

behavior, such as truancy, runaway or incorrigibility. The matter involves the whole family and will result in a hearing before the Judge, which may include a stay at the youth shelter or compliance with recommendations by the FCJU.

**14. WILL A JUVENILE RECORD AUTOMATICALLY GET ERASED AT THE AGE OF 18 YEARS OLD?**  
No, juvenile records may be released to law enforcement agencies, state and federal government agencies for the purpose of licensing, bonding and certification.

**15. CAN A JUVENILE RECORD BE EXPUNGED OR SEALED?**  
In most cases, the answer is yes. However, certain offenses are excluded from being expunged. You will either need to hire an attorney or do the necessary legal paperwork without an attorney (known as "pro se"). The paperwork can be obtained at the Cape May County Court House, Criminal Division or visit the Judiciary's Web site:  
[www.njcourts.com/prose/10537\\_expunge\\_kit.pdf](http://www.njcourts.com/prose/10537_expunge_kit.pdf).  
The judge in the Criminal Division makes the decision on whether an expungement is granted.

**16. CAN A JUVENILE BE TRIED AS AN ADULT?**  
Yes, in some cases a juvenile may waive his rights and request the matter be tried in the Criminal Court. Anyone over 14 who is charged with a 1<sup>st</sup> or 2<sup>nd</sup> degree offense is subject to the prosecutor filing a motion to have the charges moved to the Criminal Court. Before this is approved a Family Court Judge will have to conduct a hearing and agree to the motion.

**17. MY CHILD HAS BEEN PLACED ON PROBATION, WHAT HAPPENS NOW?**  
You will be directed to the Probation Dept. immediately upon completion of the court hearing with a copy of the court ordered disposition. A Probation Officer will be assigned to your child and all rules of probation will be explained. Any questions regarding probation should be directed to your child's probation officer.

#### **SOME IMPORTANT THINGS TO REMEMBER ABOUT THE JUVENILE COURT:**

There are some mandatory types of sentences in Juvenile Court. If your child is guilty of drug or alcohol related offenses, there are certain monetary fines which must be imposed by the court. A minimum of \$30 per charge will be assessed for each case the juvenile plead to or was found guilty of.

All information regarding your child's delinquency complaint will be strictly safeguarded from public inspection, and all Court hearings will be closed to the public. However, if your child is found guilty of a first,

second or third degree offense, aggravated assault, or destruction or damage to property in excess of \$500, your child's charges, the Judge's finding, and sentence will be disclosed to the public. To prevent this, your child must establish to the Judge at the time of sentencing that there is a substantial likelihood that specific and extraordinary harm would result from such disclosure.

You should make sure that your attorney and the Court have your correct address and phone number at all times.

It is your responsibility to have your child present at all Court Hearings. Failure to do so may result in a bench warrant being issued for your child.

#### **ATLANTIC YOUTH CENTER- HARBORFIELDS**

##### **VISITING HOURS – GIRLS**

Sunday 11:00 AM – 1:00 PM  
Thursday 6:00 PM – 7:00 PM

##### **VISITING HOURS – BOYS**

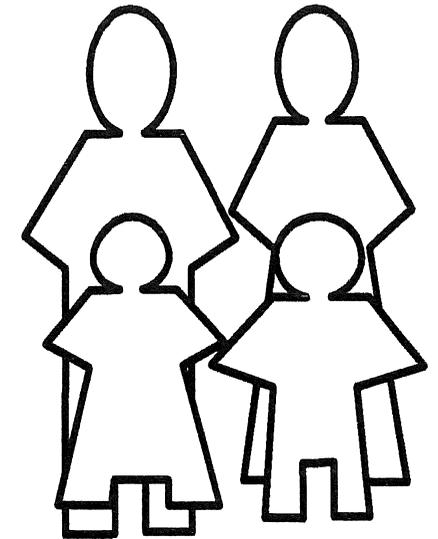
Sunday 1:00 PM – 3:00 PM  
Thursday 7:00 PM – 8:00 PM

Must bring proper I.D. Anyone under 18 must be accompanied by an adult. No former residents are allowed to visit. Special visits are available upon request to the Superintendent for approval.

## **Important Cape May County Phone Numbers:**

|   |                              |
|---|------------------------------|
| Family Division Juvenile Unit               | 609-463-6617                 |
| Probation Dept-Juvenile                     | 609-465-1110                 |
| Public Defender's Office                    | 609-465-3101                 |
| Division of Child Protection and Permanency | 609-463-9652<br>877-652-2873 |
| Prosecutor's Office-Juvenile                | 609-463-6869                 |
| Family Crisis Intervention                  | 877-652-7624                 |
| Youth Shelter                               | 609-465-5045                 |
| Atlantic Youth Center- Harborfields         | 609-965-3583                 |
| Atlantic/Cape Family Support Organization   | 609-485-0575                 |
| Perform Care - CSA/Mobile Response          | 877-652-7624                 |

# **JUVENILE COURT**



**Family Division**  
9 North Main Street  
Second Floor  
Cape May Courthouse, NJ 08210

#### 1. WHY IS MY CHILD IN THE JUVENILE COURT SYSTEM?

Your child appears in the Juvenile Court system because someone has accused your child of committing an act which is against the law in New Jersey. You will receive a copy of the complaint describing the alleged illegal conduct.

#### 2. WHO SIGNS JUVENILE DELINQUENCY COMPLAINTS?

The police either based on personal knowledge or information supplied by others signs most juvenile complaints. School officials and/or victims of crimes may also sign complaints. In cases of Contempt of Court or violation of probation, a probation officer signs the complaint.

#### 3. WHAT IS JUVENILE DELINQUENCY?

"Delinquency" means the commission of an act by a juvenile which if committed by an adult would constitute a crime; a disorderly persons offense or petty disorderly persons offense; or a violation of any other penal statute, ordinance or regulation.

#### 4. WHAT HAPPENS NEXT?

A decision is made by the Family Court staff as to whether the complaint will be diverted (see 5A and 5B below) or be heard by a juvenile hearing officer or a judge (see 5C and 5D below). The decision as to whether to divert or refer to court is based on the severity of the offense, age of the juvenile and prior record.

#### 5. WHAT OPTIONS ARE AVAILABLE TO THE COURT, FOR HANDLING THE CASE?

A. Juvenile Conference Committee – A Juvenile Conference Committee is a trained citizen volunteer panel, appointed by the Family Division Judge that acts as an arm of the Court. This committee is comprised of citizens who reside in your own municipality. The parent, the juvenile and the complainant victim are invited to voluntarily discuss with the committee the offense and other related factors. The committee does not have the authority to determine guilt or innocence. This is an informal discussion of the events and all parties must be in agreement with the handling of the case. The committee considers the facts and then makes a recommendation for a resolution that aids in the juvenile's rehabilitation. A resolution will be proposed which may include conditions such as curfew, counseling, evaluation, community service, restitution or any recommendations which will aid in the juvenile's rehabilitation. If all participants (the parent, the juvenile, the complainant/victim and the Juvenile Conference Committee) agree on the proposed recommendation, an agreement is signed which included a time frame for completion. The committee sends this agreement with its recommendations to the Judge and if the Judge approves,

the recommendations become a court order which is monitored by the Juvenile Conference Committee. Upon successful completion of the conditions, the case is dismissed. The coordinator for the Juvenile Conference Committee in Family Court is Brian Hamilton, (609) 463-6613.

B. Intake Services Conference – The Intake Services Conference is conducted by a professional Family Court staff person and operates in the same manner as the Juvenile Conference Committee, except that the process is overseen from start to finish by a professional from the Family Court staff in our office at 9 North Main Street, 2<sup>nd</sup> Floor, Cape May Courthouse, NJ 08210.

C. Juvenile Hearing Officer or Informal/Counsel Non-Mandatory Court – The Juvenile Hearing Officer is a person whose qualifications have been approved by the Supreme Court. The Juvenile Hearing Officer will make a finding regarding guilt or innocence. He/she will make a recommendation to the Judge regarding the consequences to your child. Your child may have an attorney for the court hearing but it is not required and the court will not provide an attorney. If you disagree with the Juvenile Hearing Officer, you must advise the H.O. at the end of your hearing and the Judge will hear the matter at a later date in a Formal/Counsel Mandatory hearing and an attorney must represent your child.

D. Formal or Counsel Mandatory – Only a Judge may preside over a formal case. Your child must have an attorney. If you cannot afford an attorney, you will need to fill out an application form for a Public Defender. Your child will be required to plead either guilty or not guilty. If your child pleads not guilty, a trial will be scheduled. Upon a finding of guilt, the judge will determine the disposition or consequences.

#### 6. DO I NEED A LAWYER?

You are always allowed to hire an attorney for any court appearance in Juvenile Court. However, in all Formal and Counsel Mandatory Court proceedings, your child must have an attorney. Other complaints (see 5A, 5B and 5C) do not require an attorney be present. If there is a threat of incarceration, the Court will require that an attorney represent your child.

If your child is required to have an attorney, you will be expected to retain one if you can afford to do so. If you think you cannot afford one, you will need to fill out an application (5A form) to determine your eligibility for a Public Defender. If you do qualify (eligibility is determined by using the Federal poverty guidelines) a \$50 assessment fee per applicant is required by the Public Defender. However, if you do not qualify, you must hire a private attorney.

#### 7. MY CHILD HAS BEEN PLACED IN DETENTION, CAN I ARRANGE FOR BAIL?

The right to bail is not extended to juveniles under N.J.S.A. 2A: 4A-60. During each step of the court process the Judge makes a decision on whether or not the child can be released back into the community, based on the seriousness of the complaint against your child, and your child's prior record.

#### 8. WHAT HAPPENS AFTER MY CHILD IS DETAINED?

A. An initial detention hearing must be held no later than the morning following the child's placement in the detention facility. At the initial detention hearing, the first decision about releasing your child is made by a Judge. If your child's detention is continued after the hearing, the court will schedule a Probable Cause hearing, which will be held within two court days. At that time an attorney will represent the child. A parent is expected to be at any hearing involving the child.

B. Probable cause means the prosecutor must present enough evidence to satisfy the Judge that the offense did happen and that there is reason to believe that your child was the one who committed this offense.

C. The Judge will then decide whether to continue holding your child in detention or if it is appropriate to release them into our alternative to detention programs, i.e., ISP (home electronic device system or in-home detention). Upon completion of the hearing the court will schedule a pre-trial conference hearing (next court date).

#### 9. WHAT DISPOSITIONS OR CONSEQUENCES MAY BE IMPOSED?

A. Juvenile Conference Committee/Intake Services Conference – The Juvenile Conference Committee and the Intake Services staff cannot order confinement of a juvenile, place a juvenile on probation, or remove a juvenile from the home. The juvenile may be asked to make restitution, complete community service, participate in a specific program which addresses the type of offense committed, lose privileges, write a report, get an evaluation, attend counseling or any other recommendation which aids in the juvenile's rehabilitation.

B. Juvenile Hearing Officer or Informal/Counsel Non-Mandatory Court – The Juvenile Hearing Officer may recommend all of the dispositions of the Juvenile Conference Committee/Intake Services Conference (see 9A) and, in addition, may recommend probation. The Juvenile Hearing Officer may not recommend removal of the child from the home.

C. Formal or Counsel Mandatory – The Judge may order the dispositions listed above and, in addition, may order the confinement of the juvenile. Although the Judge has

the power to incarcerate your child, this does not mean that the judge will choose this as an option if your child is found guilty. There are many factors, which the judge must weigh in making a determination. Further, the judge may Order a pre-dispositional report, which will help the judge in determining the appropriate disposition. An attorney must represent your child and you may direct questions to the attorney.

#### 10. WILL I BE ALLOWED TO BRING WITNESSES?

A. Juvenile Conference Committee/Intake Services Conference – Juvenile Conference Committee and staff who conduct Intake Services Conferences are not finders of fact nor do they determine guilt or innocence. Witnesses are not sworn and there is no authority at this level for witnesses to attend. Since the process is based on everyone being in agreement, generally witnesses are not necessary. If there is a dispute about the facts of the case, it would need to be returned to court.

B. Juvenile Hearing Officer or Informal/Counsel Non-Mandatory Court – You may bring witnesses to the hearing, however, the Juvenile Hearing Officer will decide whether, and to what extent, the witnesses will be heard.

C. Formal or Counsel Mandatory – Your child's Attorney should be advised of any witnesses.

#### 11. WHAT HAPPENS IF I CANNOT KEEP MY SCHEDULED COURT DATE?

A summons/notice and complaint will be provided to you in advance of the scheduled court dates. It is your responsibility or your lawyer, if you have one, to notify the court when you cannot appear. In the case of a non-court appearance, a warrant may be issued for your child.

#### 12. WHAT HAPPENS IF I DISAGREE WITH THE OUTCOME OF MY CHILD'S CASE?

At any time during the Juvenile Conference Committee or Intake Services Conference process, even after signing the Agreement/Order your child has the right to end the process and request that the matter is returned to court.

If you disagree with the findings of the Juvenile Hearing Officer, you must advise the Juvenile Hearing Officer at the conclusion of the hearing.

If after a hearing before a judge, you have the right to appeal the findings of the court within 45 days.

#### 13. WHAT IS A FCUI PETITION (FAMILY CRISIS INTERVENTION UNIT) AND WHO SIGNS THESE FOR COURT INTERVENTION?

FCUI petitions are matters signed by the FCUI. The Petition alleges a youngster is involved in a status