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New Jersey Lawyer Magazine (ISSN-0195-0983) is published six times per year. Permit number 380-680. • Subscription is included in dues to members of the New Jersey State Bar Association (\$10.50); those ineligible for NJSBA membership may subscribe at \$60 per year. There is a charge of \$2.50 per copy for providing copies of individual articles • Published by the New Jersey State Bar Association, New Jersey Law Center, One Constitution Square, New Brunswick, New Jersey 08901-1520. • Periodicals postage paid at New Brunswick, New Jersey 08901 and at additional mailing offices. POSTMASTER: Send address changes to *New Jersey Lawyer Magazine*, New Jersey State Bar Association, New Jersey Law Center, One Constitution Square, New Brunswick, New Jersey 08901-1520. • Copyright ©2015 New Jersey State Bar Association. All rights reserved. Any copying of material herein, in whole or in part, and by any means without written permission is prohibited. Requests for such permission should be sent to *New Jersey Lawyer Magazine*, New Jersey State Bar Association, New Jersey Law Center, One Constitution Square, New Brunswick, New Jersey 08901-1520. • *New Jersey Lawyer* invites contributions of articles or other items. Views and opinions expressed herein are not to be taken as official expressions of the New Jersey State Bar Association or the author's law firm or employer unless so stated. Publication of any articles herein does not necessarily imply endorsement in any way of the views expressed or legal advice. • Printed in U.S.A. • Official Headquarters: *New Jersey Lawyer Magazine*, New Jersey State Bar Association, New Jersey Law Center, One Constitution Square, New Brunswick, New Jersey 08901-1520. 732-249-5000 • Advertising Display 732-565-7560.

MESSAGE FROM THE SPECIAL EDITORS

Juveniles are a vulnerable population because of their inability to advocate for themselves. They rely on others for support, guidance, and appropriate services when needed. Juvenile rights take many forms, including rights associated with the criminal justice system, rights of students in public schools, rights coupled with parental custody, and rights related to immigration status and citizenship. Not surprisingly, these areas generate strong feelings among advocates for juveniles. As several of the authors in this edition of *New Jersey Lawyer* discuss, although there has



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standard governing waiver decisions, including requiring the prosecutor provide a written analysis of the appropriateness of the requested waiver as a part of the application within 60 days;

In August, Governor Chris Christie signed new legislation that will change the way juveniles charged with criminal offenses can be tried, sentenced and confined. The intended goal of these enacted reforms is to prevent the cycle of crime and recurring incarceration by concentrating on rehabilitation of juvenile offenders.

been significant reform in these areas moving in a positive direction, many supporters feel more needs to be done to protect juveniles.

Juvenile rights in the criminal justice system is an issue that is particularly topical. In August, Governor Chris Christie signed new legislation that will change the way juveniles charged with criminal offenses can be tried, sentenced and confined. The intended goal of these enacted reforms is to prevent the cycle of crime and recurring incarceration by concentrating on rehabilitation of juvenile offenders. The new law:

- Raises the minimum age that a juvenile may be prosecuted as an adult from 14 to 15, narrows the list of offenses that can lead to prosecution as an adult, and amends the

- Requires due process, including representation by legal counsel, before a child who is confined in a juvenile detention center can be transferred to an adult prison (prohibiting transfer to adult courts for all but the most serious crimes, prohibiting in most cases the incarceration of juveniles in adult facilities until they are at least 18); and
- Eliminates solitary confinement as a disciplinary measure in juvenile facilities unless the juvenile poses an immediate and substantial risk of harm to others or security at the facility, and places time limits on the use of solitary confinement.

The articles in this edition of *New Jersey Lawyer* offer a comprehensive review of juvenile rights, including recent developments in criminal jus-

tice and other important areas of the law. To start the edition, Marsha Levick, deputy director and chief counsel of the Juvenile Law Center, reviews juvenile justice reform, providing a look back and an insightful analysis of where the movement is heading. Ellen Torregrossa-O'Connor discusses New Jersey's current juvenile justice system, the newly enacted legislation, and offers practical suggestions for future change. Sandra Simkins focuses her article on juvenile solitary confinement and its harmful effects on youth, and provides commentary on the new legislation as it relates to solitary confinement. Philip Witt, Jack S. Furlong, and Jessica S. Oppenheim address issues and provide guidance regarding cases involving juveniles accused of sex offenses. Heather Renwick considers the need for fairer sentencing for juveniles and provides sobering examples of extreme sentencing of juveniles in New Jersey. Allan Marian provides practical advice in the area of expungement of proceedings under the Code of Juvenile Justice. Laura Cohen and James Moeser offer a commentary piece that discusses the need for reforming the juvenile justice system in New Jersey. Patricia E. Apy considers the need for effective border control for the prevention of international child abductions from the United States, emphasizing the need for appropriate documentation and authorization for all juveniles travelling from the United States. Sarah Plastino and David Broderick explain the need for legal representation for juveniles navigating immigration removal proceedings, which are adversarial and legally complex. Susan S. Hodges and Kyle J. Trent discuss the role school districts play in the juvenile justice process through their cooperation with law enforcement agencies and the imposition of appropriate student discipline. Finally, Jessica Limbacher and James L. La Rocca review New Jersey's education laws mandating that children

with disabilities be provided an appropriate education in an inclusive environment, which has been a hotly debated topic in recent years.

We are grateful to each of these authors for sharing their time, knowledge and cultured opinions. Their contributions have made this edition not only interesting, but also a useful tool for those practicing in this area. We would also like to thank Cheryl Baisden, our managing editor, for her unwavering dedication, commitment and keen insights.

Undeniably, New Jersey's juvenile justice system, like its counterparts all over the country, faces many challenges, but New Jersey's new legislation attempts to strike a better balance for smarter justice. With the enactment of this recent legislation and the other developments in the area of juvenile rights, it will be interesting to see what changes the future brings for New Jersey juveniles. ☺

John C. Connell is a partner/shareholder of Archer & Greiner, P.C., at the firm's headquarters in Haddonfield, and a member of the New Jersey Lawyer Editorial Board. He has represented clients ranging from Fortune 100 companies to individuals in a broad variety of commercial litigation matters, including communications and intellectual property law, civil rights and employment defense litigation, and appellate advocacy.

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