

## **RULE 5:17. Juvenile-Family Crisis Hearing**

### **5:17-1. Appearances**

The juvenile, the juvenile's parents or guardian, and each family member alleged in the petition as contributing to the family crisis, shall appear at the initial hearing. A warrant may issue to compel the appearance of any such person who fails to appear. However, no warrant shall be issued for failure to appear pursuant to telephonic notification. Any warrant issued pursuant to this rule shall be limited to arrest during hours that the court is in session and shall state that the non-appearing party be brought directly to court and not incarcerated prior to court appearance. Each of said persons may present evidence regarding the existence of a juvenile-family crisis.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; caption amended and former rule redesignated paragraph (a) and paragraph (b) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a) amended and paragraph (b) deleted July 13, 1994 to be effective September 1, 1994.

### **5:17-2. Finding**

When court intake service determines in accordance with R. 5:15-1 that a juvenile-family crisis may exist and that appropriate community services have been exhausted, it shall file a petition with the court for hearing. The court shall review the petition and either schedule a hearing or take other appropriate action. At the hearing the court shall consider all evidence presented by any family member and by the court intake service and shall determine whether a juvenile-family crisis as defined by law exists by a preponderance of evidence. If the court finds that there is insufficient information to allow a determination, it may continue the matter and hold one or more additional hearings.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; amended November 5, 1986 to be effective January 1, 1987.

### **5:17-3. Disposition**

If it finds that juvenile-family crisis exists, the court shall continue the hearing to determine the appropriate disposition, and shall consider the recommendations submitted by intake services, family members and any other interested parties. The court shall make such disposition as it deems appropriate, including requiring the juvenile, parent, guardian or family member contributing to the crisis to participate in appropriate programs and services consistent with the disposition. If the court, however, concludes that an out-of-home placement is necessary, further proceedings shall be taken pursuant to R. 5:18 insofar as applicable. The court shall state its reasons for any disposition made and in the event of the failure of any person to comply with a dispositional order, it may proceed against such person for the enforcement of litigant's rights.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983.

### **5:17-4. Closed Hearings; Records**

- **(a) Hearings.** Every hearing shall be conducted in private with only such persons in attendance as have a direct involvement in the proceeding, except as hereinafter provided. At the judge's discretion, attendance may also be permitted at any private hearing of any person who has an interest in the work of the court; provided, however, that such person shall agree not to record, disclose or publish the names, photographs or other identifying data with respect to any of the participants in the hearing. Upon objection by any family member involved in the hearing or by the attorney of any family

member, any person seeking permission to attend because of interest in the work of the court may be excluded from any hearing involving said juvenile.

- **(b) Records.** Social, medical, psychological, legal, and other records of the court or family intake services, and records of law enforcement agencies, found to be part of a juvenile-family crisis matter, shall be strictly safeguarded from public inspection and shall be made available only pursuant to N.J.S.A. 2A:4A-60 to -62. Any application for such records shall be made by motion to the court.

**Note: Source-R.R.. (1969) 5:9-1. Adopted December 20, 1983, to be effective December 31, 1983; amended July 13, 1994 to be effective September 1, 1994; caption amended, text of rule redesignated as paragraph (a), and new paragraph (b) added July 12, 2002 to be effective September 3, 2002.**