

RELEASE DATE:



REPORT OF THE

NEW JERSEY SUPREME COURT'S

COMMITTEE ON JUVENILE AND DOMESTIC RELATIONS COURTS,

Morris E. Barison
Horace S. Bellfatto
Edward Cohn
Benjamin J. Dzick
Samuel L. Epstein
Mason W. Gross
Morris N. Hartman
Martin J. Kole
Harry W. Lindeman
David A. Nimmo
Richard R. O'Connor
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Richard J. Hughes, Chairman

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TO THE HONORABLE, THE CHIEF JUSTICE AND THE ASSOCIATE
JUSTICES OF THE SUPREME COURT OF NEW JERSEY:

Under Rule 1:23-1 (d), and on November 15, 1956, the Supreme Court appointed this Committee to assist the Judicial Conference in its work in the following areas:

"To study the jurisdiction of and the practice and procedure in the Juvenile and Domestic Relations Courts; and to report to the Supreme Court its recommendations with respect thereto."

The Committee thus named is largely the same Committee* as that of the same name which was initially appointed on December 21, 1953, reappointed December 19, 1955, and which filed a comprehensive report on April 19, 1956. That report covered the whole field comprised in the above topic, was discussed at the 1956 Judicial Conference, and all that remains is the implementation thereof by specific legislation and court rule to carry out the recommendations therein made.

The Committee has not been directed by the Court to prepare and arrange for introduction of specific legislation, and it is assumed that the Court has desired that time be afforded for the assessment of public reaction as to these proposals and a final consideration by the 1957 Judicial Conference of the advisability of offering legislation to accomplish all or a part of same during the present session of the Legislature.

At the meeting of the Committee in Asbury Park on December 15, 1956, it was the consensus that the jurisdictional and other fundamental changes suggested for the present Juvenile and Domestic Relations Court statute should be crystallized in the form of specific legislation.

*With the valued addition of these new members:-Juvenile and Domestic Relations Court Judges Morris E. Barison and Richard R. O'Connor; Dean Mason W. Gross and Mayor Henry W. Peterson.

These changes in their most important aspect involve N.J.S. 2A:4-18 of the present Act and the verbatim revisions suggested by the Committee are listed in its comprehensive report, supra, beginning on page 23. The Committee has not received any specific objection to the revisions proposed and since the Asbury Park meeting our members have been requested, by way of added precaution, to re-examine carefully all of such revisions. We are still convinced that these changes must come about and reference to the report will indicate that under each revised or new section has been inserted a reference to the reasoning of the Committee underlying such proposal.

In the section of the same statute which defines juvenile delinquency, N.J.S. 2A:4-14, we proposed the addition of two new classifications as being quite necessary under present conditions, as follows:

"m. Knowingly associating, accompanying, combining or conspiring with others with intent to commit assault or for other unlawful purposes;

n. Congregating and loitering on public streets or in public places, including places of business, and refusing to disperse and move on when ordered to do so by the police."
(Page 39 of report.)

Regarding the remaining sections of the Act, which are primarily procedural and technical, Appendix A of the comprehensive report of April 19, 1956 sets forth the changes proposed, to which we also direct the attention of the Judicial Conference.

The Committee also repeats now its recommendation in that report (page 40) that a family support order entered under the provisions of N.J.S. 2A:4-18, supra, should be given precedence over outstanding garnishee executions entered in civil litigations under other statutes, on the theory that the family's present need for the necessities of life should be paramount to other obligations.

The previous report, in connection with its study of detention and training facilities for juvenile delinquents, commented upon the establishment known as the Highfields Experimental Treatment Project supervised by the Department of Institutions and Agencies at the former Lindbergh estate. It recommended to the Department the consideration of the establishment of like facilities in other parts of the State. We are pleased to advise that the Department of Institutions and Agencies, convinced of the success in operation of the present Highfields experiment, and under the impetus of several recommendations, including that of our Committee, requested the inclusion of the sum of \$200,000 in the budget for the fiscal year 1957-58, for the construction and operation of one or more short-term treatment projects similar to Highfields. Our Committee wishes to commend the Department of Institutions and Agencies for this step and hopes that such request will be implemented and that further projects will soon be established. We have requested the Department to study the advisability of a similar facility for female juvenile delinquents as particularly necessary at the present time.

The Committee further recommends an acceptance by the Judicial Conference of the policy recommended in the Committee's comprehensive report, supra, that steps be taken for the extension of the concept of the specially-appointed Juvenile and Domestic Relations Court Judge to the sixteen counties of the State in which such judges do not exist. In those counties, the County Judges act as Judges of the Juvenile and Domestic Relations Court and necessarily the work of those courts is secondary to the work required by the continuing pressure upon the civil and criminal calendars which constitute the bulk of the judicial effort of such County Judges. The Committee repeats with emphasis its affirmance of the principle quoted from the 1956 Report of the

Temporary Commission on the Courts of New York as follows:

"The court handling all matters concerning the family determines issues of the highest importance to society as a whole and therefore must be a court of major stature with broad powers."

(N.Y. Leg. Document 18, p. 53, quoted on page 42 of the comprehensive report, supra.)

While it is doubtful, from a mechanical standpoint, that such court structure could be established during the present legislative year, we recommend urgently that the statement of principle be accepted and that ways and means be devised for the accomplishment of such objectives in the near future. The revisions of the existing Juvenile and Domestic Relations Court Act touching upon its jurisdiction will, perforce, broaden such jurisdiction and absorb much of the function presently exercised by the New Jersey Superior Court, in its Matrimonial Division, and the State must foresee the practical need, as well as the moral justification, of the existence in all of our counties of courts specially assigned to deal with such family problems.

By reason of the appointment by the Court of a Committee on Probation to assist the Judicial Conference in its work, and the report filed thereby, this Committee has determined to withhold for the time at least, specific recommendations of changes in the structure of the existing Probation Act. It wishes to include, however, in the revision of the Juvenile and Domestic Relations Court Act, and hereby recommends, a provision which will require a periodic field examination, after the first year of probation of a juvenile offender, of the status of such probation and a report thereon to the court which imposed it, for the purpose of enabling that court to consider the advisability of terminating such probation where its continuance is unnecessary because of rehabilitation of the offender, and thereby reduce the heavy caseloads of probation officers in the juvenile and domestic relations field.

The Committee further recommends that the statutes suggested in the section of its comprehensive report on "Probation Responsibility of Parents", beginning on page 8 thereof, shall be considered by the Judicial Conference and that the introduction of such legislation will be authorized. These proposals would permit a Juvenile and Domestic Relations Court which has determined a causal relationship between specific parental default and juvenile delinquency to coerce the abandonment of such neglect or corrupting influence and to enforce the assumption of decent parental responsibility, by statutes of the nature suggested.

This legislation would make unnecessary other proposed statutes creating arbitrary civil responsibility without fault on the part of parents for vandalism or other damages caused by their children. The principle of such legislation was condemned by Governor Meyner in his veto message of such a bill on August 8, 1955 and by Governor Harriman in New York of such a bill on March 19, 1956, and the reasons for our Committee's disapproval of such legislation are noted in our comprehensive report, supra, on page 5.

The Committee records its continuing dissent from proposals made in the report of another Committee of this Judicial Conference concerning the press publication of names of juvenile malefactors, for reasons fully discussed in its comprehensive report, supra, beginning on page 81, under the caption "The Press." It stresses that the avoidance of such publicity is intended by it as a general rule, not including cases of capital or heinous offenses, but confined to those coming within the general concept of juvenile delinquency as distinguished from adult crime.

In summary, the Committee recognizes that the great bulk of legislative and rule changes encompassed by its report of April 19,

1956 are not capable of simultaneous accomplishment and believes that the order of precedence for the present year should be, generally, as follows:

1. The revision of the existing Juvenile and Domestic Relations Court Act, as above recommended.
2. The addition of the two new classifications of juvenile delinquency above noted.
3. The adoption of a statement of policy by the Judicial Conference favoring the extension of the concept of the specially-appointed Juvenile and Domestic Relations Court Judge to every New Jersey county.
4. The adoption of legislation to enforce parental responsibility of the type above mentioned.

The Committee repeats its hope and caution that the introduction of specific legislation should be so accomplished as to secure its consideration without any possible involvement in political controversy for the reasons set forth in its comprehensive report, supra, which we take the liberty of repeating here:

"We request the continued close cooperation of all branches of government in this work, which of course, is outside the arena of politics, much as foreign relations should be in the federal field. Obviously, we are all tied together in a common fight, and dealing with a common danger to the public, which is not inconsiderable. As such we are confident that the State will move with expedition and harmony toward the attainment of these objectives."

Respectfully submitted:

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