

30:4C-53.1

LEGISLATIVE HISTORY CHECKLIST
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(Foster care--
limit repeated placements)

NJSA: 30:4C-53.1

LAWS OF: 1991 CHAPTER: 448

BILL NO: S2595

SPONSOR(S): Costa and others

DATE INTRODUCED: April 26, 1990

COMMITTEE: ASSEMBLY: Health and Human Services
SENATE: Childrens Services

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: January 9, 1992
SENATE: June 28, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

974.90 New Jersey. Legislature. Senate.

C536 Childrens Services Committee.

1990a Public hearing...on S2595, held 4-30-90. Trenton,
1990

KBG/pp

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SENATE, No. 2595

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STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1990

By Senators COSTA, AMBROSIO and LIPMAN

1 AN ACT concerning foster care and supplementing Title 30 of the
2 Revised Statutes.

3

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

6 1. The Legislature finds and declares that:

7 a. Due to the severity of health and social problems such as
8 AIDS, drug abuse and homelessness, the Division of Youth and
9 Family Services in the Department of Human Services often
10 works with families over a period of many years, and the children
11 of these families often spend a majority of their young lives in
12 foster care; and

13 b. Research has shown that the longer children remain in the
14 foster care system, the greater number of placements they
15 experience. As a result of these multiple placements, from
16 natural family to foster home and from one foster home to
17 another foster home, children develop emotional and
18 psychological problems, making it more difficult for them to
19 develop a positive self-image; and

20 c. For the majority of these ¹["ping-pong"]¹ children,
21 placement in residential treatment facilities becomes the only
22 viable option left to the division because it is more difficult for
23 the division to find adoptive homes for them when, and if,
24 adoption becomes a case goal; and

25 d. The obligation of the State to recognize and protect the
26 rights of children in the child welfare system should be fulfilled
27 in the context of a clear and consistent policy which limits the
28 repeated placement of children in foster care and promotes the
29 eventual placement of these children in stable and permanent
30 homes.

31 2. For purposes of this act, the terms "repeated placement
32 into foster care" and "placed again into foster care" shall apply
33 to a child who has been placed in the custody of the Division of
34 Youth and Family Services for placement in foster care by the
35 family part of the Chancery Division of the Superior Court or as
36 a result of a voluntary placement agreement pursuant to
37 P.L.1974, c.119 (C.9:6-8.21 et seq.), released into the custody of
38 his parents or legally responsible guardian at the conclusion of
39 the placement and is once again temporarily removed from his

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
1 Senate SCH committee amendments adopted May 24, 1990.

1 place of residence and placed under the division's care and
2 supervision.

3 3. a. The division shall not treat a child's repeated placement
4 into foster care as an initial placement. The ¹[division shall
5 prepare a report] child's revised placement plan, updated¹ at the
6 time of the child's repeated placement ¹[which summarizes] ,
7 shall summarize¹ the child's prior history with the division
8 regarding previous placements, the findings of the child
9 placement review board, as well as a copy of the court order for
10 the removal of the child from the custody of his parents or
11 guardian. The ¹[report] revised placement plan¹ shall be used by
12 the division when preparing the child's repeated placement plan
13 pursuant to this section.

14 b. Whenever a child is placed again into foster care, the
15 division shall prepare a repeated placement plan which shall
16 ensure the goal of permanency through the safe return of the
17 child to his parents or, if this is not possible, through the State's
18 assumption of guardianship for the purpose of finding the child an
19 adoptive home. The plan shall be prepared within 30 days after
20 the child's repeated placement and submitted to the court. The
21 plan shall be valid for 12 months after the date the child was
22 placed again into foster care.

23 c. The repeated placement plan shall include, but not be
24 limited to:

25 (1) The specific reasons for the repeated placement of the
26 child, including a description of the problems or conditions in the
27 home of the parents or guardian which necessitated the child's
28 removal, and a summary of the efforts made by the division to
29 prevent the child's repeated placement;

30 (2) The specific actions to be taken by the child's parents or
31 guardian to eliminate the identified problems or conditions which
32 were the basis of the child's repeated placement into foster care,
33 which actions shall be taken within a specific time limit agreed
34 upon by the child's caseworker and the parents or guardian;

35 (3) The social services to be provided to the child's parents or
36 guardian, the child and the foster parents during the period the
37 child is in foster care. The purpose of the supportive services
38 shall be to promote the child's best interest and to facilitate his
39 return to his natural home; ¹[and]¹

40 (4) ¹An assessment of the division's ability to obtain a child's
41 birth certificate, locate the child's parents for future contact
42 and have access to the child's extended family, in the event that
43 an adoption plan becomes necessary; and

44 (5)¹ A stipulation that the child be placed with his prior foster
45 family, if possible, to provide the child with continuity and
46 stability in his living environment.

47 ¹[d. The case of a child placed again into foster care shall be
48 assigned an "adoption potential" case goal and conferenced for
49 adoption by the district office responsible for the child's

1 supervision, and an adoption resource center at the time of the
2 child's repeated placement. The case goal shall be pursued by
3 the division only if the child's parents or guardian do not fulfill
4 the requirements outlined by the division pursuant to paragraph
5 (2) of subsection c. of this section.]¹

6 4. If the parents or guardian of the child are unwilling or
7 unable to remedy the problems or conditions outlined in the
8 child's repeated placement plan within the specified time limit
9 and despite diligent efforts by the division¹, the division shall
10 file a petition for guardianship with the family part of the
11 Chancery Division of the Superior Court pursuant to section 15 of
12 P.L.1951, c.138 (C.30:4C-15).

13 The court shall set a hearing, with notice to all parties, on the
14 guardianship petition within 45 days from the date the petition
15 was filed.

16 ¹[5. A voluntary placement agreement signed by a parent or
17 guardian allowing the division to temporarily remove a child from
18 the parent or guardian's custody shall not be used as a basis for
19 the repeated placement of the child into foster care. If the
20 division believes that there is reasonable cause to suspect that
21 the child's life or health is in imminent danger, the division shall
22 apply for a court order to remove the child from his place of
23 residence pursuant to section 8 of P.L.1974, c.119 (C.9:6-8.28).

24 If the court finds that the child's life or health is not in
25 danger, the court shall order the division to supervise the family
26 and to provide the child and his parents or guardian with
27 supportive services in the home until the court terminates the
28 supervision or until the child reaches the age of 18.]¹

29 ¹[6.] 5.¹ Pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Human
31 Services shall adopt all rules and regulations necessary to
32 effectuate the purposes of this act.

33 ¹[7.] 6.¹ This act shall take effect one year after enactment.

34
35
36 CHILDREN

37
38 Limits the repeated placement of children in foster care system.

1 the division shall file a petition for guardianship with the family
2 part of the Chancery Division of the Superior Court pursuant to
3 section 15 of P.L.1951, c.138 (C.30:4C-15).

4 The court shall set a hearing, with notice to all parties, on the
5 guardianship petition within 45 days from the date the petition
6 was filed.

7 5. A voluntary placement agreement signed by a parent or
8 guardian allowing the division to temporarily remove a child from
9 the parent or guardian's custody shall not be used as a basis for
10 the repeated placement of the child into foster care. If the
11 division believes that there is reasonable cause to suspect that
12 the child's life or health is in imminent danger, the division shall
13 apply for a court order to remove the child from his place of
14 residence pursuant to section 8 of P.L.1974, c.119 (C.9:6-8.28).

15 If the court finds that the child's life or health is not in
16 danger, the court shall order the division to supervise the family
17 and to provide the child and his parents or guardian with
18 supportive services in the home until the court terminates the
19 supervision or until the child reaches the age of 18.

20 6. Pursuant to the "Administrative Procedure Act," P.L.1968,
21 c.410 (C.52:14B-1 et seq.), the Commissioner of Human Services
22 shall adopt all rules and regulations necessary to effectuate the
23 purposes of this act.

24 7. This act shall take effect one year after enactment.
25
26

27 STATEMENT

28
29 This bill seeks to limit the repeated placement of children in
30 the foster care system. As defined in the bill, "repeated
31 placement into foster care" would apply to a child who has been
32 placed in foster care by the Division of Youth and Family
33 Services (DYFS), released in the custody of his parents at the end
34 of the placement and, then, once again removed from his home by
35 the courts and placed in DYFS' care.

36 The bill would:

37 1. Require DYFS to prepare a report summarizing a child's
38 prior history, concerning previous placements at the time of the
39 child's repeated placement into foster care. The report would be
40 used by DYFS when preparing the child's repeated placement
41 plan;

42 2. Require DYFS to prepare a repeated placement plan when
43 the child reenters the foster care system. The plan would include
44 a statement of DYFS' goal for the eventual placement of the
45 child in an adoptive home, the reasons for the child's repeated
46 placement into foster care and a statement of the duties and
47 responsibilities of DYFS, the child's parents or guardian and the
48 child's foster parents. The plan would also include a stipulation
49 that the child be placed with his previous foster family, if

1 possible; and

2 3. Require the parents or guardian of a child who has been
3 placed again into foster care to remedy the problems and
4 conditions which led to the child's removal from his home within
5 the specified time limit agreed upon by the child's caseworker
6 and his parents or guardian. If the parents or guardian cannot
7 fulfill the requirements of the repeated placement plan within
8 the specified time, the division would be required to file a
9 petition for guardianship pursuant to section 15 of P.L.1951,
10 c.138 (C.30:4C-15).

11 The bill would also prohibit the use of voluntary placement
12 agreements, signed by a child's parents or guardian, as the basis
13 for the repeated placement of a child into foster care. DYFS
14 would be required to apply for a court order to remove the child
15 from his home if it feels that the child's life or health is in
16 imminent danger.

17

18

19

CHILDREN

20

21 Limits the repeated placement of children in foster care system.

ASSEMBLY HEALTH AND HUMAN RESOURCES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2595

STATE OF NEW JERSEY

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DATED: OCTOBER 29, 1990

The Assembly Health and Human Services Committee favorably reports Senate Bill No. 2595 [1R].

This bill seeks to limit the repeated placement of children in the foster care system. As defined in the bill, "repeated placement into foster care" would apply to a child who has been placed in foster care by the Division of Youth and Family Services (DYFS), released in the custody of his parents at the end of the placement and, then, once again removed from his home by the courts and placed in DYFS' care.

The bill would:

1. Require DYFS to update a child's placement plan at the time of the child's repeated placement. The revised placement plan would summarize the child's prior history, concerning previous placements. The plan would be used by DYFS when preparing the child's repeated placement plan and would also be included in the child's Child Placement Review Plan;

2. Require DYFS to prepare a repeated placement plan when the child reenters the foster care system. The plan would include a statement of DYFS' goal for the eventual placement of the child in an adoptive home, the reasons for the child's repeated placement into foster care, an assessment of the division's ability to obtain a child's birth certificate, locate the child's parents for future contact and have access to the child's extended family, in the event that an adoption plan becomes necessary, and a statement of the duties and responsibilities of DYFS, the child's parents or guardian and the child's foster parents. The plan would also include a stipulation that the child be placed with his previous foster family, if possible; and

3. Require the parents or guardian of a child who has been placed again into foster care to remedy the problems and conditions which led to the child's removal from his home within the specified time limit agreed upon by the child's caseworker and his parents or guardian. If the parents or guardian cannot fulfill the requirements of the repeated placement plan within the specified time and despite the diligent efforts of the division, the division would be required to file a petition for guardianship pursuant to section 15 of P.L.1951, c.138 (C.30:4C-15).

SENATE CHILDREN'S SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 2595

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 24, 1990

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The Senate Children's Services Committee favorably reports Senate Bill No. 2595 with committee amendments.

As amended, the bill seeks to limit the repeated placement of children in the foster care system. As defined in the bill, "repeated placement into foster care" would apply to a child who has been placed in foster care by the Division of Youth and Family Services (DYFS), released in the custody of his parents at the end of the placement and, then, once again removed from his home by the courts and placed in DYFS' care.

The bill would:

1. Require DYFS to update a child's placement plan at the time of the child's repeated placement. The revised placement plan would summarize the child's prior history, concerning previous placements. The plan would be used by DYFS when preparing the child's repeated placement plan and would also be included in the child's Child Placement Review Plan;

2. Require DYFS to prepare a repeated placement plan when the child reenters the foster care system. The plan would include a statement of DYFS' goal for the eventual placement of the child in an adoptive home, the reasons for the child's repeated placement into foster care, an assessment of the division's ability to obtain a child's birth certificate, locate the child's parents for future contact and have access to the child's extended family, in the event that an adoption plan becomes necessary, and a statement of the duties and responsibilities of DYFS, the child's parents or guardian and the child's foster parents. The plan would also include a stipulation that the child be placed with his previous foster family, if possible; and

3. Require the parents or guardian of a child who has been placed again into foster care to remedy the problems and conditions which led to the child's removal from his home within the specified time limit agreed upon by the child's caseworker and his parents or guardian. If the parents or guardian cannot fulfill the requirements of the repeated placement plan within the specified time and despite the diligent efforts of the division, the division would be required to file a petition for guardianship pursuant to section 15 of P.L.1951, c.138 (C.30:4C-15).

The committee amended the bill to require the division to update a child's placement plan at the time of the child's repeated placement. The bill was also amended to require that the repeated

placement plan include an assessment of the division's ability to obtain a child's birth certificate, locate a child's parents for future contact and have access to the child's extended family, in the event that an adoption plan is necessary.

Amendments also deleted the term "ping-pong" children found in the the bill's statement of findings, added language which would require the division to make diligent efforts to provide parents with services before the division would be able to file a petition for guardianship. Finally, amendments deletes section 5 of the bill, which prohibits the use of voluntary placement agreements as a basis for the repeated placement of a child into foster care.