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**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****Directive # 27-20**
**(Supersedes Directives #10-18 and
Supplement to #10-18)**Questions or comments may be
directed to 609-815-2900, ext. 55350

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
Attorney General Gurbir S. Grewal
Public Defender Joseph E. Krakora
Veronica Allende, Director, Division of Criminal Justice
County Prosecutors
Regional Deputy Public Defenders
Steven D. Bonville, Judiciary Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Trial Court Administrators
Special Assistants to the Administrative Director
David Tang, Chief, Family Practice
Family Division Managers
Assistant Family Division Managers



Before Judge

Confidential Juvenile Plea Form

1. d. Do you understand what an extended term is? ☐ Yes ☐ No
e. Do you understand why you are subject to an extended term? ☐ Yes ☐ No
2. a. Did you commit the offense(s) to which you are admitting responsibility? ☐ Yes ☐ No
b. Do you understand that before the judge can accept your admission, you will have to tell the judge what you did? ☐ Yes ☐ No
3. Do you understand what the charges mean? ☐ Yes ☐ No
4. Do you understand that by admitting responsibility you are giving up certain rights? Among them are:
- a. The right to trial ☐ Yes ☐ No
b. The right to have the State prove the charges against you beyond a reasonable doubt at trial ☐ Yes ☐ No
c. The right to confront or cross-examine, the State's witnesses, which means your attorney can question the State's witnesses ☐ Yes ☐ No
d. The right to remain silent, which means no one can force you to speak or testify at trial and your silence cannot be used against you ☐ Yes ☐ No
e. The right to testify, if you so choose ☐ Yes ☐ No
f. The right to present evidence of your own and subpoena witnesses ☐ Yes ☐ No
5. If you admit responsibility:
- a. Do you understand that if you are adjudicated delinquent of an offense, which if committed by an adult would be a crime of the first, second, third or fourth degree, or some disorderly persons offenses, you will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activities, and pay for the cost of testing? ☐ Yes ☐ No
b. Do you understand that if you are adjudicated delinquent of an offense, which if committed by an adult would be a crime of the first, second, third or fourth degree, you will be required to provide fingerprints, which could be used by law enforcement for the investigation of criminal activities? ☐ Yes ☐ No
c. Do you understand that if you are adjudicated delinquent of an offense, which if committed by an adult would be a crime of the first, second, third or fourth degree, you will be required to be photographed, which could be used by law enforcement for the investigation of criminal activities? ☐ Yes ☐ No
d. Interstate Compact for Juveniles (ICJ):
1. Do you understand that if you currently live out of state or plan to relocate to another state for a period of time exceeding ninety (90) consecutive days in any twelve (12) month period, your probation supervision transfer falls under the authority of the Rules of the Interstate Compact for Juveniles (ICJ)? ☐ Yes ☐ No
2. Do you understand that while you are under probation supervision, if you are living out of state in one of the 51 other jurisdictions but not living with your parent, legal guardian, or custodian, the Rules of the ICJ might prohibit your attendance at an out of state school? ☐ Yes ☐ No
3. Do you understand under the other 51 jurisdictions, even if you are not required to register as a sex offender in New Jersey, upon acceptance of your supervision in another state, you might be required to register as a sex offender in any one of the other 51 jurisdictions in which you may desire to live? ☐ Yes ☐ No
4. Do you understand under the ICJ, if you are required to register as a sex offender in any of the other 51 jurisdictions, there might be restrictions on where you can live (e.g. residing near a school, daycare center and/or playground)? ☐ Yes ☐ No
5. Do you understand that under the ICJ if you are accepted for supervision by another state and you violate the terms and conditions of probation supervision of either New Jersey or the other jurisdictions in which you live, you might be subject to return to New Jersey for a Violation of Probation? ☐ Yes ☐ No
6. Do you understand that it might limit your ability to travel, leave the State, and/or attend school outside of New Jersey pursuant to the ICJ? Do you understand that if you live out of State, your plea might be impacted? ☐ Yes ☐ No
For more information on the ICJ sexual offender laws of each state, please access that respective state's ICJ page at www.juvenilecompact.org.
e. Do you understand that if you accept responsibility for a sexual offense, there are additional requirements that you must abide by? These requirements are listed in the sexual offense/Megan's Law offender supplemental form. ☐ N/A ☐ Yes ☐ No

Confidential Juvenile Plea Form

6. Do you understand that if you are admitting to a drug offense under *N.J.S.A. 2C:35-1 et. seq.*, or *N.J.S.A. 2C:36-1 et. seq.* the following **mandatory** penalties apply? (if this question does not apply, skip to question 7)
- a. You will be required to forfeit your driver's license for a period of time from 6 to 24 months ☐ Yes ☐ No
- b. You will be required to pay a forensic laboratory fee of \$25 for each offense for which you admit ☐ Yes ☐ No
7. a. Are you presently on probation or parole? (if "No", skip to question 8a.) ☒ Yes ☐ No
- b. Do you understand that the rules of the ICJ apply? ☐ Yes ☐ No
- c. Do you realize that admitting responsibility for the present offense might result in a violation of your probation or parole? ☐ NA ☐ Yes ☐ No
8. a. Are you presently serving a custodial sentence on another charge? (if "No", skip to question 9.) ☐ Yes ☐ No
- b. Do you understand that admitting responsibility for the present offense might affect your parole eligibility? ☐ NA ☐ Yes ☐ No
9. Do you understand that if you admit responsibility to, or have been adjudicated delinquent of, other charges or are presently serving a custodial term and the plea recommendation is silent on the issue, the court can require that all dispositions be made to run consecutively or concurrently? ☐ NA ☐ Yes ☐ No
10. a. Specify any disposition the prosecutor has agreed to recommend:
- _____
- _____
- _____
- b. Do you understand that you are admitting responsibility for an offense that carries the following mandatory fines or penalties? ☐ N/A ☐ Yes ☐ No
- List offenses, and associated mandatory fines and penalties:
- _____
- _____
- _____
11. Have any promises, other than those mentioned on this form, or any threats been made in order to cause you to admit responsibility? ☐ Yes ☐ No
12. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this admission:
- _____
- _____
- _____
- See attached plea offer.
13. a. Are you aware that you must pay restitution in the agreed upon amount of \$ _____. ☐ NA ☐ Yes ☐ No
- b. In the event restitution is not agreed upon, are you aware that the court can order you to pay restitution if the court finds there is a victim who has suffered a loss, and if the court finds that you are able, or will be able in the future, to pay restitution? ☐ NA ☐ Yes ☐ No
14. a. I certify that I have signed a *Notification of Right to Seek Legal Advice Regarding Immigration Status Consequences Form*. (Note: A copy of my signed Notification Form is attached to this plea form.) ☒ Yes ☐ No
- b. Having been advised of the possible immigration consequences and of your right to seek advice from an attorney, do you still wish to admit responsibility for the offense(s) listed on page 1? ☐ Yes ☐ No
15. a. Do you understand that the judge is not bound by any promises or recommendation of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? ☐ Yes ☐ No
- b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, you can take back your plea? ☐ Yes ☐ No
- c. Do you understand that if you are permitted to take back your plea because of the judge's sentencing, anything you say in furtherance of the plea cannot be used against you at trial? ☐ Yes ☐ No
16. Are you satisfied with the advice you have received from your lawyer? ☐ Yes ☐ No

Confidential Juvenile Plea Form

17. Do you have any questions concerning this plea or the court proceedings? ☐ Yes ☐ No
18. a. Do you understand that if the judge sentences you to a Juvenile Justice Commission facility, you might be required to complete a term of post-incarceration supervision after you are released? ☐ Yes ☐ No
- b. Do you understand that while you are on post-incarceration supervision, you must follow certain conditions, which will be explained to you at the time of your release? ☐ Yes ☐ No
- c. Do you understand that if you violate those conditions, you can be incarcerated again for the balance of your original time and a portion, if not all, of your post-incarceration supervision term? ☐ Yes ☐ No

s/

Juvenile_____
Date

s/

Defense Attorney_____
Date

s/

Prosecutor_____
Date

I, _____ (parent/guardian) was present (in person or on the telephone) when this Confidential Juvenile Plea Form was explained to my child/ward.

s/

Parent/Guardian_____
Date



New Jersey Judiciary
Addendum to Juvenile Plea Agreement
Mandated Questions for Certain Sexual Offenses

Please Circle
Appropriate Answer

Registration Requirement:

1. Do you understand that you must register with certain public agencies if you are admitting to any of the following offenses? (*N.J.S.A. 2C:7-2(a)(1)*). ☐ Yes ☐ No
- aggravated sexual assault;
 - sexual assault;
 - aggravated criminal sexual contact;
 - kidnapping under *N.J.S.A. 2C:13-1(c)(2)*;
 - endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under *N.J.S.A. 2C:24-4(a)*;
 - endangering the welfare of a child under *N.J.S.A. 2C:24-4(b)(3)*, *-4(b)(4)* or *-4(b)(5)(a)*;
 - luring or enticing under *N.J.S.A. 2C:13-6*;
 - criminal sexual contact under *N.J.S.A. 2C:14-3.b* if the victim is a minor;
 - kidnapping under *N.J.S.A. 2C:13-1* if the victim is a minor and the offender is not the parent of the victim;
 - criminal restraint under *N.J.S.A. 2C:13-2* if the victim is a minor and the offender is not the parent of the victim;
 - false imprisonment under *N.J.S.A. 2C:13-3* if the victim is a minor and the offender is not the parent of the victim;
 - knowingly promoting prostitution of a child under *N.J.S.A. 2C:34-1(b)(3)* or *-1(b)(4)*; or
 - an attempt to commit any of these enumerated offenses.
2. If you are incarcerated, do you understand that upon your release from incarceration you must register with the chief law enforcement officer of the municipality in which you reside or, if the municipality does not have a local police force, the Superintendent of State Police (if you are not incarcerated, you must register with the appropriate law enforcement officer immediately)? (*N.J.S.A. 2C:7-2(c)(2)*). ☐ Yes ☐ No
3. Do you understand that if you fail to register or re-register you may be charged with an offense? (*N.J.S.A. 2C:7-2(a)(3)*). ☐ Yes ☐ No
4. Do you understand that if you move and return to New Jersey from another jurisdiction, you shall register with the chief law enforcement officer of the municipality in which you will reside or, if the municipality does not have a local police force, the Superintendent of State Police within 10 days of returning to a municipality in New Jersey? (*N.J.S.A. 2C:7-2(c)(3)*). ☐ Yes ☐ No

Addendum to Juvenile Plea Agreement Mandated Questions for Certain Sexual Offenses

5. Do you understand that if you work or attend school in another State, but remain a New Jersey resident, you must still register in the State where you are employed or attend school if there is such a registration requirement in that State? This out of state registration is in addition to the registration in your home town, and does not change your obligation to register where you live in New Jersey. ☐ Yes ☐ No
6. Do you understand that if you enroll or work at an institution of higher education or other post-secondary school in New Jersey, you must register within 10 days of commencement of such attendance or employment with the law enforcement unit of the educational institution, if any? (*N.J.S.A. 2C:7-2(c)(7)*). ☐ Yes ☐ No
7. Do you understand that, once you have registered, you must notify the law enforcement agency where you are registered in person of any change of employment or school enrollment status within 5 days of such change? (*N.J.S.A. 2C:7-2(d)(1)*). ☐ Yes ☐ No

Change of Address:

8. a. Do you understand that if you move to another state, you will be subject to any and all laws governing sex offender registration for that State? ☐ Yes ☐ No
- b. Do you understand that under legal definitions of the Interstate Compact for Juveniles (ICJ), a juvenile sex offender is defined as a juvenile who has been adjudicated for an offense involving sex or an offense that is sexual in nature as determined by New Jersey. ☐ Yes ☐ No
- c. Do you understand that you may be required to register as a sexual offender in any one of the 51 jurisdictions outside the State of New Jersey in which you desire to reside. ☐ Yes ☐ No
9. Do you understand that if you move to another state, you must notify the law enforcement agency where you are currently registered within 10 days before moving in order to be removed from the New Jersey State Police Sex Offender Registry? ☐ Yes ☐ No
10. Do you understand that if you change your address within the State you must notify the law enforcement agency where you are registered, and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of the State Police if the municipality does not have a chief law enforcement officer or agency, no less than 10 days before you move to the new address? (*N.J.S.A. 2C:7-2(d)(1)*). ☐ Yes ☐ No
11. Do you understand that if you fail to notify the appropriate law enforcement agency of a change of address, employment or school enrollment status, you may be charged with an offense? (*N.J.S.A. 2C:7-2(d)(1)*). ☐ Yes ☐ No

Addendum to Juvenile Plea Agreement Mandated Questions for Certain Sexual Offenses

Address Verification:

12. Do you understand that you must verify your address with the appropriate law enforcement agency, and this verification must occur annually? ☐ Yes ☐ No
13. Do you understand that if you provide false information concerning your residence or fail to verify your address you may be charged with an offense? ☐ Yes ☐ No
(*N.J.S.A. 2C: 7-2(e)*).

Community Notification:

14. Do you understand that the requirement of registration will result in notification to law enforcement, and possibly to community organizations and the public at large, of your release from incarceration and your presence in the community? (*N.J.S.A. 2C:7-6*). ☐ Yes ☐ No

Internet Posting:

15. Do you understand that your name, age, race, gender, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, your street address, zip code, municipality and county in which you reside and a description of the offense to which you are admitting, may be publicly available on the Internet? (*N.J.S.A. 2C:7-13*). ☐ Yes ☐ No

Use of Internet:

16. Do you understand that you must provide the appropriate law enforcement agency with information as to whether you have routine access to or use of a computer or device with Internet capability? ☐ N/A ☐ Yes ☐ No
(*N.J.S.A. 2C:7-2(d)(2)*).
This law applies if the offense was committed on or after February 25, 2008.
17. Do you understand that if you fail to notify the appropriate law enforcement agency as to whether you have routine access to or use of a computer or device with Internet capability or a change in such use or access, you may be charged with an offense? (*N.J.S.A. 2C:7-2(d)(2)*). ☐ N/A ☐ Yes ☐ No
This law applies if the offense was committed on or after February 25, 2008.
18. Do you understand that your computer or any other device with Internet capability may be subject to periodic unannounced examination, if ordered by the court? (*N.J.S.A. 2C:43-6.6*). ☐ Yes ☐ No

Eligibility to Terminate Registration:

19. Do you understand that if you were under the age of 14 when the offense was committed, you can apply to the court to terminate your registration obligation at age 18? (*In re Registrant J.G.*, 169 N.J. 304 (2001)). ☐ Yes ☐ No

Addendum to Juvenile Plea Agreement Mandated Questions for Certain Sexual Offenses

20. Do you understand that if you were age 14 or older when the offense was committed, you can apply to the court to terminate your registration obligation 15 years after adjudication or release from a correctional facility, whichever is later? (*N.J.S.A. 2C:7-2(f)*). ☐ Yes ☐ No

AIDS/HIV Testing:

21. Do you understand that if you are admitting to aggravated sexual assault or sexual assault under *N.J.S.A. 2C:14-2.a* or *N.J.S.A. 2C:14-2.c*, you must submit to a test for acquired immune deficiency syndrome (AIDS), or infection with the human immunodeficiency virus (HIV), or related virus identified as a possible cause of AIDS? (*N.J.S.A. 2A:4A-43.1*). ☐ N/A ☐ Yes ☐ No

Civil Commitment:

22. Do you understand that if you are admitting to a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility for up to life if the court finds, after a hearing, that you are in need of involuntary civil commitment? (A sexually violent offense is defined by the New Jersey Sexually Violent Predator Act, *N.J.S.A. 30:4-27.24, et seq.* Such offenses include: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping under *N.J.S.A. 2C:13-1(c)(2)(b)*; criminal sexual contact; felony murder under *N.J.S.A. 2C:11-3(a)(3)* if the underlying crime is sexual assault; an attempt to commit any of these offenses; or a criminal offense with substantially the same elements as any offense enumerated above, entered or imposed under the laws of the United States, this State or another state; or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense.) ☐ Yes ☐ No

Sex Offender Supervision Fund Penalty:

23. Do you understand that, in addition to other penalties and fees required by law, if the offense was committed on or after July 1, 2014, as a result of your guilty plea you may be required to pay a monthly Sex Offender Supervision Penalty unless your income is below 149 percent of the federal poverty level? (*N.J.S.A. 30:4-123.97*) ☐ Yes ☐ No

s/

Juvenile

Date

s/

Parent or Guardian

Date

s/

Defense Attorney

Date

Distribution:

☐ Juvenile/parent or guardian

☐ Prosecutor

☐ Defense Attorney

☐ County Probation Division



New Jersey Judiciary

Notification of Right to Seek Legal Advice Regarding
Immigration Status Consequences

Juvenile Name:

Docket Number(s):

*****If you are not a citizen of the United States, or if you are not sure that you are a citizen, you have the right to speak with an immigration attorney about this case, and how it could affect your immigration status.*****

If you are not a citizen of the United States, certain conduct or acts of delinquency may affect you in the following ways:

- It may result in your removal from the United States;
- It may stop you from being able to legally enter or re-enter the United States;
- It may prevent you from ever becoming a naturalized United States citizen;
- It could affect your eligibility for Special Immigrant Juvenile Status.

I certify that I have reviewed this document and understand the rights provided in this notice.

Printed Name of Juvenile

Signature of Juvenile

Date

I certify that I have reviewed this document and understand the rights provided to my child/ward in this notice.

Printed Name of Parent/Guardian

Signature of Parent/Guardian

Date

This section is for court official use only (to be completed by a judge, juvenile referee, intake service officer, or juvenile conference committee member).

First Hearing: The undersigned has reviewed this form with the juvenile, the juvenile's parent/guardian, and defense attorney (if juvenile is represented). They were advised of the right to consult with an immigration attorney.

Check one:

- The matter will proceed as scheduled
- The matter is rescheduled to _____

Printed Name of Judge/Court Official

Judge/Court Official's Signature

Date