

RULE 5:24. Disposition

5:24-1. Disposition Hearing

- **(a) Time for Hearing: Detention Cases.** If a juvenile is in a detention center or shelter care facility when adjudicated delinquent, the disposition hearing shall be conducted, on notice to the juvenile and all other proper parties, within 30 days after the adjudication. If, after 30 days, no order of disposition has been entered, the court shall, upon motion of the juvenile, fix a date certain for a dispositional hearing which shall be within 10 days of the motion unless an extension is granted by the court for good cause shown.
- **(b) Time for Hearing: Non-detention Cases.** If the juvenile is not in a detention center or shelter care facility when adjudicated delinquent, the disposition hearing shall be conducted, on notice to the juvenile and all other proper parties, within 60 days after the adjudication, which time may be extended by the court on good cause shown.

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

5:24-2. Predisposition Evaluation

- **(a)** Before disposition of any matter but only after an adjudication of delinquency or a determination by the court that the evidence is sufficient to support such an adjudication, the court may refer the juvenile to an appropriate individual, agency or institution on such terms as may be appropriate for examination and evaluation. Before the juvenile may be referred to any institution as an in-patient for such purpose, the court must first provide for the representation of the juvenile, the juvenile's parents, guardian or custodians by counsel as the circumstances require. The court may also confer and consult with such individuals and agencies as may be appropriate to the juvenile's situation and may convene a predisposition conference to discuss and recommend a disposition. Any such reports shall be filed with the court no later than five court days before the dispositional hearing date.
- **(b)** Any predispositional reports filed with the court shall be made available to counsel or parties appearing pro se no later than three court days before the dispositional hearing date, or as determined by the court.

Note: Source-R.R.. (1969) 5:9-1(d); R. (1969) 5:9-7; R. (1969) 5:9-8. Adopted December 20, 1983, to be effective December 31, 1983; former rule redesignated paragraph (a) and paragraph (b) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended June 15, 2007 to be effective September 1, 2007.

5:24-3. Manner of Disposition

If the evidence supports the charge made in the complaint beyond a reasonable doubt, the court may make any custodial or non-custodial disposition on such terms and conditions as it may impose in accordance with the provisions of N.J.S. 2A:4A-43 and 2A:4A-44.

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

5:24-4. Order of Disposition

- **(a) Filing of Order.** An order shall be filed in every case indicating the disposition thereof.
- **(b) Order of Probation or Commitment.** If a juvenile is placed on probation or is committed, the order of the court shall have attached thereto a memorandum containing such information as may assist the receiving agency or institution in the treatment of the

juvenile. Before a juvenile is committed to a correctional institution a pre-disposition investigation and report or other functional equivalent (such as a Juvenile Intensive Supervision Program (JISP) report or a Violation of Probation summary) shall be made and considered by the court. If the court commits a juvenile to a correctional institution and the maximum authorized term is less than three years the commitment order shall state what the degree of the offense and the sentence maximum would have been had the juvenile committed the offense as an adult.

- **(c) Expense of Commitment Proceedings and Board.** If a juvenile is committed to any institution or referred to the State Diagnostic Center, the judge shall make inquiry as to the ability of the parent or guardian to pay the expense of commitment proceedings and the board of the juvenile, and the judge shall endorse on the order of commitment a statement of the findings in that regard.

Note: Source-R.R.. (1969) 5:9-10(a), (b), (c). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 28, 2004 to be effective September 1, 2004.

5:24-5. Retention of Jurisdiction

- **(a) Mandatory Retention of Jurisdiction.** The court shall retain jurisdiction over every action in which it has entered an order of disposition for the duration of the dispositional terms and conditions. If the court finds at any time during the duration of the disposition, on notice and hearing, that the conditions of the order of disposition have been violated, it may substitute any other disposition which it might originally have made. If the disposition was an order of commitment or incarceration the court may, during the duration of that disposition, substitute any other disposition otherwise available to it.
- **(b) Discretionary Retention of Jurisdiction.** Where retention of jurisdiction is not mandatory pursuant to paragraph (a) hereof, the order of disposition may provide for the retention of the court's jurisdiction over a juvenile for a term not exceeding that specified therein.

Note: Source-R.R.. (1969) 5:9-10(d). Adopted December 20, 1983, to be effective December 31, 1983.

5:24-6. Modification of Order of Disposition: Post-disposition Relief

In addition to the modification of order of disposition provided for by R. 5:24-5, the court may correct, change or modify an order of disposition at any time pursuant to law and may entertain an application for post-disposition relief, which shall be made and determined in accordance with the provisions of R. 3:22, insofar as applicable.

Note: Source-R.R.. (1969) 5:9-10(e). Adopted December 20, 1983, to be effective December 31, 1983.