

30:4C-26.20 & 30:4C-26.21

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2010 **CHAPTER:** 98

NJSA: 30:4C-26.20 & 30:4C-26.21 (Provides for minor and her child to remain together as family unit in DYFS placement)

BILL NO: S1362 (Substituted for A3390)

SPONSOR(S) Buono and others

DATE INTRODUCED: February 8, 2010

COMMITTEE: **ASSEMBLY:** Human Services

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** October 25, 2010

SENATE: May 20, 2010

DATE OF APPROVAL: December 8, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

S1362

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A3390

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

SENATE, No. 1362

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

Sponsored by:

Senator BARBARA BUONO

District 18 (Middlesex)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Co-Sponsored by:

Senator Stack and Assemblywoman Spencer

SYNOPSIS

Provides for minor and her child to remain together as family unit in DYFS placement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/26/2010)

1 AN ACT concerning minors under the care of the Division of Youth
2 and Family Services and supplementing Chapter 4C of Title 30
3 of the Revised Statutes.

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

7
8 1. a. Notwithstanding any other provision of law to the
9 contrary, if a minor is placed in a resource family home, group
10 home, or institution, pursuant to section 26 of P.L.1951, c.138
11 (C.30:4C-26), and is pregnant, becomes pregnant, or gives birth to a
12 child while in the placement, the Division of Youth and Family
13 Services in the Department of Children and Families shall provide
14 or arrange for the provision of services to ensure that the minor and
15 her child remain together as a family unit.

16 b. A Division of Youth and Family Services caseworker shall
17 develop and implement a permanency plan for the minor and her
18 child that will enable the minor to provide a safe and stable home
19 for her child, and shall not limit the minor's legal right to make
20 decisions regarding the care, custody, and supervision of her child.
21 The plan shall address, but shall not be limited to, the following
22 areas:

23 (1) counseling and advocacy services;

24 (2) information about and referral to physicians, certified nurse
25 midwives, and other health care professionals providing prenatal
26 care;

27 (3) medical care, including hospital, maternity, postnatal, and
28 preventive pediatric services; and

29 (4) maintenance services, including, clothing, food, housing,
30 and financial assistance.

31 c. If, as a result of the minor's pregnancy or birth of her child,
32 the minor's current placement is no longer available, is
33 inappropriate, or could result in harm to the minor or her child, the
34 caseworker shall locate and place the minor and her child together
35 in a substitute living arrangement.

36 d. The Division of Youth and Family Services shall not be
37 required to arrange or provide for services to the minor and her
38 child pursuant to subsection a. of this section, if the division has
39 reasonable cause to believe that the minor's child has been
40 subjected to child abuse or acts of child abuse or neglect by the
41 minor.

42 e. For purposes of this section, "minor" means a person 21
43 years of age or younger who is under the care and supervision or
44 custody of the Division of Youth and Family Services pursuant to
45 section 12 of P.L.1951, c.138 (C.30:4C-12).

46
47 2. The Commissioner of Children and Families shall adopt
48 rules and regulations, pursuant to the "Administrative Procedure

1 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
2 purposes of this act.

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4 3. This act shall take effect on the 180th day following
5 enactment.

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STATEMENT

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10 This bill provides that if a minor is placed in a resource family
11 home, group home, or institution, pursuant to section 26 of
12 P.L.1951, c.138 (C.30:4C-26), and is pregnant, becomes pregnant
13 or gives birth to a child while in the placement, DYFS shall provide
14 or arrange for the provision of services to ensure that the minor and
15 her child remain together as a family unit.

16 As defined in the bill, "minor" means a person 21 years of age or
17 younger who is under the care and supervision or custody of DYFS
18 pursuant to section 12 of P.L.1951, c.138 (C.30:4C-12).

19 Under the provisions of the bill, a DYFS caseworker shall
20 develop and implement a permanency plan for the minor and her
21 child that will enable the minor to provide a safe and stable home
22 for the child, and shall not limit the minor's legal right to make
23 decisions regarding the care, custody, and supervision of her child.
24 The plan shall address, but shall not be limited to, the following
25 areas:

- 26 ● counseling and advocacy services;
- 27 ● information about and referral to physicians, certified
28 nurse midwives, and other health care professionals
29 providing prenatal care;
- 30 ● medical care, including hospital, maternity, postnatal, and
31 preventive pediatric services; and
- 32 ● maintenance services, including, clothing, food, housing,
33 and financial assistance.

34 If, as a result of the minor's pregnancy or birth of her child, the
35 minor's current placement is no longer available, is inappropriate, or
36 could result in harm to the minor or her child, the caseworker shall
37 locate and place the minor and her child together in a substitute
38 living arrangement.

39 The bill also prohibits DYFS from arranging or providing for
40 services to the minor and her child pursuant to the provisions of the
41 bill, if DYFS has reasonable cause to believe that the minor's child
42 has been subjected to child abuse or acts of child abuse or neglect
43 by the minor.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1362

STATE OF NEW JERSEY

DATED: MAY 10, 2010

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1362.

This bill provides that if a minor is placed in a resource family home, group home, or institution, pursuant to section 26 of P.L.1951, c.138 (C.30:4C-26), and is pregnant, becomes pregnant or gives birth to a child while in the placement, the Division of Youth and Family Services (DYFS) in the Department of Children and Families shall provide or arrange for the provision of services to ensure that the minor and her child remain together as a family unit.

As defined in the bill, "minor" means a person 21 years of age or younger who is under the care and supervision or custody of DYFS pursuant to section 12 of P.L.1951, c.138 (C.30:4C-12).

Under the provisions of the bill, a DYFS caseworker shall develop and implement a permanency plan for the minor and her child that will enable the minor to provide a safe and stable home for the child, and shall not limit the minor's legal right to make decisions regarding the care, custody, and supervision of her child. The plan shall address, but shall not be limited to, the following areas:

- counseling and advocacy services;
- information about and referral to physicians, certified nurse midwives, and other health care professionals providing prenatal care;
- medical care, including hospital, maternity, postnatal, and preventive pediatric services; and
- maintenance services, including, clothing, food, housing, and financial assistance.

If, as a result of the minor's pregnancy or birth of her child, the minor's current placement is no longer available, is inappropriate, or could result in harm to the minor or her child, the caseworker shall locate and place the minor and her child together in a substitute living arrangement.

The bill also provides that DYFS would not be required to arrange or provide for services to the minor and her child pursuant to the provisions of the bill if DYFS has reasonable cause to believe that the minor's child has been subjected to child abuse or acts of child abuse or neglect by the minor.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1362

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2010

The Assembly Human Services Committee reports favorably Senate Bill No. 1362.

This bill provides that if a minor is placed in a resource family home, group home, or institution, pursuant to section 26 of P.L.1951, c.138 (C.30:4C-26), and is pregnant, becomes pregnant or gives birth to a child while in the placement, DYFS shall provide or arrange for the provision of services to ensure that the minor and her child remain together as a family unit.

As defined in the bill, "minor" means a person 21 years of age or younger who is under the care and supervision or custody of DYFS pursuant to section 12 of P.L.1951, c.138 (C.30:4C-12).

Under the provisions of the bill, a DYFS caseworker shall develop and implement a permanency plan for the minor and her child that will enable the minor to provide a safe and stable home for the child, and shall not limit the minor's legal right to make decisions regarding the care, custody, and supervision of her child. The plan shall address, but shall not be limited to, the following areas:

- counseling and advocacy services;
- information about and referral to physicians, certified nurse midwives, and other health care professionals providing prenatal care;
- medical care, including hospital, maternity, postnatal, and preventive pediatric services; and
- maintenance services, including, clothing, food, housing, and financial assistance.

If, as a result of the minor's pregnancy or birth of her child, the minor's current placement is no longer available, is inappropriate, or could result in harm to the minor or her child, the caseworker shall locate and place the minor and her child together in a substitute living arrangement.

The bill also prohibits DYFS from arranging or providing for services to the minor and her child pursuant to the provisions of the bill, if DYFS has reasonable cause to believe that the minor's child has been subjected to child abuse or acts of child abuse or neglect by the minor.

This bill is identical to the Assembly Bill No.3390 (Vainieri Huttel), which the committee also reported favorably on this date.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1362
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: NOVEMBER 3, 2010

SUMMARY

Synopsis: Provides for minor and her child to remain together as family unit in DYFS placement.

Type of Impact: None.

Agencies Affected: Department of Children and Families and the Department of Human Services, if the minor is eligible for the Work First New Jersey program.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1 -3</u>
State Cost	None

- The number of minors and children affected by this legislation is not known.

BILL DESCRIPTION

Senate Bill No. 1362 of 2010 provides that if a minor is placed in a resource family home, group home, or institution, pursuant to section 26 of P.L.1951, c.138 (C.30-4C-26) and is pregnant, becomes pregnant or gives birth to a child while in placement, the Division of Youth and Family Services (DYFS) shall provide or arrange for the provision of services to ensure that the minor and her child remain together as a eligible unit with certain exceptions.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None provided.

OFFICE OF LEGISLATIVE SERVICES

There is no cost associated with the legislation. Current DYFS policy and procedures attempt to keep the family unit together to the extent possible, and DYFS operates various programs in support of this general policy. The Office of Legislative Services has no

information as to the number of minors and children currently participating in such programs or how many additional minors and children may be affected by this legislation.

Section: Human Services

*Analyst: Jay Hershberg
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3390

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED OCTOBER 14, 2010

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Co-Sponsored by:

Assemblywoman Spencer

SYNOPSIS

Provides for minor and her child to remain together as family unit in DYFS placement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/26/2010)

A3390 VAINIERI HUTTLE, CONNERS

2

1 AN ACT concerning minors under the care of the Division of Youth
2 and Family Services and supplementing Chapter 4C of Title 30
3 of the Revised Statutes.

4

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

7

8 1. a. Notwithstanding any other provision of law to the
9 contrary, if a minor is placed in a resource family home, group
10 home, or institution, pursuant to section 26 of P.L.1951, c.138
11 (C.30:4C-26), and is pregnant, becomes pregnant, or gives birth to a
12 child while in the placement, the Division of Youth and Family
13 Services in the Department of Children and Families shall provide
14 or arrange for the provision of services to ensure that the minor and
15 her child remain together as a family unit.

16 b. A Division of Youth and Family Services caseworker shall
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20 decisions regarding the care, custody, and supervision of her child.
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29 (4) maintenance services, including, clothing, food, housing,
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31 c. If, as a result of the minor's pregnancy or birth of her child,
32 the minor's current placement is no longer available, is
33 inappropriate, or could result in harm to the minor or her child, the
34 caseworker shall locate and place the minor and her child together
35 in a substitute living arrangement.

36 d. The Division of Youth and Family Services shall not be
37 required to arrange or provide for services to the minor and her
38 child pursuant to subsection a. of this section, if the division has
39 reasonable cause to believe that the minor's child has been
40 subjected to child abuse or acts of child abuse or neglect by the
41 minor.

42 e. For purposes of this section, "minor" means a person 21
43 years of age or younger who is under the care and supervision or
44 custody of the Division of Youth and Family Services pursuant to
45 section 12 of P.L.1951, c.138 (C.30:4C-12).

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47 2. The Commissioner of Children and Families shall adopt
48 rules and regulations, pursuant to the "Administrative Procedure

1 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
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4 3. This act shall take effect on the 180th day following
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STATEMENT

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31 preventive pediatric services; and
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35 minor's current placement is no longer available, is inappropriate, or
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37 locate and place the minor and her child together in a substitute
38 living arrangement.

39 The bill also prohibits DYFS from arranging or providing for
40 services to the minor and her child pursuant to the provisions of the
41 bill, if DYFS has reasonable cause to believe that the minor's child
42 has been subjected to child abuse or acts of child abuse or neglect
43 by the minor.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3390

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2010

The Assembly Human Services Committee reports favorably Assembly Bill No. 3390.

This bill provides that if a minor is placed in a resource family home, group home, or institution, pursuant to section 26 of P.L.1951, c.138 (C.30:4C-26), and is pregnant, becomes pregnant or gives birth to a child while in the placement, DYFS shall provide or arrange for the provision of services to ensure that the minor and her child remain together as a family unit.

As defined in the bill, "minor" means a person 21 years of age or younger who is under the care and supervision or custody of DYFS pursuant to section 12 of P.L.1951, c.138 (C.30:4C-12).

Under the provisions of the bill, a DYFS caseworker shall develop and implement a permanency plan for the minor and her child that will enable the minor to provide a safe and stable home for the child, and shall not limit the minor's legal right to make decisions regarding the care, custody, and supervision of her child. The plan shall address, but shall not be limited to, the following areas:

- counseling and advocacy services;
- information about and referral to physicians, certified nurse midwives, and other health care professionals providing prenatal care;
- medical care, including hospital, maternity, postnatal, and preventive pediatric services; and
- maintenance services, including, clothing, food, housing, and financial assistance.

If, as a result of the minor's pregnancy or birth of her child, the minor's current placement is no longer available, is inappropriate, or could result in harm to the minor or her child, the caseworker shall locate and place the minor and her child together in a substitute living arrangement.

The bill also prohibits DYFS from arranging or providing for services to the minor and her child pursuant to the provisions of the bill, if DYFS has reasonable cause to believe that the minor's child has been subjected to child abuse or acts of child abuse or neglect by the minor.

This bill is identical to Senate Bill No.1362 (Buono/Allen), which the committee also reported favorably on this date.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3390
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: NOVEMBER 3, 2010

SUMMARY

Synopsis: Provides for minor and her child to remain together as family unit in DYFS placement.

Type of Impact: None.

Agencies Affected: Department of Children and Families and the Department of Human Services, if the minor is eligible for the Work First New Jersey program.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1 -3</u>
State Cost	None

- The number of minors and children affected by this legislation is not known.

BILL DESCRIPTION

Assembly Bill No. 3390 of 2010 provides that if a minor is placed in a resource family home, group home, or institution, pursuant to section 26 of P.L.1951, c.138 (C.30-4C-26) and is pregnant, becomes pregnant or gives birth to a child while in placement, the Division of Youth and Family Services (DYFS) shall provide or arrange for the provision of services to ensure that the minor and her child remain together as a eligible unit with certain exceptions.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None provided.

OFFICE OF LEGISLATIVE SERVICES

There is no cost associated with the legislation. Current DYFS policy and procedures attempt to keep the family unit together to the extent possible, and DYFS operates various

programs in support of this general policy. The Office of Legislative Services has no information as to the number of minors and children currently participating in such programs or how many additional minors and children may be affected by this legislation.

Section: Human Services

*Analyst: Jay Hershberg
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).