

## **What happens if my Child has a Mental Health or Substance Use Disorder?**

Information about your Child's disability helps the Court to choose an appropriate placement for your child. If your Child has a mental health or substance abuse disorder, recognize that you may have to:

- Make all those involved aware of your Child's challenges.
- Advise them if your Child is taking medication for their disabilities.
- Educate their lawyer on their disability.
- Provide prior psychiatric, psychological, neurological, behavioral, social, and/or educational evaluations to court personnel and your child's attorney.
- Work with juvenile justice professionals to help craft treatment plans for your Child or present your plan to them for review.

## **What happens if my Child is Involved in Special Education, has an IEP or 504 Plan?**

If your Child has received Special Education Services in the past, they may qualify for special education services while living in an out-of-home corrections setting. **If your child already has an IEP, they are entitled to services through age 21, even if they are in a juvenile or adult correctional placement.** Children may still qualify for special education services **even if they have quit school prior to their involvement with the juvenile justice system.** In either case, you should inform your child's attorney.

## **How Can I Obtain a Copy of the Guide?**

The Guide, in English & Spanish, is available for download on our website at [www.newjerseyparentscaucus.org/pubs\\_lp.htm](http://www.newjerseyparentscaucus.org/pubs_lp.htm). Also, a copy can be picked up from our Elizabeth office or you may contact us at 908-994-7471 to have a copy mailed.

The New Jersey Parents' Caucus is a non-profit organization governed and staffed by parents and caregivers of children with serious emotional and behavioral challenges. Since 1990, NJPC has worked diligently with parents, caregivers, family members, government agencies, legislators, interested professionals and other organizations to ensure that the needs of New Jersey families raising children with emotional and behavioral challenges are met. NJPC provides information & referral services, outreach, training, educational programs, advocacy and evaluation in Mental Health, Juvenile Justice, DCP&P and Special Education.



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**Warning:** The information provided in the Guide or this brochure is generic and not intended to replace legal advice from a qualified attorney nor intended as legal advice, and it may not address every question or be applicable to every family's circumstance.

# Navigating the Juvenile Justice System In New Jersey

*A Family Guide*



**New Jersey Parents' Caucus, Inc.**

*Helping Parents Help Their Children*

***“Families have the potential to be the greatest source of positive change and support for youth in the juvenile justice system”***

## **Why is my Child in the Juvenile Justice System?**

Your Child enters the juvenile justice system when someone has accused your Child of committing an act which is against the law in New Jersey.

### **Who signs juvenile delinquency complaints against my Child?**

Police and Local Law Enforcement sign most complaints. Complaints may also be signed by school officials or victims

### **What happens if my Child is accused of committing a delinquent act?**

Local law enforcement may take your child into custody with or without your knowledge, if there is probable cause. Your Child will be advised of their rights, which include the RIGHT TO AN ATTORNEY and the RIGHT TO REMAIN SILENT.

However, instead of signing a formal delinquency complaint, the officer may divert your Child's case and issue a warning or conduct a station house adjustment.

### **What happens if a complaint is signed against my Child?**

If a complaint is signed, the officer refers the case to the Court intake service. The Court will review the matter and determine how the case will be handled. The Court decides whether a complaint will be diverted, sent to the Juvenile Referee/Informal Court or sent to the Superior Court.



## **Does my Child need a Lawyer?**

As a parent, you should always consider consulting an attorney for any legal matter or Court appearance. Not all cases require an attorney. Ultimately, it's your decision to make.

All formal Court hearings before a Judge require an attorney, called "counsel mandatory hearings". If you cannot afford an attorney, you can fill out an application to apply for public defender which is based on financial need. A "counsel hearing" allows you to apply for a public defender or retain a private attorney

### **Can My Child Be Charged as an Adult?**

**A youth 15 or older at the time of the charged delinquent act** can be *waived* and charged, sentenced, and incarcerated in the adult prison system. Waiver is the practice of transferring jurisdiction over a juvenile case from Family Court to adult Criminal Court. **If your Child is waived, they will be treated in the same manner as an adult.** The prosecutor initiates the process by filing a waiver motion. The Court then determines probable cause, and decide whether or not to waive.

### **What happens if my Child is placed on Probation?**

Probation offers juveniles the opportunity to remain in the community under supervision by a probation officer who oversees their compliance with rules and conditions imposed by the Judge. If your Child does not obey the conditions of probation, there will be consequences, and your child could be charged with a violation of probation. If all the conditions are met and your Child shows progress, they *may* earn an earlier end to their probation.

## **What can happen during a Formal Court Proceeding?**

**Plea Hearing:** At this hearing, your Child will be expected to enter a plea admitting or denying the charge. Your attorney will be provided the discovery in the case (the discovery is the evidence). You are entitled to the evidence the police have. Your Child may be offered a plea deal. If you accept the deal and enter into a plea agreement, your Child will have to admit to some or all of the charges, and follow certain conditions.

**Adjudication Hearing:** If your Child's case goes to *trial -- called an adjudicator/ adjudication hearing in a juvenile case --* then both sides present evidence and the attorneys argue the case. In most states, the hearing is before a Judge and the State has the burden to prove the allegations against your Child, beyond a reasonable doubt. If the allegations are proven, your Child will not be found guilty, but rather adjudicated delinquent. At this time, your Child may be found to be delinquent on one or more of the charges and/or some charges may be dismissed.

If your or your Child disagrees with the Judge's decision, you have 45 days from the final court order to appeal this decision. Information on appeals can be found on [www.njcourts.com](http://www.njcourts.com).

**Disposition Hearing:** Your child will have a disposition hearing only if they plead guilty to an offense or is found guilty by the Judge. Based on information provided by your child's defense attorney, the prosecutor and the local probation department, the Judge will determine your child's needs and how best to meet them while still ensuring public safety. Usually, the Judge will place your child under some type of supervision such as probation or placement in a secure confinement facility, and mandate services and/or participation in certain treatment or programming.