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Directive # 27-20
(Supersedes Directives #10-18 and Supplement to #10-18)

Questions or comments may be directed to 609-815-2900, ext. 55350

**TO: Assignment Judges
Family Presiding Judges**

FROM: Glenn A. Grant, J.A.D. 

SUBJ: Family – Juvenile Pleas – Revised Confidential Juvenile Plea Form (CN 11144); Addendum to Juvenile Plea Agreement - Mandated Questions for Certain Sexual Offenses (CN 11425); Notification of Right to Seek Legal Advice Regarding Immigration Status Consequences Form (CN 11629); Protocols for Informing Juveniles of Potential Immigration Consequences

DATE: December 31, 2020

This Directive supersedes Directive #10-18 (issued July 27, 2018) and Supplement to Directive #10-18 (issued January 9, 2020) and promulgates the revised Confidential Juvenile Plea Form (“Plea Form”) (CN 11144), as recommended by the Judicial Council and approved by the Supreme Court. This Directive also reissues the Addendum to Juvenile Plea Agreement - Mandated Questions for Certain Sexual Offenses (“Sex Offense Addendum”) (CN 11425) and the Notification of Right to Seek Legal Advice Regarding Immigration Status Consequences (“Notification Form”) (CN 11629).

A. Confidential Juvenile Plea Form (“Plea Form”)

Pursuant to R. 5:21A, the Confidential Juvenile Plea Form (CN 11144) is required to be used in all matters in which the court or a juvenile referee accepts a plea. In matters involving certain sexual offense charges, the Sex Offense Addendum (CN 11425) must be used in conjunction with the Plea Form. The Plea Form (and the Sex Offense Addendum, if applicable) must be reviewed with the juvenile and parent/guardian at the plea hearing. The attorney's role in this process is set forth below in the "Attorney Responsibility" section of this Directive.

B. Notification of Right to Seek Legal Advice Regarding Immigration Status Consequences Form (CN11629) (“Notification Form”)

The Notification Form, which is to be used for all juvenile delinquency proceedings, is necessary to inform the juveniles that noncitizens may be deported or subject to other immigration consequences if pleading guilty to certain crimes. At the beginning of any first hearing in the case, the Notification Form shall be provided to the juvenile and the juvenile's parent/guardian. The Notification Form confirms that the juvenile and parent/guardian have

been advised of the right to seek counsel to discuss the effect that certain conduct or acts of delinquency may have on the juvenile's immigration status. Whether the hearing proceeds will depend on whether the juvenile and parents/guardians will be seeking legal advice on any immigration issues. The Notification Form shall not be mailed to the juvenile and parent/guardian. It must be reviewed with the juvenile and parent/guardian at the first hearing.

C. Notification Form Protocol

1. Counsel Mandatory Proceedings Before a Judge

Before the first hearing and again prior to any plea hearing, the defense attorney will review the completed Notification Form with the juvenile and the parent/guardian. The judge then will review the Notification Form with the attorney, the juvenile, and the parent/guardian on the record. Following that review, the juvenile and the juvenile's parents/guardians and the judge will sign the form, or, in the alternative, the court may confirm on the record that the Notification Form was reviewed with the juvenile and the parent/guardian.

If the juvenile has indicated that they would like the opportunity to seek advice from an attorney about immigration consequences, the proceeding will be adjourned and rescheduled.

If after the review of the Notification Form the juvenile wishes to proceed, the judge may proceed with taking a plea.

2. Other Proceedings -- Counsel Non-Mandatory Proceeding Before a Judge, Juvenile Referee Proceeding, Intake Services Conference (ISC), Juvenile Conference Committee (JCC)

For other proceedings (counsel non-mandatory matters before a judge, juvenile referee, ISCs, and JCCs), the review of the Notification Form will be conducted at the first hearing. The juvenile and the parent/guardian will be provided with the Notification Form, which the judge or court official (e.g., juvenile referee, JCC Coordinator, or ISC staff) will review with the juvenile and parent. After this review, the Notification Form will be signed by the judge or court official, the juvenile, and the juvenile's parent/guardian, or, in the alternative, the court official may certify that the Notification Form was reviewed with the juvenile and the parent/guardian.

If the juvenile has indicated that they would like the opportunity to consult with an immigration attorney, the proceeding will be adjourned and rescheduled. Otherwise, the matter will proceed as scheduled.

D. Notification Form Policy for All Proceedings

1. At no point in the proceedings shall a judge, juvenile referee, ISC staff person, or JCC advise the juvenile on the immigration consequences of a plea or entry into diversion. The court's responsibility is limited to informing the juvenile that: (1) engaging in certain conduct or acts of delinquency or an admission of guilt may result in negative immigration consequences; and (2) the juvenile has the right to seek advice from an attorney regarding the potential

immigration consequences. The court is not responsible for appointing an immigration attorney for the juvenile.

2. Additional adjournment requests, beyond the request for an adjournment to seek advice from an immigration attorney, shall be addressed within the court's discretion.

3. A copy of the executed Notification Form shall be retained in the juvenile's court file.

E. Attorney Responsibility

In cases where a juvenile is represented by counsel in the juvenile delinquency case, the defense attorney is responsible for reviewing the Plea Form with the juvenile to ensure that the juvenile understands the consequences of pleading guilty to an offense. The defense attorney is responsible for executing and submitting the Plea Form, Sex Offense Addendum, and Notification Form to the court. When accepting the plea, the judge should ask the juvenile's attorney on the record whether the attorney reviewed the Plea Form, Sex Offense Addendum, and Notification Form with the juvenile and answered all of the juvenile's questions. Defense attorneys must also ensure that juveniles are informed of their right to seek the advice of separate counsel regarding the potential immigration consequences of a plea or diversion. Defense counsel is not expected to be an expert in immigration law. An executed Notification Form shall be retained in the juvenile's court file.

Attachments:

- (1) Revised Confidential Juvenile Plea Form (CN 11144),
- (2) Reissued Addendum to Juvenile Plea Agreement - Mandated Questions for Certain Sexual Offenses (CN 11425)
- (3) Reissued Notification of Right to Seek Legal Advice Regarding Immigration Status Consequences (CN 11629)

cc: Chief Justice Stuart Rabner
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