

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 5:19. GENERAL PROVISIONS

Rule 5:19-1. Establishment of Venue; Change of Venue

(a) Establishment of Venue.

(1) Juvenile delinquency complaints are filed in the county where the incident giving rise to the complaint allegedly occurred. However, when the juvenile charged is domiciled in a county other than the county of the alleged occurrence, venue shall be laid in the county of the juvenile's domicile unless the court finds good cause for venue to be retained in the county where the incident allegedly occurred.

(2) If there are multiple defendants, juvenile or adult, the Family Division Manager or designee in the county where the complaint was filed shall immediately notify the county prosecutor and any attorney of record of an intent to transfer the juvenile matter to the county of domicile. Any objection to the transfer of venue to the county where the juvenile is domiciled shall be made to the court in the county where the complaint was filed, within five days of such notice.

(b) Change of Venue. Except when venue has been established by a court pursuant to an objection raised in paragraph (a)(2), a motion for change of venue may be made at any time. Such motion shall be made to the Family Presiding Judge or designee in the county where the matter is currently venued on notice to the other party. Venue shall be retained unless the court determines that good cause exists to change venue.

Note: Source-R. (1969) 5:3-1(a) and (b). Adopted December 20, 1983, to be effective December 31, 1983; amended June 29, 1990 to be effective September 4, 1990; amended and redesignated as paragraphs (a), (b), and (c) July 10, 1998 to be effective September 1, 1998; caption amended, former text deleted in full, and new captions and text adopted for paragraphs (a) and (b) July 27, 2006 to be effective September 1, 2006.

Rule 5:19-2. Confidentiality of hearing and records

(a) Hearing.

(1) The court may upon application by the juvenile or the juvenile's parent or guardian, the prosecutor or any other interested party, including the victim or complainant or members of the news media, permit public attendance during any court proceeding in a delinquency case, where it determines that there is no substantial likelihood of specific harm to the juvenile.

(2) Unless such application is made and granted, 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 such private hearing by 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 except as expressly authorized by the judge. Upon objection by

the juvenile, the juvenile's attorney, or the juvenile's parents, guardian or custodian, any person seeking permission to attend because of interest in the work of the court may be excluded from any hearing involving that juvenile.

(3) The court shall permit a victim or a family member of a victim to make a statement prior to ordering a disposition in any delinquency proceeding involving an offense that would constitute a crime if committed by an adult, subject to a court determination that exigent circumstances exist that require an immediate disposition.

(b) Confidentiality of Records. Social, medical, psychological, legal and other records of the Court, Probation Division and law enforcement agencies pertaining to juveniles charged as delinquents 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. (1969) 5:9-1(a), 5:10-7. Adopted December 20, 1983, to be effective December 31, 1983; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended and redesignated as paragraphs (a)(1) and (a)(2), new paragraph (a)(3) added, and paragraph (b) amended July 12, 2002 to be effective September 3, 2002.

Rule 5:19-3. Individual hearings

Each juvenile brought before the court may receive an individual hearing even though the conduct alleged may have been performed in association with other juveniles.

Note: Source-R. (1969) 5:9-2. Adopted December 20, 1983, to be effective December 31, 1983.

Rule 5:19-4. Use of Restraints on a Juvenile

(a) Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, cloth and leather restraints, and other similar items, shall not be used on a juvenile during a court proceeding and must be removed prior to the juvenile's entry into the courtroom. Instruments of restraint may be used if, on application to or by the court, the court finds that:

(1) The use of restraints is necessary due to one of the following factors:

(A) Instruments of restraint are necessary to prevent physical harm to the juvenile or another person; or

(B) The juvenile presents a substantial risk of flight from the courtroom; and

(2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the juvenile or another person, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.

(b) In making the determination that instruments of restraint are necessary, the factors that can be considered are:

- (1) any past escapes or attempted escapes by the juvenile;
- (2) evidence of a present plan of escape involving the juvenile;
- (3) any credible threats by the juvenile to harm him or herself or others during court;
- (4) evidence of self-injurious behavior on the part of the juvenile;
- (5) any recent history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on the juvenile or others;
- (6) any other factors the court deems relevant to assess present risk in the court proceeding.

(c) The court shall provide the juvenile's attorney and the prosecutor an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact on the record in support of the order.

(d) If restraints are deemed necessary, the least restrictive restraints shall be used. Any restraints shall allow the juvenile limited movement of the hands to read and handle documents and writings necessary to the hearing. Under no circumstances should a juvenile be restrained to a stationary object or another person.

Note: Adopted November 1, 2016 to be effective January 1, 2017.