to detain the juvenile for a delinquent act, law enforcement must apply for a complaint-warrant. Since the adoption of Rule 5:21-1(c), effective September 1, 2023, law enforcement and court staff have been handling these requests for a complaint-warrant manually. The electronic complaint system (eCDR) has now been updated to process these complaint-warrants consistent with the court rule. Therefore, this Directive sets out the procedures as approved by the Judicial Council to be followed in these situations.

Procedures

If a youth is not in custody and law enforcement (LE) intends to detain the youth for a delinquent act, a complaint-warrant application must be submitted to the court. LE shall initiate the complaint in eCDR and submit the draft complaint to the county prosecutor or their designee for review and approval before submitting it to the court. Following this, LE shall contact the vicinage Family Division's court intake staff to arrange for a judge's immediate review of the complaint.

Family intake staff will confer with the judge and provide the time of the probable cause hearing to the prosecutor. During the hearing, the judge will examine the complaint and affidavit of probable cause to determine whether

there is probable cause that an offense occurred, and if a custody warrant should be issued for the youth.

Possible outcomes of the probable cause hearing include the following:

- If probable cause is established but the judge denies issuance of a custody warrant, the complaint can be filed as a Summons.
- If no probable cause is found, the complaint-warrant will not be issued.
- If probable cause is found and custody is authorized, Family intake staff will process the complaint as a complaint-warrant.

The prosecutor may request that the complaint-warrant be sealed until the youth is in custody. If the court approves the sealing of the complaint-warrant, it will remain sealed for 10 calendar days. The prosecutor can file an application with the court to extend the time of the sealing of the complaint-warrant.

Upon serving the complaint-warrant and taking the youth into custody, LE must contact Family intake staff to complete the Risk Screening Tool (RST). If the RST scores for detention, LE will take the youth to the appropriate facility and provide the complaint-warrant and detention admission form upon delivering the youth.

Missing Juveniles

If the youth's whereabouts are unknown or the youth is presumed to be outside the state of New Jersey, LE must enter relevant data into the National Crime Information Center (NCIC) database. If no action has been taken on the complaint after the judge has approved the complaint-warrant, the case will automatically be inactivated in the Family Automated Case Tracking System (FACTS) after 48 hours and will remain inactive until the youth is in custody.

Questions regarding this Directive should be addressed to the AOC Family Practice Division at 609-815-2900, ext. 55350.

cc: Chief Justice Stuart Rabner
Family Presiding Judges
Matthew J. Platkin, Attorney General
Jennifer N. Sellitti, Public Defender

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