

LEGISLATIVE HISTORY CHECKLIST
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(Child Placement
Bill of Rights)

LAWS OF: 1991

CHAPTER: 290

Bill No: S1210

Sponsor(s): Ambrosio

Date Introduced: Pre-filled

Committee: Assembly: Judiciary

Senate: Children's Services

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

Date of Passage: Assembly: June 24, 1991

Senate: April 5, 1990

Date of Approval: September 23, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

P.L.1991, CHAPTER 290, approved September 23, 1991
1991 Senate No. 1210 (First Reprint)

1 AN ACT concerning the rights of children placed outside their
2 homes and supplementing Title 30 of the Revised Statutes.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. This act shall be known and may be cited as the "Child
7 Placement Bill of Rights Act."

8 2. The Legislature finds and declares that:

9 a. A child placed outside his home by the Department of
10 Human Services¹, the Department of Health or a board of
11 education,¹ or an agency or organization with which the
12 ¹applicable¹ department contracts to provide services has certain
13 specific rights separate from and independent of the child's
14 parents or legal guardian by virtue of his placement in another
15 residential setting;

16 b. The State has an affirmative obligation to recognize and
17 protect these rights through its articulation of a clear and
18 specific bill of rights that reflects the best interests of the child
19 and an affirmation by the State of its commitment to enforce
20 these rights in order to protect and promote the welfare of the
21 child placed outside his home; and

22 c. The obligation of the State to recognize and protect the
23 rights of the child placed outside his home shall be fulfilled in the
24 context of a clear and consistent policy to promote the child's
25 eventual return to his home or placement in an alternative
26 permanent ¹[home] setting¹, which this Legislature has expressly
27 declared to be in the public interest in section 2 of the "Child
28 Placement Review Act," P.L.1977, c.424 (C.30:4C-51).

29 3. As used in this act:

30 "Child placed outside his home" means a child placed outside
31 his home by the Department of Human Services¹, the Department
32 of Health or a board of education¹.

33 "Department" means the Department of Human Services¹, the
34 Department of Health or board of education, as applicable¹.

35 4. A child placed outside his home shall have the following
36 rights, consistent with the health, safety and physical and
37 psychological welfare of the child and as appropriate to the
38 individual circumstances of the child's physical or mental

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 January 25, 1990.

- 1 development:
- 2 a. To placement outside his home only after the ¹applicable¹
- 3 department has made every reasonable effort, including the
- 4 provision or arrangement of financial or other assistance, and
- 5 services as necessary, to enable the child to remain in his home;
- 6 b. To the best efforts of the ¹applicable¹ department,
- 7 ~~including the provision or arrangement of financial or other~~
- 8 assistance and services as necessary, to place the child with a
- 9 relative;
- 10 c. To the best efforts of the ¹applicable¹ department,
- 11 including the provision or arrangement of financial or other
- 12 assistance and services as necessary, to place the child in an
- 13 appropriate setting in his own community;
- 14 d. To the best efforts of the ¹applicable¹ department to place
- 15 the child in the same setting with the child's sibling if the sibling
- 16 is also being placed outside his home;
- 17 e. To visit with the child's parents or legal guardian
- 18 immediately after the child has been placed outside his home and
- 19 on a regular basis thereafter, and to otherwise maintain contact
- 20 with the child's parents or legal guardian, and to receive
- 21 assistance from the ¹applicable¹ department to facilitate that
- 22 contact, including the provision or arrangement of transportation
- 23 as necessary;
- 24 f. To visit with the child's sibling on a regular basis and to
- 25 otherwise maintain contact with the child's sibling if the child
- 26 was separated from his sibling upon placement outside his home,
- 27 including the provision or arrangement of transportation as
- 28 necessary;
- 29 g. To placement in the least restrictive setting appropriate to
- 30 the child's needs and conducive to the health and safety of the
- 31 child;
- 32 h. To be free from physical or psychological abuse and from
- 33 repeated changes in placement before the permanent placement
- 34 or return home of the child;
- 35 i. To have regular contact with any caseworker assigned to the
- 36 child's case who is employed by the ¹applicable¹ department or
- 37 any agency or organization with which the ¹applicable¹
- 38 department contracts to provide services and the opportunity, as
- 39 appropriate to the age of the child, to participate in the planning
- 40 and regular review of the child's case, and to be informed on a
- 41 timely basis of changes in any placement plan which is prepared
- 42 pursuant to law or regulation and the reasons therefor in terms
- 43 and language appropriate to the child's ability to understand;
- 44 j. To have a placement plan, as required by law or regulation,
- 45 that reflects the child's best interests and is designed to
- 46 facilitate the permanent placement or return home of the child in
- 47 a timely manner that is appropriate to the needs of the child;
- 48 k. To services of a high quality that are designed to maintain

1 and advance the child's mental and physical well-being;

2 l. To be represented in the planning and regular review of the
3 child's case, including the placement and development of, or
4 revisions to, any placement plan which is required by law or
5 regulation and the provision of services to the child, the child's
6 parents or legal guardian and the temporary caretaker, by a
7 person other than the child's parent or legal guardian or
8 temporary caretaker who will advocate for the best interests of
9 the child and the enforcement of the rights established pursuant
10 to this act, which person may be the caseworker, as appropriate,
11 or a person appointed by the court for this purpose;

12 m. To receive an educational program which will maximize the
13 child's potential;

14 n. To receive adequate, safe and appropriate food, clothing
15 and housing;

16 o. To receive adequate and appropriate medical care; and

17 p. To be free from unwarranted physical restraint and isolation.

18 5. The ¹[Division of Youth and Family Services]¹ Departments
19 of Human Services, Health and Education¹ shall ¹each¹ prepare
20 and update at least every six months, and shall make available to
21 the public upon request, aggregate non-identifying data about
22 children under ¹[its] their¹ care, custody or supervision who are
23 placed in out-of-home settings, by category as appropriate. The
24 data shall include the following:

25 a. The number of children placed outside their homes during
26 the six-month period and the cumulative number of children
27 residing in out-of-home settings;

28 b. The age, sex and race of the children residing in
29 out-of-home settings;

30 c. The reasons for placement of these children;

31 d. The types of settings in which these children reside;

32 e. The length of time that these children have resided in these
33 settings;

34 f. The number of placements for those children who have been
35 placed in more than one setting;

36 g. The number of children who have been placed in the same
37 county in which their parents or legal guardians reside and the
38 number who have been placed outside of the State;

39 h. The number of children who have been permanently placed
40 or returned to their homes during the six-month period, and a
41 projection of the number of children who will be permanently
42 placed or returned to their homes during the following six-month
43 period; and

44 i. The number of children who have been permanently placed
45 or returned to their homes who are subsequently returned to an
46 out-of-home setting during the six-month period.

47 6. The ¹[Commissioner] Commissioners¹ of Human Services,
48 Health and Education,¹ pursuant to the "Administrative

1 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall
2 each¹ adopt rules and regulations to effectuate the purposes of
3 this act.

4 7. This act shall take effect immediately.

5

6

7

CHILDREN

8

9 Designated the "Child Placement Bill of Rights Act."

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1210

STATE OF NEW JERSEY

DATED: APRIL 8, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1210 (1R).

This bill establishes a bill of rights for children placed in out-of-home settings by all divisions in the Department of Human Services, the Department of Health and boards of education or any of the agencies or organizations these departments contract with to provide services to the children.

This bill sets forth the rights of children placed outside the home including: all reasonable efforts to enable the child to remain in his home; best efforts to place the child with a relative; best efforts to place the child in his own community; best efforts to be able to remain with siblings; regular visits with the child's parent or legal guardian; regular visits with siblings; placement in the least restrictive setting; regular contacts with the assigned caseworker; all appropriate medical care, food, clothing, housing and education; and representation in the planning and review of the case.

The bill also requires the Departments of Human Services, Health and Education to prepare and update at least every six months, and to make available to the public upon request, aggregate non-identifying data about children placed in out-of-home settings, by category, including: the number of children placed and their ages, sex and race; the reasons for the placements, the types of placement settings, the length of time spent in these placements, the number of placements for those children with multiple placements, the number of children placed in the same county in which their parents or legal guardians reside and the number placed in another state, and the number of children permanently placed or returned to their homes during the period in question; and a projected number of those who will be permanently placed or returned to their homes during the following six-month period, as well as the number who are subsequently returned to an out-of-home setting.

This bill is identical to Assembly Bill No. 3979.

SENATE COMMITTEE ON CHILDREN'S SERVICES

STATEMENT TO

SENATE, No. 1210

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 25, 1990

The Senate Committee on Children's Services favorably reports Senate Bill No. 1210 with committee amendments.

As amended, this bill establishes a bill of rights for children placed in out-of-home settings by all divisions in the Department of Human Services, the Department of Health and boards of education or any of the agencies or organizations these departments contract with to provide services to the children.

The bill also requires the Departments of Human Services, Health and Education to prepare and update at least every six months, and to make available to the public upon request, aggregate non-identifying data about children placed by DYFS in out-of-home settings, by category, including: the number of children placed and their ages, sex and race; the reasons for the placements, the types of placement settings, the length of time spent in these placements, the number of placements for those children with multiple placements, the number of children placed in the same county in which their parents or legal guardians reside and the number placed in another state, and the number of children permanently placed or returned to their homes during the period in question; and a projected number of those who will be permanently placed or returned to their homes during the following six-month period, as well as the number who are subsequently returned to an out-of-home setting.

The committee amended the bill its provisions to the Department of Health and boards of education.

This bill was prefiled for introduction in the 1990-1991 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

CHILDREN SERVICES
SENATE SCH COMMITTEE

AMENDMENTS

to

ADOPTED

JAN 25 1990

SENATE, NO. 1210
(Sponsored by Senator Ambrosio)

TRHS 122

REPLACE SECTION 2 TO READ:

- 2. The Legislature finds and declares that:
 - a. A child placed outside his home by the ~~the~~ Department of Human Services¹, the Department of Health or a board of education,¹ or an agency or organization with which the ¹applicable¹ department contracts to provide services has certain specific rights separate from and independent of the child's parents or legal guardian by virtue of his placement in another residential setting;
 - b. The State has an affirmative obligation to recognize and protect these rights through its articulation of a clear and specific bill of rights that reflects the best interests of the child and an affirmation by the State of its commitment to enforce these rights in order to protect and promote the welfare of the child placed outside his home; and
 - c. The obligation of the State to recognize and protect the rights of the child placed outside his home shall be fulfilled in the context of a clear and consistent policy to promote the child's eventual return to his home or placement in an alternative permanent ¹[home] setting¹, which this Legislature has expressly declared to be in the public interest in section 2 of the "Child Placement Review Act," P.L.1977, c.424 (C.30:4C-51).

REPLACE SECTION 3 TO READ:

- 3. As used in this act:
 - "Child placed outside his home" means a child placed outside his home by the Department of Human Services¹, the Department of Health or a board of education¹.
 - "Department" means the Department of Human Services¹, the Department of Health or boards of Education, as applicable¹.

REPLACE SECTION 4 TO READ:

4. A child placed outside his home shall have the following rights, consistent with the health, safety and physical and psychological welfare of the child and as appropriate to the individual circumstances of the child's physical or mental development:

a. To placement outside his home only after the ¹applicable¹ department has made every reasonable effort, including the provision or arrangement of financial or other assistance and services as necessary, to enable the child to remain in his home;

b. To the best efforts of the ¹applicable¹ department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child with a relative;

c. To the best efforts of the ¹applicable¹ department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child in an appropriate setting in his own community;

d. To the best efforts of the ¹applicable¹ department to place the child in the same setting with the child's sibling if the sibling is also being placed outside his home;

e. To visit with the child's parents or legal guardian immediately after the child has been placed outside his home and on a regular basis thereafter, and to otherwise maintain contact with the child's parents or legal guardian, and to receive assistance from the ¹applicable¹ department to facilitate that contact, including the provision or arrangement of transportation as necessary;

f. To visit with the child's sibling on a regular basis and to otherwise maintain contact with the child's sibling if the child was separated from his sibling upon placement outside his home, including the provision or arrangement of transportation as necessary;

g. To placement in the least restrictive setting appropriate to the child's needs and conducive to the health and safety of the child;

h. To be free from physical or psychological abuse and from repeated changes in placement before the permanent placement or return home of the child;

i. To have regular contact with any caseworker assigned to the child's case who is employed by the ¹applicable¹ department or any agency or organization with which the ¹applicable¹ department contracts to provide services and the opportunity, as appropriate to the age of the child, to participate in the planning and regular review of the child's case, and to be informed on a timely basis of changes in any placement plan which is prepared pursuant to law or regulation and the reasons therefor in terms and language appropriate to the child's ability to understand;

j. To have a placement plan, as required by law or regulation, that reflects the child's best interests and is designed to facilitate the permanent placement or return home of the child in a timely manner that is appropriate to the needs of the child;

k. To services of a high quality that are designed to maintain and advance the child's mental and physical well-being;

l. To be represented in the planning and regular review of the child's case, including the placement and development of, or revisions to, any placement plan which is required by law or regulation and the provision of services to the child, the child's parents or legal guardian and the temporary caretaker, by a person other than the child's parent or legal guardian or temporary caretaker who will advocate for the best interests of the child and the enforcement of the rights established pursuant to this act, which person may be the caseworker, as appropriate, or a person appointed by the court for this purpose;

m. To receive an educational program which will maximize the child's potential;

n. To receive adequate, safe and appropriate food, clothing and housing;

o. To receive adequate and appropriate medical care; and

p. To be free from unwarranted physical restraint and isolation.

REPLACE SECTION 5 TO READ:

5. The ¹[Division of Youth and Family Services]¹ Departments of Human Services, Health and Education¹ shall ¹each¹ prepare and update at least every six months, and shall make available to the public upon request, aggregate non-identifying data about children under ¹[its] their¹ care, custody or supervision who are placed in out-of-home settings, by category as appropriate. The data shall include the following:

a. The number of children placed outside their homes during the six-month period and the cumulative number of children residing in out-of-home settings;

b. The age, sex and race of the children residing in out-of-home settings;

c. The reasons for placement of these children;

d. The types of settings in which these children reside;

e. The length of time that these children have resided in these settings;

f. The number of placements for those children who have been placed in more than one setting; *have*

g. The number of children who ^{have} been placed in the same county in which their parents or legal guardians reside and the number who have been placed outside of the State;

h. The number of children who have been permanently placed or returned to their homes during the six-month period, and a projection of the number of children who will be permanently placed or returned to their homes during the following six-month period; and

i. The number of children who have been permanently placed or returned to their homes who are subsequently returned to an out-of-home setting during the six-month period.

REPLACE SECTION 6 TO READ:

6. The ¹[Commissioner] Commissioners¹ of Human Services, ¹Health and Education,¹ pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall ¹each¹ adopt rules and regulations to effectuate the purposes of this act.

n/c

SENATE, No. 1210

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator AMBROSIO

1 AN ACT concerning the rights of children placed outside their
2 homes and supplementing Title 30 of the Revised Statutes.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. This act shall be known and may be cited as the "Child
7 Placement Bill of Rights Act."

8 2. The Legislature finds and declares that:

9 a. A child placed outside his home by the the Department of
10 Human Services or an agency or organization with which the
11 department contracts to provide services has certain specific
12 rights separate from and independent of the child's parents or
13 legal guardian by virtue of his placement in another residential
14 setting;

15 b. The State has an affirmative obligation to recognize and
16 protect these rights through its articulation of a clear and
17 specific bill of rights that reflects the best interests of the child
18 and an affirmation by the State of its commitment to enforce
19 these rights in order to protect and promote the welfare of the
20 child placed outside his home; and

21 c. The obligation of the State to recognize and protect the
22 rights of the child placed outside his home shall be fulfilled in the
23 context of a clear and consistent policy to promote the child's
24 eventual return to his home or placement in an alternative
25 permanent home, which this Legislature has expressly declared to
26 be in the public interest in section 2 of the "Child Placement
27 Review Act," P.L.1977, c.424 (C.30:4C-51).

28 3. As used in this act:

29 "Child placed outside his home" means a child placed outside
30 his home by the Department of Human Services.

31 "Department" means the Department of Human Services.

32 4. A child placed outside his home shall have the following
33 rights, consistent with the health, safety and physical and
34 psychological welfare of the child and as appropriate to the
35 individual circumstances of the child's physical or mental
36 development:

37 a. To placement outside his home only after the department
38 has made every reasonable effort, including the provision or
39 arrangement of financial or other assistance and services as
40 necessary, to enable the child to remain in his home;

41 b. To the best efforts of the department, including the

1 provision or arrangement of financial or other assistance and
2 services as necessary, to place the child with a relative;

3 c. To the best efforts of the department, including the
4 provision or arrangement of financial or other assistance and
5 services as necessary, to place the child in an appropriate setting
6 in his own community;

7 d. To the best efforts of the department to place the child in
8 the same setting with the child's sibling if the sibling is also
9 being placed outside his home;

10 e. To visit with the child's parents or legal guardian
11 immediately after the child has been placed outside his home and
12 on a regular basis thereafter, and to otherwise maintain contact
13 with the child's parents or legal guardian, and to receive
14 assistance from the department to facilitate that contact,
15 including the provision or arrangement of transportation as
16 necessary;

17 f. To visit with the child's sibling on a regular basis and to
18 otherwise maintain contact with the child's sibling if the child
19 was separated from his sibling upon placement outside his home,
20 including the provision or arrangement of transportation as
21 necessary;

22 g. To placement in the least restrictive setting appropriate to
23 the child's needs and conducive to the health and safety of the
24 child;

25 h. To be free from physical or psychological abuse and from
26 repeated changes in placement before the permanent placement
27 or return home of the child;

28 i. To have regular contact with any caseworker assigned to the
29 child's case who is employed by the department or any agency or
30 organization with which the department contracts to provide
31 services and the opportunity, as appropriate to the age of the
32 child, to participate in the planning and regular review of the
33 child's case, and to be informed on a timely basis of changes in
34 any placement plan which is prepared pursuant to law or
35 regulation and the reasons therefor in terms and language
36 appropriate to the child's ability to understand;

37 j. To have a placement plan, as required by law or regulation,
38 that reflects the child's best interests and is designed to
39 facilitate the permanent placement or return home of the child in
40 a timely manner that is appropriate to the needs of the child;

41 k. To services of a high quality that are designed to maintain
42 and advance the child's mental and physical well-being;

43 l. To be represented in the planning and regular review of the
44 child's case, including the placement and development of, or
45 revisions to, any placement plan which is required by law or
46 regulation and the provision of services to the child, the child's
47 parents or legal guardian and the temporary caretaker, by a
48 person other than the child's parent or legal guardian or

1 temporary caretaker who will advocate for the best interests of
2 the child and the enforcement of the rights established pursuant
3 to this act, which person may be the caseworker, as appropriate,
4 or a person appointed by the court for this purpose;

5 m. To receive an educational program which will maximize the
6 child's potential;

7 n. To receive adequate, safe and appropriate food, clothing
8 and housing;

9 o. To receive adequate and appropriate medical care; and

10 p. To be free from unwarranted physical restraint and isolation.

11 5. The Division of Youth and Family Services shall prepare and
12 update at least every six months, and shall make available to the
13 public upon request, aggregate non-identifying data about
14 children under its care, custody or supervision who are placed in
15 out-of-home settings, by category as appropriate. The data shall
16 include the following:

17 a. The number of children placed outside their homes during
18 the six-month period and the cumulative number of children
19 residing in out-of-home settings;

20 b. The age, sex and race of the children residing in
21 out-of-home settings;

22 c. The reasons for placement of these children;

23 d. The types of settings in which these children reside;

24 e. The length of time that these children have resided in these
25 settings;

26 f. The number of placements for those children who have been
27 placed in more than one setting;

28 g. The number of children who been placed in the same county
29 in which their parents or legal guardians reside and the number
30 who have been placed outside of the State;

31 h. The number of children who have been permanently placed
32 or returned to their homes during the six-month period, and a
33 projection of the number of children who will be permanently
34 placed or returned to their homes during the following six-month
35 period; and

36 i. The number of children who have been permanently placed
37 or returned to their homes who are subsequently returned to an
38 out-of-home setting during the six-month period.

39 6. The Commissioner of Human Services, pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), shall adopt rules and regulations to effectuate the purposes
42 of this act.

43 7. This act shall take effect immediately.
44
45

46 STATEMENT

47
48 This bill establishes a bill of rights for children placed in

1 out-of-home settings by the Department of Human Services,
2 including foster homes, group homes, residential treatment
3 facilities, shelters for abused or neglected children and
4 independent living arrangements.

5 This bill also require DYFS to prepare and update at least
6 every six months, and to make available to the public upon
7 request, aggregate non-identifying data about children placed by
8 DYFS in out-of-home settings, by category, including: the
9 number of children placed and their ages, sex and race; the
10 reasons for the placements, the types of placement settings, the
11 length of time spent in these placements, the number of
12 placements for those children with multiple placements, the
13 number of children placed in the same county in which their
14 parents or legal guardians reside and the number placed in
15 another state, and the number of children permanently placed or
16 returned to their homes during the period in question; and a
17 projected number of those who will be permanently placed or
18 returned to their homes during the following six-month period, as
19 well as the number who are subsequently returned to an
20 out-of-home setting.

21

22

23

CHILDREN

24

25 Designated the "Child Placement Bill of Rights Act."



S1210
Ch. 290
PL1991

OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001
Contact:

JON SHURE
JO ASTRID GLADING
609-292-8956

TRENTON, N.J. 08625

Release: MONDAY
SEPT. 23, 1991

Children placed in out-of-home settings, such as adoptive and foster homes, will receive the broad protections of a new "Bill of Rights" under a law signed by Governor Jim Florio today.

"We're sending a clear message today about our priorities in New Jersey. We're saying that families are the best places for children to grow up but that sometimes, families need help," Governor Florio said. "We're also saying that children have basic needs, and that we have a responsibility to make sure those needs are met, no matter where a child lives."

The "Child Placement Bill of Rights" includes the right of children to remain in the home if possible and the right to best efforts at placement with relatives or in the child's own community. The rights also include regular visits with parents and other relatives in the least restrictive settings, and that every effort be made to keep brothers and sisters together.

The law also requires the departments of Health, Human Services and Education to maintain detailed information about children in out-of-home settings, such as the type of settings and the length of time spent in placement.

"The writer Graham Greene said: 'There is always a moment in childhood when the door opens and the future is let in,'" Governor Florio said. "This law is another step in our efforts to make sure that, when that door opens for the children of New Jersey, it opens to a world of opportunity where they can grow and prosper and feel secure."

Florio said that to further efforts at these goals, this year the state budget included \$2 million in new funds to provide "wrap-around" services within the child welfare system to individually tailor services to a child and family based on their own needs.

Florio said this year's budget also includes other new initiatives in keeping with the law, including a training program for foster parents of drug-affected and HIV-infected babies and the expansion of Medicaid eligibility for children and pregnant women.

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