

30:4C-52

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 30:4C-52 (Child Placement Review Act--  
amendments)

**LAWS OF:** 1987 **CHAPTER:** 252

**Bill No:** S2028

**Sponsor(s):** Orechio

**Date Introduced:** April 21, 1986

**Committee:** **Assembly:** Health and Human Services; Appropriation  
**Senate:** Children Services; Revenue, Finance and Appropriation

**Amended during passage:** Yes Amendments during passage amended  
by asterisks.

**Date of Passage:** **Assembly:** June 4, 1987  
**Senate:** June 30, 1986

**Date of Approval:** August 27, 1987

**Following statements are attached if available:**

<b>Sponsor statement:</b>		Yes	Attached: Assembly amendments adopted 5-28- 87 (with statement)
<b>Committee statement:</b>	<b>Assembly</b>	Yes	9-8-86 and 9-23-86
	<b>Senate</b>	Yes	6-2-86 and 6-9-86

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

Attached: Section from  
New Jersey. Supreme Court. Family Division Liason Committee.  
Report . . . June, 1986  
(118 NJLJ 85)

252

8-27-87

87

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 2028

STATE OF NEW JERSEY

INTRODUCED APRIL 21, 1986

By Senator ORECHIO

Referred to Committee on Children's Services

AN ACT concerning children in placements outside of their home, amending P. L. 1984, c. 85\*, *P. L. 1982, c. 24\** and P. L. 1977, c. 424 and making an appropriation therefor.

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 1. Section 3 of P. L. 1977, c. 424 (C. 30:4C-52) is amended to  
2 read as follows:

3 3. As used in this act, unless the context indicates otherwise:

4 a. "Child" means any person less than 18 years of age;

5 b. "Child placed outside his home" means a child under the care,  
6 custody or guardianship of the division, who resides in a foster  
7 home, group home, residential treatment facility, [county] shelter  
8 for the care of abused or neglected children or juveniles [in need of  
9 supervision] \**[handled]*\* \**considered*\* as juvenile-family crisis  
10 cases, or independent living arrangement operated by or approved  
11 for payment by the division, or a child who has been placed by the  
12 division in the home of a person who is not related to the child and  
13 does not receive any payment for the care of the child from the  
14 division, or a child placed by the court in juvenile-family crisis  
15 cases pursuant to P. L. 1982, c. 77 (C. 2A:4A-20 et seq.), but does  
16 not include a child placed by the court in the home of a person  
17 related to the child who does not receive any payment from the  
18 division for the care of the child;

19 c. "County of supervision" means the county in which the di-  
20 vision has established responsibility for supervision of the child;

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted June 2, 1986.

\*\*—Assembly committee amendments adopted October 23, 1986.

\*\*\*—Assembly amendments adopted May 28, 1987.

21 d. "Division" means the Division of Youth and Family Services  
22 in the Department of Human Services;

23 e. "Temporary caretaker" means a foster parent as defined in  
24 section 1 of P. L. 1962, c. 136 (C. 30:4C-26.4) or a director of a  
25 group home or residential treatment facility;

26 f. "*Designated agency*" means an agency designated by the  
27 court pursuant to P. L. 1982, c. 80 (C. 2A:4A-76 et seq.) to develop  
28 a family services plan.

1 2. Section 4 of P. L. 1977, c. 424 (C. 30:4C-53) is amended to  
2 read as follows:

3 4. Within **[72 hours]** *five calendar days* after the placement of  
4 a child outside his home pursuant to a voluntary agreement, the  
5 division *or the designated agency, as the case may be*, shall file  
6 notice of such placement with the family part of the Chancery Di-  
7 vision of the Superior Court in the child's county of supervision.  
8 Such notice shall be in the form of a **[complaint]** *petition* encap-  
9 tioned "In the matter of . . . . ., a minor" and shall include  
10 the date and type of placement and the reasons for such place-  
11 ment, *which shall include the specific efforts to prevent the place-*  
12 *ment*. Such filing shall establish a continuing jurisdiction of the  
13 court over the placement of the child.

14 The division shall also file immediate notice with the court of any  
15 change in placement and of the permanent placement or return  
16 home of the child. The court's jurisdiction shall cease upon receipt  
17 of such notification of the return home or alternative permanent  
18 placement of the child.

1 3. Section 5 of P. L. 1977, c. 424 (C. 30:4C-54) is amended to  
2 read as follows:

3 5. The court shall, within 15 days following receipt of the notice  
4 of the initial placement pursuant to a voluntary agreement, deter-  
5 mine, based solely upon the **[complaint]** *petition* and other affi-  
6 davits and written materials submitted to the court, *whether or*  
7 *not reasonable efforts have been made to prevent the placement*  
8 *and whether or not the continuation of the child in his home would*  
9 *be contrary to the welfare of the child, and either approve the*  
10 *placement or order the return of the child to his home, except that,*  
11 *lack of reasonable efforts to prevent placement shall not be the*  
12 *sole basis for the court's order of a return of the child to his home.*

13 **[If the court has before it conflicting statements of material fact,**  
14 **the court may require supplementary material or may schedule a**  
15 **summary hearing.]**

16 *The court also may require the submission of supplementary*  
17 *material or schedule a summary hearing if:*

18 a. *The court has before it conflicting statements of material fact;*

19 b. *The court determines that it is in the best interest of the*  
20 *child; or*

21 c. *The child's parents or legal guardian requests the hearing.*

22 *The court shall provide written notice to the parties involved in*  
23 *the hearing at least five days prior to the hearing. The court shall*  
24 *provide written notice of the date, time and place of such hearing*  
25 *to the parents or legal guardian of the child, the child or the child's*  
26 *counsel, the child's temporary caretaker, the division, and any*  
27 *other party the court deems appropriate.*

1 4. Section 8 of P. L. 1977, c. 424 (C. 30:4C-57) is amended to  
2 read as follows:

3 8. a. The assignment judge in each county shall establish as an  
4 arm of the family part of the Chancery Division of the Superior  
5 Court one or more child placement review boards. The number of  
6 review boards in each county shall be based on the number of re-  
7 views conducted in the previous calendar year, so that, where practi-  
8 cable, there shall be at least one review board for each 200 reviews.  
9 Each board shall consist of five members to be appointed by the  
10 judge from among the residents of such county. The judge also  
11 **[may]** shall appoint to each board **[up to]** two alternate members,  
12 who shall serve as regular members when **[a quorum of]** regular  
13 members **[is]** are not present. Each member shall be a person  
14 who has either training, experience or interest in issues concern-  
15 ing child placement or child development. Each board shall, to  
16 the maximum extent feasible, represent the various socioeconomic,  
17 racial, and ethnic groups of the county in which it serves. The judge  
18 shall annually **[select]** appoint one of the regular members of the  
19 board as chairperson.

20 Members shall be *initially* appointed for **[terms of three years,**  
21 *except that of those initially appointed, one shall be for a term of*  
22 *one year, two for terms of two years, and two for terms of three*  
23 *years]* a *provisional term of one year and may be reappointed for*  
24 *subsequent terms of three years. [Members] Alternate members*  
25 *shall [serve after the expiration of their terms until their respec-*  
26 *tive successors have] fill any vacancy until a regular board mem-*  
27 *ber has been appointed. [Vacancies shall be filled] Alternate mem-*  
28 *bers may be appointed as regular members. The appointed member*  
29 *shall serve for the duration of the unexpired [terms] term or for*  
30 *a provisional term of one year, whichever is less. If a board mem-*  
31 *ber does not serve satisfactorily, the assignment judge may re-*  
32 *move that member \*pursuant to standards developed by the Child*

33 *Placement Advisory Council and the Administrative Office of the*  
34 *Courts\**. When a vacancy occurs, the judge shall appoint a new  
34A *member within 30 days.* Members shall serve without compensa-  
34B *tion but shall be reimbursed for such reasonable and neces-*  
35 *sary expenses, including but not limited to child care expenses*  
36 *incurred in the performance of their official duties. The governing*  
37 *body of the county in which the board serves may provide for reim-*  
38 *bursement to review board members for such additional and rea-*  
39 *sonable expenses as the governing body may determine.*

40 In accordance with guidelines and procedures established by the  
41 Supreme Court, members shall attend initial training sessions  
42 **[within six months of their appointment and any other training**  
43 **sessions required by the court]** *before being sworn in as a regular*  
44 *member or as an alternate. A regular member or alternate member*  
45 *shall not serve until that person has completed the required train-*  
46 *ing.*

47 **[Each board shall meet at such times as it shall determine. Each]**  
48 *The assignment judge, in consultation with the family part judges*  
49 *and review board members, shall ensure that reviews are held at*  
50 *those times necessary to meet the requirements of P. L. 1977, c.*  
51 *424 (C. 30:4C-50 et seq.) and court directives related thereto. The*  
52 *assignment judge shall ensure that each family part of the Chan-*  
53 *cery Division of the Superior Court shall provide its board with*  
54 *reasonable and necessary administrative and clerical support ser-*  
55 *vices to facilitate the operation of the board and to meet the re-*  
56 *quirements of P. L. 1977, c. 424 (C. 30:4C-50 et seq.) and any court*  
57 *directives related thereto. These services shall include, but are*  
58 *not limited to, obtaining and reviewing information requested by*  
59 *the board, preparing and dispatching all notices and reports re-*  
60 *quired under P. L. 1977, c. 424 (C. 30:4C-50 et seq.), arranging*  
61 *for board meetings and maintaining a permanent record of all*  
62 *board proceedings, collecting statistical data and serving as a*  
63 *liaison to the division.*

64 *b. The assignment judge and family part judges, in consultation*  
65 *with the board in each county shall develop annually a county child*  
66 *placement review plan for the delivery of review services. The*  
67 *county plan shall be prepared in a format prescribed by the Admin-*  
68 *istrative Office of the Courts and the Child Placement Advisory*  
69 *Council established pursuant to section 13 of P. L. 1977, c. 424*  
70 *(C. 30:4C-62) and shall contain a budget and narrative for review*  
71 *services and identify resource needs for the county review system.*  
72 *The assignment judge is responsible for final county review and*  
73 *approval of the county plan and for forwarding the plan to the*  
74 *Child Placement Advisory Council and the Administrative Office*

75 of the Courts for their review **\*\*[and approval]\*\***. **\*\*The budget**  
 75A **contained in each county plan shall be part of the Judiciary budget**  
 75B **submitted by the assignment judge to the freeholders or county**  
 75C **executive.\*\***

76 The assignment judge shall report to the Administrative Office  
 77 of the Courts and the Child Placement Advisory Council any sig-  
 78 nificant variation in implementation of the county plan.

79 c. The board in each county, with the assistance of that county's  
 80 child placement review coordinator, shall annually prepare a re-  
 81 port which specifies issues, needs and service gaps affecting the  
 82 children under review by the board and, where appropriate, make  
 83 recommendations as to needed changes or services. The board  
 84 shall submit the report to the Child Placement Advisory Council  
 85 established pursuant to section 13 of P. L. 1977, c. 424 (C. 30:4C-62)  
 86 for review. The council may include the stated needs in its annual  
 87 report to the Supreme Court, the Governor and the Legislature.

88 d. The Supreme Court may issue rules concerning the duties,  
 89 responsibilities, training and practices of the boards consistent  
 90 with the provisions of P. L. 1977, c. 424 (C. 30:4C-50 et seq.),  
 91 but the minimum qualifications for a person employed as a county  
 92 child placement review coordinator and hired after the effective  
 93 date of P. L. . . . ., c. . . . . (C. . . . .) (now pending before the  
 94 Legislature as this bill), shall not be less than a bachelor's degree  
 95 from an accredited institution of higher education and two years  
 96 experience working with children and their families and relevant  
 97 training, knowledge or experience in working with volunteers.

1 5. Section 9 of P. L. 1977, c. 424 (C. 30:4C-58) is amended to  
 2 read as follows:

3 9. Each board shall act on behalf of the family part of the Chan-  
 4 cery Division of the Superior Court in reviewing the case of every  
 5 child placed outside his home pursuant to a voluntary agreement,  
 6 to determine whether the best interests of the child are being served  
 7 by such placement. **【Such a review shall be initiated within 45**  
 8 **days following the initial placement and completed within 15 days**  
 9 **thereafter. A periodic review shall take place at least every 12**  
 10 **months thereafter.】**

11 Each board shall also act on behalf of the family part of the  
 12 Chancery Division of the Superior Court in reviewing the case of  
 13 each child placed outside his home by the division in accordance  
 14 with a court order pursuant to P. L. 1974, c. 119 (C. 9:6-8.21 et  
 15 seq.), section 12 of P. L. 1951, c. 138 (C. 30:4C-12), section 24 of  
 16 P. L. 1982, c. 77 (C. 2A:4A-43) or section 25 of P. L. 1982, c. 77 (C.  
 17 2A:4A-44). **【Such a review shall be initiated upon receipt by the**

18 board of the placement plan, which shall be submitted by the di-  
 19 vision within 45 days of the initial court order. The board's re-  
 20 view shall be completed within 15 days of receipt of the plan.】

21 *The division or designated agency shall submit to the board within*  
 22 *\*【35】\* \*30\* days of a child's placement, a placement plan prepared*  
 23 *in accordance with the provisions of P. L. 1977, c. 424 (C. 30:4C-50*  
 23A *et seq.).*

24 *A board shall initiate a review of a placement pursuant to a*  
 25 *voluntary agreement or in accordance with a court order within*  
 26 *45 days following the initial placement and shall complete the re-*  
 27 *view within 15 days thereafter. A periodic review shall take place*  
 28 *at least every 12 months thereafter.*

29 *The board may schedule additional reviews on its own motion,*  
 30 *upon the request of any person listed in section 5 of P. L. 1977, c.*  
 31 *424 (C. 30:4C-54) or upon an order of the court.*

32 Notwithstanding the provisions of section 3 of P. L. 1977, c. 424  
 33 (C. 30:4C-52) to the contrary, if a child placed outside his home  
 34 attains 18 years of age or older and his *out of home* placement  
 35 costs are being paid by the division, the board shall continue to con-  
 36 duct periodic reviews until the division terminates supervision 【of  
 37 the person】.

38 All such reviews shall include, but not necessarily be limited to,  
 39 the consideration and evaluation of such matters as:

40 a. The appropriateness of the goal and objectives of the place-  
 41 ment plan;

42 b. The appropriateness of the services provided to the child,  
 43 the parents or legal guardian and the temporary caretaker;

44 c. Whether the child has siblings who are also placed outside  
 45 of their home;

46 d. Whether the wishes of the child were considered regarding  
 47 placement and development of the placement plan, when appro-  
 48 priate;

49 e. Whether the division, the parents or legal guardian and the  
 50 temporary caretaker are fulfilling their respective responsibilities  
 51 in accordance with the placement plan;

52 f. Whether the parents or legal guardian have been afforded the  
 53 opportunity and been encouraged to participate in a program of  
 54 regular visitation with the child;

55 g. Whether there are obstacles which hinder or prevent the  
 56 attainment of the placement plan objectives and goal; and

57 h. The circumstances surrounding the placement.

58 In the case of a child in placement outside of his home on the  
 59 effective date of this act, the first review shall be completed as

60 soon as possible, but not later than 12 months following such  
61 effective date.

1 \*6. Section 10 of P. L. 1982, c. 24 (C. 30:4C-58.1) is amended to  
2 read as follows:

3 10. When a child is placed in a home for the purpose of adoption,  
4 the division shall notify the family part of the Chancery Division  
5 of the Superior Court in the child's county of supervision in writing  
6 of the placement. Upon receipt of the notice, the board shall not  
7 schedule further reviews of the case unless:

- 8 a. The child is removed from the adoptive home;
- 9 b. The complaint for adoption was not filed within eight months  
10 of the placement and the filing of the complaint is not imminent; or
- 11 c. The plan for the child was modified so that immediate adoption  
12 by the stated adoptive parents no longer is the goal.

13 The division shall send the court and the board a status report  
14 on the case every four months. When a complaint for adoption has  
15 been filed, the division shall inform the court and no further board  
16 reviews shall be held while that action is pending.

17 When a judgment of adoption has been entered the court shall  
18 dismiss the complaint pursuant to section 4 of P. L. 1977, c. 424 (C.  
19 30:4C-53).

20 *If a child is placed in an adoptive home prior to the completion of*  
21 *the initial court review, the court shall retain jurisdiction to com-*  
22 *plete the review.\**

1 \***[6.]**\* \*7.\* Section 10 of P. L. 1977, c. 424 (C. 30:4C-59) is  
2 amended to read as follows:

3 10. Each board shall provide written notice of the date, time  
4 and place of each review at least 15 days in advance of the follow-  
5 ing, each of whom shall be entitled to *attend the review and to sub-*  
6 *mit information in writing to the board:*

- 7 a. The division *or agency*;
- 8 b. The child;
- 9 c. The parents *including a non-custodial parent or legal guard-*  
10 *ian*;
- 11 d. The temporary caretaker; **[and]**
- 12 e. Any other person or agency whom the board determines has  
13 an interest in or information relating to the welfare of the child;  
14 *and*
- 15 f. *The counsel for a parent, child or other interested party who*  
16 *has provided or is providing representation in the case before the*  
17 *board.*

18 *The board may determine who may be in attendance at any par-*  
19 *ticular portion of its meeting. \*\*Nothing herein shall be interpreted*  
19A *to exclude judges and court support staff from attending review*  
19B *board meetings.\*\**

20 The written notice shall inform the person of his right to attend  
 21 the review *and to submit written information* and shall be prepared  
 22 in a manner which will encourage the person's attendance at the  
 23 review.

24 Notice to the child may be waived by the [board] court on a case  
 25 by case basis either on its own motion or on the petition of any of  
 26 the above persons in cases where the [board] court determines  
 27 that notice would be harmful to the child. [When notice is waived,  
 28 the board shall inform the court of this action in its report to the  
 29 court.] *A waiver of notice to the child shall not waive the notice*  
 30 *requirement to counsel for the child or other representatives of*  
 31 *the child.*

32 *The review board may seek information from any agency which*  
 33 *has been involved with the child, parent or legal guardian or tem-*  
 34 *porary caretaker. If the agency fails to provide the requested in-*  
 35 *formation, the court may, upon the request of the board, issue a*  
 36 *subpena to the agency for the information.*

37 The board shall conduct a review and make recommendations  
 38 based upon the written materials; provided, however, that the  
 39 board [may] shall afford any party or person entitled to notice  
 40 pursuant to this section a reasonable [an] opportunity to appear  
 41 [before it if the board feels that such an appearance will assist it  
 42 in conducting its review or making its recommendations] *and to*  
 43 *present his views and recommendations.* Upon the request of the  
 44 board, the family part of the Chancery Division of the Superior  
 45 Court may subpoena a person to attend the review board meeting.

46 *A designated agency shall provide relevant and necessary in-*  
 47 *formation to the board regarding a child who is reviewed by the*  
 48 *board.*

1 \* [7.] \* \*8.\* Section 11 of P. L. 1977, c. 424 (C. 30:4C-60) is  
 2 amended to read as follows:

3 11. Within 10 days after the completion of such review, the board  
 4 shall submit a written report to the family part of the Chancery  
 5 Division of the Superior Court and the division. Such report shall  
 6 offer one of the following findings, stating the specific reasons  
 7 therefor:

8 a. That [return of the child to his parents or legal guardian is  
 9 in the child's best interest] *continued placement of the child out-*  
 10 *side of the home is not in the child's best interest and the child*  
 11 *should be returned home within two weeks and that the division or*  
 12 *designated agency, as appropriate, shall provide reasonable and*  
 13 *available services which are necessary to implement the return*  
 14 *home;*

15 b. That continued placement outside of the home is in the child's  
 16 best interest [and that the placement plan satisfies the criteria  
 17 provided in section 9 of P. L. 1977, c. 424 (C. 30:4C-58) and is  
 18 appropriate for the child's needs] *on a temporary basis until the*  
 19 *long-term goal is achieved, which long-term goal is:*

- 20 (1) *Return to the child's parents or legal guardian,*  
 21 (2) *Adoption,*  
 22 (3) *Permanent placement with a relative,*  
 23 (4) *Long-term foster care,*  
 24 (5) *Independent living, or*  
 25 (6) *Institutionalization;*

26 c. That continued placement outside of the home *on a temporary*  
 27 *basis* is in the child's best interest, but that [the placement plan  
 28 does not satisfy the criteria provided in section 9 of P. L. 1977, c.  
 29 424 (C. 30:4C-58) and is not appropriate for the child's needs;]  
 30 *there is not sufficient information for the board to make a recom-*  
 31 *mendation, therefore, the board requests the court to order the*  
 32 *division or designated agency, as appropriate, to provide the*  
 33 *needed information within two weeks of the court order.*

34 d. [That the initiation of proceedings for the termination or  
 35 parental rights in order to free the child for adoption is in the  
 36 child's best interest.] *(Deleted by amendment, P. L. , c. .)*

37 *In addition to the finding, the board shall state in its report if*  
 38 *the placement plan satisfies the criteria provided in section 9 of*  
 39 *P. L. 1977, c. 424 (C. 30:4C-58) and if it does not, that the place-*  
 40 *ment plan should be modified or a new plan should be developed.*

41 *When making its finding pursuant to this section, the board shall*  
 42 *give priority to the goal of \*[family reunification]\* \*return to the*  
 43 *child's parents or legal guardian\* unless that goal is not in the best*  
 43A *interest of the child. If \*[family reunification]\* \*the return\* has*  
 44 *not been achieved within one year, and after considering the fam-*  
 45 *ily's efforts, the division's or designated agency's provision of rea-*  
 46 *sonable and available services, or other relevant factors, the board*  
 47 *shall recommend another permanent plan for the child which shall*  
 48 *include permanent placement with a relative through adoption or*  
 49 *legal custody or adoption by a non-relative. But, if \*[family re-*  
 50 *unification]\* \*return to a child's parents or legal guardian\*, perma-*  
 51 *nent placement with a relative or adoption is not possible or is not*  
 52 *in the best interest of the child, the board shall recommend an*  
 52A *alternative long-term plan for the child.*

53 *In addition to the finding, the board shall state the reasons and*  
 54 *additional factors it deems appropriate to explain its conclusions.*

55 When any change in the plan or situation of the child is recom-  
 56 mended, the board shall state its specific recommendations and the  
 57 factual basis therefor.

58 *In accordance with section 8 of P. L. 1985, c. 85 (C. 30:4C-61.1),*  
 59 *the board may recommend that the division shall not return a child*

60 *to his home prior to a review by the board and an order of the court.*  
 61-62 *Within 10 days of the completion of its review, the board shall*  
 63 *provide to those persons entitled to notice under section 10 of P. L.*  
 64 *1977, c. 424 (C. 30:4C-59) the specific finding made pursuant to*  
 65 *this section, unless the board recommends that the finding shall not*  
 66 *be provided to specific individuals as provided in this paragraph.*  
 67 *The court may waive notice of findings to the child on a case-by-*  
 68 *case basis on its own motion or on the petition of a person listed*  
 69 *in section 10 of P. L. 1977, c. 424 (C. 30:4C-59) in cases where the*  
 70 *court determines that the nature of the findings would be harmful*  
 71 *to the child, or if notice to the child of review was waived. The*  
 72 *court may waive notice of findings to persons included in subsec-*  
 73 *tion e. of section 10 of P. L. 1977, c. 424 (C. 30:4C-59) on the rec-*  
 74 *ommendation of the board or on the petition of other persons*  
 75 *entitled to notice.*

1 \***[8.]**\* \*9.\* Section 12 of P. L. 1977, c. 424 (C. 30:4C-61) is  
 2 amended to read as follows:

3 12. a. Upon review of the board's report, the family part of the  
 4 Chancery Division of the Superior Court shall issue an order con-  
 5 cerning the child's placement which it deems will best serve the  
 6 interests of the child. *The court shall issue the order within 21*  
 7 *calendar days of the court's receipt of the board's report unless the*  
 8 *court schedules a summary hearing. The court shall either:*

9 (1) Order the return of the child to his parents or legal guardian  
 10 *within two weeks and order the division or designated agency, as*  
 11 *appropriate, to provide any reasonable and available services*  
 12 *which are necessary to implement the return home;*

13 (2) Order continued placement **[in accordance with the place-**  
 14 **ment plan currently in effect]** *on a temporary basis until the long-*  
 15 *term goal is achieved; \*\*or\*\**

16 (3) Order continued placement **[in accordance with a new place-**  
 17 **ment plan to be developed by the division within 30 days and sub-**  
 18 **mitted to the court for approval. The plan shall be reviewed by**  
 19 **the board within 30 days; or]** *on a temporary basis but that the*  
 20 *division shall provide further information within two weeks to the*  
 21 *court, which information shall be reviewed by the board within*  
 22 *30 days of its receipt.*

23 (4) **Order continued placement and recommend that the division**  
 24 **initiate proceedings to terminate parental rights in order to free**  
 25 **the child for adoption.]** (*Deleted by amendment, P. L. , c. .*)

26 *In accordance with section 8 of P. L. 1984, c. 85 (C. 30:4C-61.1),*  
 27 *the court may order that the division shall not return a child to his*  
 28 *home prior to review by the board and an order of the court.*

28A *\*In addition, if the placement plan does not satisfy the criteria of*  
 28B *section 9 of P. L. 1977, c. 424 (C. 30:4C-58), the court shall order*  
 28C *that the placement plan be modified or that a new plan be developed*  
 28D *within 30 days.\**

29 b. In reviewing the report, the court may request that, where  
 30 available, any written or oral information submitted to the board  
 31 be provided to the court. The court shall make a determination  
 32 based upon the report and any other information before it; pro-  
 33 vided, however, that if:

34 (1) The court has before it conflicting statements of material  
 35 fact which it cannot resolve without a hearing; or

36 (2) A party entitled to participate in the proceedings requests  
 37 a hearing; or

38 (3) The court concludes that the interests of justice require that  
 39 a hearing be held, the court may schedule a summary hearing.

40 c. Notice of such hearing, including a statement of the disposi-  
 41 tional alternatives of the court, shall be provided at least 30 days  
 42 in advance, *unless the court finds that it is in the best interest of*  
 43 *the child to provide less notice in order to conduct the hearing*  
 44 *sooner. Notice shall be provided to the following persons unless*  
 45 *the court determines it is not in the best interests of the child:*

46 (1) The division;

47 (2) The child;

48 (3) The child's parents *including a non-custodial parent* or legal  
 49 guardian;

50 (4) The review board; **and**

51 (5) The temporary caretaker; *and*

52 (6) *The counsel for any parent, child or other interested party*  
 53 *who has provided or is providng representation in the case before*  
 54 *the board.*

55 **The division, child, child's parents or legal guardian and review**  
 56 **board shall be entitled to participate in the proceedings.]**

57 The court may also request *or order* additional information  
 58 from any other persons or agencies which the court determines has  
 59 an interest in or information relating to the welfare of the child**,**  
 60 **which may include the temporary caretaker].**

61 *The court shall hold the hearing within 60 days of receipt of the*  
 62 *board's report and shall issue its order within 15 days of the hear-*  
 63 *ing.*

64 d. The court shall send a copy of its order concerning the child's  
 65 placement to all persons listed in subsection c. of this section, ex-  
 66 cept that, if notice to the child of the board review was waived  
 67 pursuant to section 10 of P. L. 1977, c. 424 (C. 30:4C-59), the court  
 68 may waive the requirement of sending a copy of its order to the  
 69 child.

70 e. Any person who receives a copy of the court order shall  
 71 comply with the confidentiality requirements established by the  
 72 Supreme Court for the purposes of this act.

1 \***[9.]**\* \*10.\* Section 8 of P. L. 1984, c. 85 (C. 30:4C-61.1) is  
 2 amended to read as follows:

3 8. a. If the division proposes to return a child home, although  
 4 the return home is either prohibited by the placement plan ap-  
 5 proved by the court or expressly contingent upon certain conditions  
 6 in the placement plan that have not been met, the division shall  
 7 promptly notify the board and the court in writing.

8 b. The board shall conduct a special review within 15 days of  
 9 receipt of the notice *provided pursuant to subsection a. or f. of this*  
 10 *section* to consider and evaluate the reasons for the proposed  
 11 action and determine whether the action serves the best interests  
 12 of the child. The board shall provide written notice of the special  
 13 review pursuant to section 10 of P. L. 1977, c. 424 (C. 30:4C-59),  
 14 except that the 15-day advance notice requirement is waived. The  
 15 board shall submit its report to the court pursuant to section 11  
 16 of P. L. 1977, c. 424 (C. 30:4C-60), except that the board shall sub-  
 17 mit the report within five days of completion of the special review.

18 c. The court shall **[promptly]** review the board's recommenda-  
 19 tions *within 10 days* and issue an order *within 5 days unless a sum-*  
 20 *mary hearing is scheduled* concerning the child's placement pur-  
 21 suant to section 12 of P. L. 1977, c. 424 (C. 30:4C-61), *except that*  
 22 *if a party entitled to participate in the proceeding requests a hear-*  
 23 *ing, the court shall hold a summary hearing within 15 days of re-*  
 24 *ceipt of the board's report unless the court determines that the*  
 25 *request for the hearing is frivolous. The court shall issue its order*  
 26 *within five days of the hearing.*

27 d. The division shall not return the child home unless the court  
 28 approves the division's proposed action and orders the return home  
 29 of the child.

30 e. Notwithstanding the provisions of this section to the contrary,  
 31 in an emergency situation, the court may waive the special review  
 32 provisions of this section and approve the return home, upon the

33 request of the division to do so. The request of the division for a  
34 court waiver of the special review provisions shall be accompanied  
35 by a written statement from the division declaring and finding that  
36 the out-of-home placement has been disrupted, that no appropriate  
37 alternative placement for the child can be found in the home of a  
38 relative, a foster home, group home, shelter, residential care facility  
39 or other setting following the change in placement, and that the  
40 return home will not endanger the health and welfare of the child.  
41 The written statement submitted with a request shall also outline  
42 the specific reasons for the findings made. The division shall con-  
43 duct an on-site visit of the home of a child when in an emergency  
44 situation the division plans to request of the court a waiver of the  
45 special review provisions. A report of the on-site visit shall be in-  
46 cluded with the request.

47 If the court approves the division's request, the division shall  
48 promptly notify the board of the court's approval of the request.  
49 The board shall conduct a review of the change in the placement  
50 plan within 15 days of the date the child is returned home. The  
51 division shall conduct a minimum of two on-site visits to the home  
52 of a child returned there in an emergency situation within the first  
53 10 days of the return to ascertain the continued health and welfare  
54 of the child. The court, upon granting a request for a waiver, may  
55 require additional on-site visits. A detailed written report of each  
56 on-site visit to the home of a child returned in an emergency situa-  
57 tion shall promptly be submitted to the court and to the child place-  
58 ment review board.

59 Notwithstanding any other provisions of law to the contrary, the  
60 court shall retain jurisdiction over the placement of the child after  
61 a child has been returned home in an emergency situation *for up*  
62 *to six months unless there is a subsequent court hearing or court*  
63 *order.*

64 *In any case where, following a court order for the implementa-*  
65 *tion of a placement plan, the board determines upon re-review of*  
66 *the case that there has been insufficient effort on the part of the*  
67 *division or any other parties toward implementation of the court*  
68 *ordered plan, the board may petition the court for an order to show*  
69 *cause as to why the plan is not being implemented as ordered.*

70 *f. If, subsequent to the review and approval of a plan by the*  
71 *court, the division proposes to change the long-term goal in the*  
72 *plan or otherwise substantially modify the plan, it shall notify the*  
73 *court and the board in writing, within five days. The board shall*  
74 *schedule review of the modification. The division shall continue to*  
75 *implement the current court ordered plan until the court orders*  
76 *a modified or new plan.*

77 *g. Nothing in this section is intended to limit the court's author-*  
 78 *ity to exercise its regular remedies for enforcement of an order.*

1 \***[10.]**\* \*11.\* Section 13 of P. L. 1977, c. 424 (C. 30:4C-62) is  
 2 amended to read as follows:

3 13. There is hereby established a Child Placement Advisory  
 4 Council to consist of one member from each of the child placement  
 5 review boards to be selected annually by the chairman of each  
 6 review board. The *Director of the Administrative Office of the*  
 7 *Courts and the council shall jointly develop a budget which shall*  
 8 *provide the council with reasonable and necessary administrative*  
 9 *and clerical support services adequate to enable the council to*  
 10 *carry out its responsibilities and shall reimburse the members of*  
 11 *the council for reasonable and necessary expenses incurred in the*  
 12 *performance of their official duties.*

13 *The council shall have the authority, consistent with the funds*  
 14 *appropriated to the Administrative Office of the Courts for the*  
 15 *purposes of this act, to determine annually its program and budget.*  
 16 *The council, shall, in consultation with the Administrative Office*  
 17 *of the Courts, develop guidelines for its annual programs and other*  
 18 *aspects of this act.*

19 It shall be the responsibility of the council to:

20 a. Advise the Supreme Court with respect to the issuance of  
 21 rules governing the duties, responsibilities and practices of the  
 22 review boards;

23 b. Review the policies, practices and procedures of the division  
 24 with respect to the placement of children;

25 c. Monitor and evaluate the effectiveness of this act in promoting  
 26 the welfare of children placed outside their home. These activities  
 27 may be carried out through the regular collection of data from each  
 28 county, as well as through other appropriate means;

29 d. Advise the Supreme Court with respect to the establishment  
 30 of guidelines and procedures for the training of placement review  
 31 board members;

32 e. Advise the Supreme Court with respect to the establishment  
 33 of reporting procedures to be followed by the review boards for  
 34 the provision of data for the evaluation of this act;

35 f. Make an annual report on the effectiveness of the implementa-  
 36 tion of this act to the Supreme Court, the Governor and the Legis-  
 37 lature and such other reports as it may deem proper or as may  
 38 be requested from time to time by the Supreme Court, the Gov-  
 39 ernor or the Legislature; *and*

40 *g. Review \*\***[and approve]**\*\* county plans and reports pursuant*  
 41 *to section 8 of P. L. 1977, c. 424 (C. 30:4C-57).*

1   \*~~[11.]~~\* \*12.\* There is appropriated from the General Fund to  
 2 the Administrative Office of the Courts \*\*\*~~[\$455,000.00]~~\*\*\*  
 3 \*\*\*\$380,000.00, to be\*\*\*. \*\*\*~~[Of this sum, \$380,000.00 is]~~\*\*\* allo-  
 4 cated for distribution among the counties according to a formula  
 5 developed jointly by the Administrative Office of the Courts and the  
 6 Child Placement Advisory Council. The funds allocated to the  
 7 counties are for the purpose of enabling the counties to comply  
 8 with the purposes of this act. The funds allocated to the counties  
 9 shall be in addition to any county funds currently appropriated to  
 10 implement this act and counties shall maintain current levels of  
 11 expenditures in order to be eligible for State funds under this act.  
 12   \*\*\*~~[Of the sum appropriated, \$75,000.00 is allocated to the Child~~  
 13 ~~Placement Advisory Council to carry out its responsibilities under~~  
 14 ~~this act.]~~\*\*\*

1   \*~~[12.]~~\* \*13.\* This act shall take effect \*\*\**on July 1, 1987 or*\*\*\*  
 2 *immediately*\*\*\*, *whichever date is later*\*\*\*.

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CHILDREN

Amends the "Child Placement Review Act" and appropriates  
 \$380,000.

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38 be requested from time to time by the Supreme Court, the Gov-  
39 ernor or the Legislature; and

40 *g. Review and approve county plans and reports pursuant to*  
41 *section 8 of P. L. 1977, c. 424 (C. 30:4C-57).*

1 11. There is appropriated from the General Fund to the Ad-  
2 ministrative Office of the Courts \$455,000.00.

3 Of this sum, \$380,000.00 is allocated for distribution among the  
4 counties according to a formula developed jointly by the Adminis-  
5 trative Office of the Courts and the Child Placement Advisory  
6 Council. The funds allocated to the counties are for the purpose  
7 of enabling the counties to comply with the purposes of this act.  
8 The funds allocated to the counties shall be in addition to any  
9 county funds currently appropriated to implement this act and  
10 counties shall maintain current levels of expenditures in order  
11 to be eligible for State funds under this act.

12 Of the sum appropriated, \$75,000.00 is allocated to the Child  
13 Placement Advisory Council to carry out its responsibilities under  
14 this act.

1 12. This act shall take effect immediately.

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#### STATEMENT

This bill makes various amendments to the "Child Placement Review Act," P. L. 1977, c. 424 (C. 30:4C-50 et seq.) to improve accountability for implementation of the act on the part of all participants in the child placement review process, to conform provisions of the act with the recently enacted federal Adoption Assistance and Child Welfare Act of 1980, Pub. L. 96-272 and New Jersey's new juvenile code and Family Court Laws and to insure an adequate level of funding to the volunteer county review boards and the Child Placement Advisory Council so that they are able to fully carry out their responsibilities under the law.

Specifically, the bill clarifies provisions regarding the appointment of review board members, requires counties to annually develop child placement review plans, specifies time frames in which placement reviews shall be conducted, provides that the counsel for a child or parent may be present at a review hearing, clarifies the findings a board may make and the order a court shall issue with respect to a placement and authorizes the Child Placement Advisory Council to annually determine its program and budget within the limits of funds appropriated to it. Finally, the bill appropriates \$455,000.00, of which \$380,000.00 is allocated to the counties to carry out their responsibilities under the law and \$75,000.00 is allocated to the Child Placement Advisory Council.

52028 (1987)

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**SENATE, No. 2028**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 23, 1986

The Assembly Appropriations Committee favorably reports Senate Bill No. 2028 OCR with amendments.

Senate Bill No. 2028 (OCR) as amended provides for the following:

- to improve implementation accountability for all participants in the child placement review process;
- to conform provisions of the act to federal statutes, the State's new juvenile code and Family Court laws; and
- to insure an adequate funding level for volunteer county review boards and the Child Placement Advisory Council.

**FISCAL IMPACT:**

This bill makes an appropriation from the General Fund to the Administrative Office of the Courts (AOC) in the amount of \$455,000.00. Of this amount \$75,000.00 is to be allocated to the Child Placement Advisory Council (CPAC) and \$380,000.00 is to be allocated to the counties pursuant to a formula jointly developed by the AOC and CPAC. Counties are to maintain their current level of expenditures in order to be eligible for funding under this act.

**COMMITTEE AMENDMENTS:**

The committee amended the bill to modify certain provisions agreed upon by the AOC and CPAC concerning final approval of county plans and clarification as to the county plan being part of the Judiciary budget submitted to freeholders or county executives.

ASSEMBLY HEALTH AND HUMAN RESOURCES  
COMMITTEE

STATEMENT TO  
**SENATE, No. 2028**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 8, 1986

The Assembly Health and Human Resources Committee reports favorably Senate Bill No. 2028 OCR.

This bill amends the "Child Placement Review Act," P. L. 1977, c. 424 (C. 30:4C-50 et seq.) to: improve accountability for implementation of the act on the part of all participants in the child placement review process; conform provisions of the act to the federal "Adoption Assistance and Child Welfare Act of 1980," Pub. L. 96-272, and New Jersey's new juvenile code and Family Court laws; and insure an adequate level of funding to the volunteer county review boards and the Child Placement Advisory Council so that they are able to fully discharge their responsibilities under the law.

Specifically, the bill clarifies provisions regarding the appointment of review board members, requires counties to annually develop child placement review plans, specifies time frames in which placement reviews shall be conducted, provides that the counsel for a child or parent may be present at a review board hearing, clarifies the findings a board may make, and the order a court shall issue, with respect to a placement and authorizes the Child Placement Advisory Council to annually determine its program and budget within the limits of funds appropriated to it. Finally, the bill appropriates \$455,000.00 from the General Fund to the Administrative Office of the Courts; \$380,000.00 of which is allocated to the counties to carry out their responsibilities under the law and \$75,000.00 of which is allocated to the Child Placement Advisory Council.

This bill is identical to Assembly Bill No. 2539 Aca (Ogden), which the committee reported favorably with committee amendments on this date.

SENATE COMMITTEE ON CHILDREN'S SERVICES

STATEMENT TO

**SENATE, No. 2028**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 2, 1986

The Senate Committee on Children's Services favorably reports Senate Bill No. 2028 with committee amendments.

As amended by the committee, the bill amends the "Child Placement Review Act," P. L. 1977, c. 424 (C. 30:4C-50 et seq.) to: improve accountability for implementation of the act on the part of all participants in the child placement review process; conform provisions of the act with the recently enacted federal "Adoption Assistance and Child Welfare Act of 1980" (Pub. L. 96-272), and New Jersey's new juvenile code and Family Court laws; and insure an adequate level of funding to the volunteer county review boards and the Child Placement Advisory Council so that they are able to fully carry out their responsibilities under the law.

Specifically, the bill clarifies provisions regarding the appointment of review board members, requires counties to annually develop child placement review plans, specifies time frames in which placement reviews shall be conducted, provides that the counsel for child or parent may be present at a review hearing, clarifies the findings a board may make and the order a court shall issue with respect to a placement and authorizes the Child Placement Advisory Council to annually determine its program and budget within the limits of funds appropriated to it. Finally, the bill appropriates \$455,000.00 from the General Fund to the Administrative Office of the Courts; \$380,000.00 of which is allocated to the counties to carry out their responsibilities under the law and \$75,000.00 of which is allocated to the Child Placement Advisory Council.

The committee amended the bill to provide that the Division of Youth and Family Services or the designated agency shall submit a placement plan within 30 days, rather than 35, of the child's placement. Additional amendments clarify that the board shall give priority to the goal of returning the child to its parents or legal guardian rather than the goal of family reunification, which was less specific. The amendments

add the provision that if the court finds that a placement plan does not satisfy the criteria of section 9 of P. L. 1977, c. 424 (C. 30:4C-58), the court shall order that the placement plan be modified or that a new plan be developed within 30 days. The amendments also provide that if a child is placed in an adoptive home prior to the completion of the initial court review, the court shall retain jurisdiction to complete the review. Finally, the amendments provide that the assignment judge may remove a member from the child placement review board only pursuant to standards developed by the Child Placement Advisory Council and the Administrative Office of the Courts.

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SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 2028**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 9, 1986

The Senate Revenue, Finance and Appropriations Committee reported this bill favorably.

Senate Bill No. 2028 Sea makes various changes in the procedures under the "Child Placement Review Act" (P. L. 1977, c. 424) and appropriates \$455,000.00 from the General Fund to the Administrative Office of the Courts for distribution to counties and the Child Placement Advisory Council.

The bill is intended to improve accountability for implementation of the Child Placement Review Act on the part of all participants in the child placement review process, and to conform provisions of the act with the recently enacted federal Adoption Assistance and Child Welfare Act of 1980, and New Jersey's new juvenile code and Family Court laws.

Specifically, the bill clarifies provisions regarding the appointment of review board members, requires counties to annually develop child placement review plans, specifies time frames in which placement reviews shall be conducted, and provides that counsel for a child or parent may be present at a review hearing. This bill also clarifies the findings a board may make and the order a court shall issue with respect to a placement, clarifies other powers of the court, and authorizes the Child Placement Advisory Council to annually determine its program and budget within the limits of funds appropriated to it.

**FISCAL IMPACT:**

Senate Bill No. 2028 Sea appropriates \$455,000.00 from the General Fund to the Administrative Office of the Courts. Of this amount, \$380,000.00 will be distributed among the counties to carry out the purposes of this act, under a formula to be developed by the Administrative Office of the Courts and the Child Placement Advisory Council; the remaining \$75,000.00 will be allocated to the Child Placement Advisory Council to carry out the purposes of this act.

**ADOPTED**  
**MAY 28 1987**

ASSEMBLY FLOOR Amendments  
Proposed by Assemblywoman Ogden

to

SENATE Bill No. 2028 AR OCR  
Sponsored by Senator Orechio

Amend:

Page	Sec.	Line	
14	12	2	Omit "\$455,000.00" Insert "\$380,000.00, to be"
15	12	3	Omit "Of this sum, \$380,000.00 is"
15	12	12-14	Omit entirely
15	13	1	After "effect" Insert "on July 1, 1987 or" ; After "immediately" Insert ", whichever date is later"

NOTE TO PRINTER

The paragraph beginning on page 15, section 12, line 3 should be made part of the preceding paragraph.

Revise synopsis to read as follows:

"Amends the "Child Placement Review Act" and appropriates \$380,000."

STATEMENT

Senate Bill No. 2028 AR OCR amends the "Child Placement Review Act," P.L. 1977, c. 424 (C. 30:4C-50 et seq.) and provides funding for the volunteer county review boards and the Child Placement Advisory Council established by that law.

These floor amendments reduce the appropriation provided in the bill from \$455,000.00 to \$380,000.00 by deleting the \$75,000.00 which would have been allocated to the Child Placement Advisory Council. In addition, the amendments change the effective date of the bill from immediately to July 1, 1987 or later, in order to ensure that the \$380,000.00 in funding for the volunteer county review boards is appropriated for FY 1988. .

es that there may when in-house res- are appropriate. Division Practice intensively studying pending Supreme and action on the ntee's recommen- Chief Justice has orandum making ons as to the issu- ouse restraining ommittee believes s involved are im- plex and suggests ne Court considera- recommendations receive from the ntee. ittee supports the hildren involved in olence situations been established in n's shelters. In ad- ommittee endorses y the Judiciary in y to provide therapy (ntly conducted on sis) for children in- domestic violence. tee encourages the e of both types of ewhere in the State. ntee is pleased to rge amount of train- he Administrative fered in the domestic u. A list of courses is the Court's informa-

### Assignments

ly Division Liaison considered several ting to the assign- lges to the Family ose matters included

### of Assignments

ges who are in the ivision used to serve ecessor Matrimonial enile and Domestic Courts. These in- rteen of the fifteen Family Division However, several

Report of the Supreme Court Committee on Matrimonial Litigation (July 20, 1979) ("Pashman I") pp. 12-13:

The Chief Justice reevaluate criteria currently employed for assignment of judges to matrimonial [Family Part] cases. The Committee feels that the following traits are essential for any matrimonial [Family Part] judge.

- (a) Sensitivity to emotional and sociological ramifications of all decisions rendered in this court;
- (b) Reputation for managerial skills demonstrated by an ability move cases expeditiously through the court process;
- (c) Willingness to become involved at an early stage in the case, to be available for settlement and to be accessible to attorneys on an informal basis to resolve differences prior to trial;
- (d) Commitment to attaining a full understanding of the disputes between the parties manifested by thorough preparation and diligent work habits. Similarly, in its I Final Report the Committee on Matrimonial Litigation ("Pashman II") (July 16, 1981) noted:

The Interim Report [of the Pashman I Committee] stressed the importance of the application of appropriate criteria by the Chief Justice in evaluating judges for assignment. Among the traits cited by the Committee as essential for a matrimonial judge was "sensitivity to emotional and sociological ramifications rendered in this court" (Interim Report, page 12). The importance of this trait for judges hearing juvenile as well as domestic relations matters, including child

approaches can be advised. . .

It is not possible, with the heavy workload of judges, current calendar practices, the normal resistance to change, the prior scattering of juvenile, dissolution and non-dissolution courts and other factors for most vicinages to employ a "one family-one judge" case assignment system at this time. However, as was recommended by the State Family Court Committee, each Family Court Judge should, over a reasonable period of time, hear some cases in each jurisdictional area of the Family Division. The Committee does suggest periodic reconsideration of the issue especially as state-wide computerization of the Family Division approaches realization.

### D. Improved Child Placement Review

The Child Placement Review Act (N.J.S.A. 30:4C-50 et seq.) requires that each county have one or more child placement review boards to assist Family Division Judges in reviewing the cases of children placed outside their homes by the Division of Youth and Family Services. In most instances these cases are initiated by DYFS filing a complaint on behalf of the child.<sup>6</sup> Within 45 days, one of the county's review boards (each of which is composed of five citizen volunteers) meets to consider case materials submitted by DYFS and to hear from interested parties. The board then makes a recommendation to the judge as to whether the child should be returned home, kept in placement or placed for adoption and whether DYFS's plan for the child is appropriate. The judge then makes a decision as to these matters. The Act also establishes a State Child Placement Advisory Council which, among other things, is to make recommendations to the Supreme Court in the child placement review area.

approved by the Chief Justice.

## IV. OTHER COMMITTEE FINDINGS AND RECOMMENDATION

### A. Management

#### 1. General

While this Committee did not concentrate its attention on Family Division management, it has learned that high quality justice, procedural uniformity and accountability are being achieved. This is being done at the vicinage level through the Family Division Presiding Judges and Case Managers and at the State level by the Conference of Presiding Family Division Judges, the Conference of Family Division Case Managers, the Family Division Practice Committee and the Administrative Office of the Courts.

#### 2. Vicinage Level

The Family Division, along with the Criminal, Civil and Chancery Divisions, are the four functional units within the Superior Court. As with the other Divisions, the Family Division has a Presiding Judge and Case Manager. The vicinage Family Division Presiding Judge and Case Manager were selected, respectively, by the Chief Justice and by the Administrative Director of the Courts upon the recommendation of the Assignment Judge. The Presiding Judge is responsible for setting policy for the Family Division while the Case Manager is in charge of the day-to-day operations of the Family Division staff support unit. That unit provides the clerical and professional staff support for the court. It includes personnel assigned from the County Clerks offices and the County Probation Departments in the vicinage.<sup>8</sup> Among other things, the unit is responsible for the diversion from in-court processing of delinquency cases to juvenile conference

(Continued on next page)

judges who serve in the Family Division did not sit in its predecessor courts.<sup>3</sup> When a judge comes into the Family Division he/she must devote considerable time and energy developing expertise in the various subject matter areas of the court and in forging a working relationship with court staff and volunteers.

The Committee supports the Chief Justice's on-going efforts to assure continuity of judge assignments to the Family Division. While a maximum or minimum term of judge assignments would be inappropriate, the Committee does endorse the view expressed by the Supreme Court Committee on Matrimonial Litigation and the Preliminary Family Part Planning Committee that these assignments should be for multi-year terms. Also, judges should be encouraged to view an assignment to the Family Division as a significant part of the jurist's career and not a stepping stone to the Criminal or Civil Divisions.<sup>4</sup> The Committee does not believe that implementation of these recommendations would lead to "judge burn-out" given the great variety of case types and the multitude of programs in the Family Division.

## 2. Qualifications of Judges Assigned

The Committee believes that the Family Division cannot operate with maximum efficiency and effectiveness unless it has well qualified judges.<sup>5</sup> No court is more important to society than the Family Division.

The Preliminary Family Division Planning Committee in its Final Report suggested that the criteria for the selection of Family Division judges be those set forth in the Interim Report of the Supreme Court Committee on Matrimonial Litigation (July 20, 1979) "Pashman I" pp. 12-13:

The Chief Justice reevaluate criteria currently employed for assignment of judges to matrimonial [Family Part] cases. The Committee feels

abuse and spousal abuse is not less important.

Independent of the Committee's work the Chief Justice and Assignment Judges have reviewed these standards and various national standards relevant to the assignment of newly appointed and sitting judges to the Family Division. The Committee applauds this effort.

## 3. Judge Assignments Within the Family Division

The Administrative Office of the Courts' draft report entitled "Family Part Operations and Organization," 44-46 (Dec. 1983) discusses alternative systems for judge assignments within the Family Division:

The Family Part judges could be assigned on a regional basis. This would mean that cases arising from a region would be referred to a particular judge for handling . . . Other alternative assignment arrangements can be devised. For example, when a complaint is filed against a person, it could be assigned to a judge on some type of rotational or random family basis. If another complaint or complaints should ever be filed against that person or any other member of his immediate family, it could be referred to that same judge for handling unless the judge had in the interim been given a permanent assignment in another Superior Court Part. Under this "one family-one judge" approach, the judge would come to know the family and, therefore, be able to deal more intelligently with its legal problems. Another method would be to assign judges to particular types of cases . . . Combinations of the "one region-one judge", "one family-one judge" and "specialization" approaches can be devised. . .

It is not possible, with the heavy workload of judges, current calendar practices, the normal resistance to change, the prior scattering of juvenile, dissolution and non-dissolution courts and other factors for most vicinages

The Liaison Committee heard from several Child Placement Review board members. They expressed concerns about a lack of statewide uniformity in review procedures and inadequate monitoring of review system functioning, training of review board members and of judges and staffing at the State and county levels. They also pointed to the lack of up to date, timely and appropriate information from DYFS, the reluctance of Judges to order the production of information necessary for the Review Boards and DYFS' noncompliance with court orders and lack of DYFS accountability to the court.

The Committee understands that the Administrative Office of the Courts has on several occasions requested additional State funds for its activities and those of the State Child Placement Advisory Council but that those did not result in additional appropriations. Inadequate State funding and uneven funding by the counties for the review boards has undoubtedly contributed to the lack of uniformity in implementation of the law from county to county. The Committee also understands that the Chief Justice and the Administrative Director have met with representatives of the State Child Placement Advisory Council to discuss concerns about the review board system and that the Administrative Office, in conjunction with the Child Placement Advisory Council, has developed a child placement review implementation plan which deals with training, recognition and recruitment of review board members and other court volunteers.<sup>7</sup> State funding for Advisory Council activities, supervision of review boards and county-level implementation. The Committee supports the Chief Justice's initiative and encourages full implementation of the plan if it is approved by the Chief Justice.

## IV. OTHER COMMITTEE FINDINGS AND RECOMMENDATION

### A. Management

#### 1. General

While this Committee did not concentrate its attention on Fam-