

## **RULE 5:16. Short-Term Custody**

### **5:16-1. Standards for Taking Into Custody**

Except where delinquent conduct is alleged, a law enforcement officer may take any juvenile into short-term custody, not to exceed six hours, when:

- **(a)** there are reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and that immediate custody is necessary for the juvenile's protection;
- **(b)** there are reasonable grounds to believe that the juvenile has left the home and care of parents or guardian without their consent; or
- **(c)** an agency legally charged with supervision of the juvenile has notified the law enforcement agency that the juvenile has run away from out-of-home placement; except where there are reasonable grounds to believe that the juvenile is an "abused or neglected child" within the meaning of N.J.S. 9:6-8.21 in which case the provisions of said law shall govern.

The taking of a juvenile into custody shall not be construed as an arrest but shall be deemed a measure to protect the juvenile's health, morals and well-being. Nor shall a juvenile taken into short-term custody be detained in a detention facility or jail.

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

### **5:16-2. Procedure Following Custody**

- **(a) Notification of Parents.** An officer taking a juvenile into short-term custody shall immediately notify the juvenile's parents or guardian thereof.
- **(b) Release to Juvenile's Home.** An officer taking a juvenile into short-term custody shall inform the juvenile of the reason for custody and shall where possible transport or arrange for transport to the juvenile's home. The officer so releasing a juvenile shall inform the juvenile's parents or guardian and the juvenile-family crisis intervention unit of the reason for taking the juvenile into custody and may, if the officer believes further services are needed, inform the juvenile and the juvenile's parents of the nature and location of appropriate services.
- **(c) Release of the Juvenile to Another's Home.** An officer taking a juvenile into short-term custody may transport the juvenile to the home of a relative of the juvenile or to the home of another responsible adult or make arrangements for such transportation where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in custody of the adult until such time as the juvenile-family crisis intervention unit can bring about the child's return home or an alternative living arrangement or out-of-home placement. A law enforcement officer placing a juvenile with a relative or responsible adult shall immediately notify the juvenile-family crisis intervention unit thereof and of the reason for taking the juvenile into custody.
- **(d) Transfer of Custody to Crisis Intervention Unit.** A law enforcement officer taking a juvenile into short-term custody shall immediately notify the juvenile-family crisis intervention unit and shall promptly bring the juvenile to the unit or such other place as is designated by the unit when:
  - **(1)** The officer has reason to believe that it is not in the best interests of the juvenile or the family for the officer to return the juvenile home;
  - **(2)** The juvenile resides in another county and the officer is unable to make arrangements to return the juvenile home;
  - **(3)** The juvenile resides in another state;

- **(4)** The juvenile has run away from a placement and the juvenile refuses to return home or the juvenile, through past behavior, has demonstrated an inability to remain at home;
- **(5)** The law enforcement officer is unable by all reasonable efforts to identify or locate a parent, relative or other such appropriate person;
- **(6)** The juvenile requires immediate emergency services, such as medical or psychiatric care; or
- **(7)** No identification can be obtained from the juvenile.

**Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; paragraphs (b) and (d)(1), (d)(2), and (d)(4) amended July 13, 1994 to be effective September 1, 1994.**