

**ASSEMBLY, No. 1818**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Creates the victim-juvenile offender mediation program.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning victim-juvenile offender mediation, amending  
2 P.L.1982, c.81 and supplementing chapter 4A of Title 2A of the  
3 New Jersey Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. Section 4 of P.L.1982, c.81 (C.2A:4A-73) is amended to read  
9 as follows:

10 4. Diverting complaints.

11 a. The court may divert a complaint filed pursuant to section 11  
12 of P.L.1982, c.77 (C.2A:4A-30) to intake conferences [or] juvenile  
13 conference committees or to victim-juvenile offender mediation.  
14 Where the complaint alleges a disorderly persons or petty disorderly  
15 persons offense the court may dispose of the case as a juvenile-  
16 family crisis pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.). The  
17 county prosecutor shall be promptly notified of the diversion of a  
18 complaint.

19 b. The complainant or victim of any offense committed by a  
20 juvenile diverted by the court, which offense would be a crime if  
21 committed by an adult, shall receive a statement as to the reasons  
22 for the proposed diversion.

23 (cf: P.L.1982, c.81, s.4)

24  
25 2. (New section). Purpose.

26 The Legislature finds and declares that:

27 a. The resolution of cases where a juvenile is charged with  
28 delinquency may be costly and complex in a judicial setting where  
29 the parties involved are necessarily in an adversarial posture and  
30 subject to formalized procedures; and

31 b. Victim-juvenile offender mediation meets the needs of New  
32 Jersey's citizens by providing forums in which persons may  
33 voluntarily participate in the resolution of cases where a juvenile is  
34 charged with delinquency in an informal and less adversarial setting  
35 and where victims of crime can have the opportunity to actively  
36 participate in the process.

37  
38 3. (New section) Definitions.

39 a. As used in this act:

40 (1) "Victim-juvenile offender mediation" means a mediation  
41 program that involves a juvenile offender and the victim of the  
42 offense and which includes a meeting between the juvenile offender  
43 and the victim to discuss the offense, establish restitution, and  
44 consider sanctions for the offense.

45 (2) "Mediator" means a person who is qualified, trained and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 certified in victim-juvenile offender mediation according to  
2 standards established by the Juvenile Justice Commission. The  
3 standards shall include, but shall not be limited to, training in  
4 conflict resolution and experience in matters involving children and  
5 their families and experience in victim counseling. Mediators shall  
6 reflect the diversity of the community.

7  
8 4. (New section ) Victim-juvenile offender mediation program.

9 a. The Juvenile Justice Commission shall establish a victim-  
10 juvenile offender mediation program that shall:

11 (1) Create a presumption in favor of victim-juvenile offender  
12 mediation as an alternative to the courts for the resolution of  
13 juvenile delinquency matters;

14 (2) Encourage community involvement in local victim-juvenile  
15 offender mediation programs; and

16 (3) Serve a specific community or locale and mediate juvenile  
17 delinquency matters that arise within that community or locale.

18 b. A complaint alleging an act which, if committed by an adult,  
19 would constitute a crime, a disorderly persons offense or a petty  
20 disorderly persons offense may be referred by the court to the  
21 county prosecutor to determine whether the complaint may be  
22 referred to the victim-juvenile offender mediation program.

23 c. Prior to participation in the victim-juvenile offender  
24 mediation program, the mediation coordinator shall screen the  
25 victims and juveniles on a case-by-case basis to determine if the  
26 case is appropriate for victim-juvenile mediation program. The  
27 coordinator shall inform the victims and the juveniles orally and in  
28 writing about the mediation process, the procedures that will be  
29 utilized, the goals of the program and that participation shall be  
30 entirely voluntary.

31 d. Any juvenile or victim who participates in a victim-juvenile  
32 offender mediation program may revoke his consent at any time and  
33 may withdraw from mediation. In such case the complaint shall be  
34 referred to the court for action.

35 e. At the conclusion of the mediation process, the parties shall  
36 enter into a written agreement setting forth the terms of the  
37 mediation agreement and setting the juvenile's responsibilities.

38 f. The Juvenile Justice Commission shall monitor compliance  
39 with the mediation agreement.

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41 5. (New section). Confidentiality.

42 All statements made by victims and juveniles and all  
43 memoranda, works, notes or any other documentation are  
44 confidential and shall not be subject to disclosure in any judicial  
45 proceeding.

46  
47 6. The Juvenile Justice Commission shall, in accordance with  
48 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

1 seq.), adopt and promulgate such rules and regulations as may be  
2 necessary for the implementation of this act.

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4 7. This act shall take effect on the 180th day after enactment.

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STATEMENT

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9 This bill establishes the victim-juvenile offender program. The  
10 purpose of the bill is to provide victims and juveniles with the  
11 opportunity and the forum to resolve their differences in a less  
12 formal and adversarial setting and where the victim can have the  
13 opportunity to actively participate in the process.

14 The bill amends N.J.S.A.2A:4A-73 to authorize the court to  
15 divert a complaint charging delinquency to the newly created  
16 victim-juvenile offender mediation program. Currently, the court  
17 may divert a complaint to an intake conference or to juvenile  
18 conference committees.

19 Under the provisions of the bill, the court may refer a matter to  
20 the county prosecutor who then determines whether the matter will  
21 be sent to the victim-juvenile offender mediation program. Prior to  
22 participation in the program, the mediation coordinator is required  
23 to screen the victims and juveniles on a case-by-case basis to  
24 determine if the case is appropriate for juvenile victim-mediation.  
25 The coordinator is required to inform the parties about the  
26 mediation process, the procedures that will be utilized, the goals of  
27 the program and that participation in the program is voluntary. The  
28 juvenile or victim may revoke his consent at any time and may  
29 withdraw from mediation in which case the matter would be  
30 referred to the court for action.

31 The bill provides that upon the the conclusion of the process, the  
32 parties are required to enter into a written agreement setting forth  
33 the terms of the mediation agreement and the responsibilities of the  
34 juvenile. The bill provides that the Juvenile Justice Commission  
35 shall monitor compliance with the agreement. All statements made  
36 by the victims and juveniles and all memoranda, works, notes or  
37 any other documentation would be deemed confidential.

38 The bill gives rule making powers to the Juvenile Justice  
39 Commission.