

NOTICE TO THE BAR

MOTIONS TO WAIVE FAMILY JURISDICTION IN JUVENILE DELINQUENCY CASES; PROPOSED AMENDMENTS TO RULE 5:22-2(a) – REQUEST FOR PUBLIC COMMENT

The Supreme Court requests public comment on proposed amendments to Rule 5:22-2(a) (“Motion for Waiver of Jurisdiction and Referral”) that are intended to expedite the filing of motions to waive Family jurisdiction in a juvenile delinquency case.

The Criminal Justice Reform Act supports the constitutional guarantee of a speedy trial by establishing timeframes for critical case junctures, thereby avoiding the prolonged detention of eligible defendants who are not released pretrial. For detained Criminal defendants, an indictment must be returned or unsealed within 90 days, a trial must start within 180 days after indictment, and there is an overall limit of two years from date of detention to date of trial. With regard to offenses by juveniles, however, these speedy trial dates do not apply while the matter is in Family and instead only come into play if and when the matter is waived to Criminal. As a result, it is possible for juveniles who are charged with serious crimes to remain detained in secure facilities for an extended time, without proceeding to trial.

To address this situation, the Court here seeks public comment on proposed amendments to Rule 5:22-2(a) to prevent delays in the filing of motions to waive Family jurisdiction by setting conditions on the existing 60-day timeframe for the prosecutor to file a motion to waive a juvenile from the Family Part to the Criminal Part. More specifically, the amendments would permit only one extension of time, upon good cause shown, for up to an additional 60 days rather than an indefinite period, as follows:

Rule 5:22-2. Waiver of Jurisdiction and Referral Without Juvenile’s Consent

(a) Motion for Waiver of Jurisdiction and Referral. A motion seeking waiver of jurisdiction by the Family Part shall be filed by the prosecutor within 60 days after the [receipt of the complaint, which time may be extended for good cause shown] filing of the complaint. Before the conclusion of that timeframe, the prosecutor

may file a motion to extend time for an additional 60 days for good cause shown. Only one extension of time shall be permitted. The waiver motion shall be accompanied by a written statement of reasons clearly setting forth the facts used in assessing all factors contained in N.J.S.A. 2A:4A-26.1 et seq., together with an explanation as to how evaluation of those facts support waiver for each [particular] juvenile.

(b) – (f). . . no change.

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Please send any comments on the proposed amendments to Rule 5:22-2(a) in writing by **January 13, 2025** to:

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Proposed Amendments to Rule 5:22-2(a)
Hughes Justice Complex, P.O. Box. 037
Trenton, NJ 08625-0037

Comments may also be submitted via email at the following address:
Comments.Mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address, and those submitting comments by email should include their name and email address. Comments are subject to disclosure upon receipt.

/s/ Glenn A. Grant

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: December 11, 2024