

30:4C-53 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4C-53 et al (Child Placement Review Act - amendments)

LAWS OF: 1984

CHAPTER: 85

Bill No: S1039

Sponsor(s): Orecchio

Date Introduced: January 23, 1984

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes Substituted for A1300 (not attached since identical to S1039)

Date of Passage: Assembly: May 21, 1984

Senate: April 30, 1984

Date of Approval: July 18, 1984

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: Yes

Hearings: No

Report, referred to in statement:

974.90 Byers, Suzanne

C536 Barriers to permanency planning: DYFS caseworker and child
1983a placement review boards speak out...Sept., 1983. Trenton, 1983.

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7-18-84

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SENATE, No. 1039

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1984

By Senator ORECHIO

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend *and supplement* the "Child Placement Review Act," approved February 27, 1978 (P. L. 1977, c. 424) *and amending P. L. 1982, c. 24*.

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

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

3 4. Within 72 hours after the placement of a child outside his
4 home pursuant to a voluntary agreement, the division shall file
5 notice of such placement with the [juvenile and domestic relations
6 court] ****[Family Part]**** ***family part*** of the Chancery Divi-
7 sion of the Superior Court in the child's county of supervision. Such
8 notice shall be in the form of a complaint encaptioned "In the mat-
9 ter of, a minor" and shall include the date and type
10 of placement and the reasons for such placement. Such filing shall
11 establish a continuing jurisdiction of the court over the placement
11A of the child.

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

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

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 February 27, 1984.

**—Assembly committee amendments adopted May 14, 1984.

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

20 Members shall be appointed for terms of three years, except that
 21 of those initially appointed, one shall be for a term of one year,
 22 two for terms of two years, and two for terms of three years.
 23 Members shall serve after the expiration of their terms until their
 24 respective successors **[shall]** have been appointed. Vacancies
 25 shall be filled for the duration of the unexpired terms. Members
 26 shall serve without compensation but shall be reimbursed for such
 27 reasonable and necessary expenses *including but not limited to*
 28 *child care expenses* incurred in the performance of their official
 29 duties. The governing body of the county in which the board serves
 30 may**[, at its discretion,]** provide for reimbursement to review
 31 board members for such additional and reasonable expenses as the
 32 governing body may determine.

33 In accordance with guidelines and procedures established by the
 34 Supreme Court, members shall attend initial training sessions
 35 within six months of their appointment and any other training
 36 sessions required by the court.

37 Each board shall meet at such times as it shall determine. Each
 38 [juvenile and domestic relations court] **[Family Part]** *fam-*
 39 *ily part* of the Chancery Division of the Superior Court shall
 40 provide its board with reasonable and necessary administrative and
 41 clerical support services. These services shall include obtaining
 42 and reviewing information requested by the board, preparing and
 43 dispatching all notices and reports required under P. L. 1977, c. 424
 44 (C. 30:4C-50 et seq.), arranging for board meetings and maintain-

45 ing a permanent record of all board proceedings, collecting statis-
46 tical data and serving as a liaison to the division.*

1 ***[1.]*** *3.* Section 9 of P. L. 1977, c. 424 (C. 30:4C-58) is
2 amended to read as follows:

3 9. Each board shall act on behalf of the **[juvenile and domestic**
4 **relations court]** *Family Part of the Chancery Division of the Su-*
5 *perior Court* in reviewing the case of every child placed outside
6 his home pursuant to a voluntary agreement to determine whether
7 the best interests of the child are being served by such placement.
8 Such a review shall be initiated within 45 days following the initial
9 placement and completed within 15 days thereafter. A periodic
10 review shall take place at least every 12 months thereafter.

11 Each board shall also act on behalf of the **[juvenile and domestic**
12 **relations court]** *Family Part of the Chancery Division of the Su-*
13 *perior Court* in reviewing the case of each child placed outside his
14 home by the division in accordance with a court order pursuant
15 to P. L. 1974, c. 119**[, s. 34 (C. 9:6-8.54)]** (*C. 9:6-8.21 et seq.*),
16 *section 12 of P. L. 1951, c. 138***[, s. 12]** (C. 30:4C-12), **[P. L. 1973,**
17 **c. 306, s. 21 (C. 2A:4-61) or P. L. 1973, c. 306, s. 22 (C. 2A:4-62)]**
18 *section 24 of P. L. 1982, c. 77 (C. 2A:4A-43) or section 25 of P. L.*
19 *1982, c. 77 (C. 2A:4A-44).* Such a review shall be initiated upon
20 receipt by the board of the placement plan, which shall be submitted
21 by the division within 45 days of the initial court order. The board's
22 review shall be completed within 15 days of receipt of the plan. A
23 periodic review shall take place at least every 12 months thereafter.
24 ***[A special review shall take place before a child is returned home**
25 **when the return is contrary to the placement plan approved by the**
26 **court. The special review shall consider and evaluate the reasons**
27 **for the proposed return and decide whether this action serves the**
28 **best interests of the child.]***

29 Notwithstanding the provisions of sections 3 of P. L. 1977, c. 424
30 (C. 30:4C-52) to the contrary, if a child placed outside his home
31 attains 18 years of age or older and his home placement costs are
32 being paid by the division, the board shall continue to conduct
33 periodic reviews until the division terminates supervision of the
34 person.

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

37 a. The appropriateness of the goal and objectives of the place-
38 ment plan;

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

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

43 d. Whether the wishes of the child were considered regarding
44 placement and development of the placement plan, when appro-
45 priate;

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

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

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

54 h. The circumstances surrounding the placement.

55 In the case of a child in placement outside of his home on the
56 effective date of this act, the first review shall be completed as
57 soon as possible, but not later than 12 months following such
58 effective date.

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

3 10. When a child is placed in a home for the purpose of adoption,
4 the division shall notify the [county juvenile and domestic rela-
5 tions court] **[Family Part]** **family part** of the Chancery
6 Division of the Superior Court in the child's county of supervision
7 in writing of the placement. Upon receipt of the notice, the board
8 shall not schedule further reviews of the case unless:

9 a. The child is removed from the adoptive home;

10 b. The complaint for adoption was not filed within eight months
11 of the placement and the filing of the complaint is not imminent; or

12 c. The plan for the child was modified so that immediate adoption
13 by the stated adoptive parents no longer is the goal.

14 The division shall send the court and the board a status report
15 on the case every four months. When a complaint for adoption has
16 been filed, the division shall inform the court and no further board
17 reviews shall be held while that action is pending. [Upon notice
18 that] *When* a judgment of adoption has been entered [in Superior
19 Court, the juvenile and domestic relations], *the court* shall dismiss
20 the complaint pursuant to section 4 of P. L. 1977, c. 424 (C.
21 30:4C-53).

1 5. Section 10 of P. L. 1977, c. 424 (C. 30:4C-59) is amended
2 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 to the follow-

5 ing, each of whom shall be entitled to submit information in writing
6 to the board:

- 7 a. The division;
- 8 b. The child;
- 9 c. The parents or legal guardian;
- 10 d. The temporary caretaker; and
- 11 e. Any other person or agency whom the board determines has

12 an interest in or information relating to the welfare of the child.
13 The written notice shall inform the person of his right to attend
14 the review and shall be prepared in a manner which will encourage
15 the person's attendance at the review.

16 Notice to the child may be waived by the board on a case by case
17 basis either on its own motion or on the petition of any of the
18 above persons in cases where the board determines that notice
19 would be harmful to the child. When notice is waived, the board
20 shall inform the court of this action in its report to the court.

21 The board shall conduct a review and make recommendations
22 based upon the written materials; provided, however, that the
23 board may afford any party or person an opportunity to appear
24 before it if the board feels that such an appearance will assist it
25 in conducting its review or making its recommendations. Upon
26 the request of the board, the [juvenile and domestic relations
27 court] ****[Family Part]**** ***family part*** of the Chancery Divi-
28 sion of the Superior Court may subpoena a person to attend the
29 review board meeting.

1 6. Section 11 of P. L. 1977, c. 424 (C. 30:4C-60) is amended to
2 read as follows:

3 11. Within 10 days after the completion of such review, the board
4 shall submit a written report to the [juvenile and domestic rela-
5 tions court] ****[Family Part]**** ***family part*** of the Chancery
6 Division of the Superior Court and the division. Such report shall
7 offer one of the following findings, stating the specific reasons
7A therefor:

- 8 a. That return of the child to his parents or legal guardian is in
9 the child's best interest;
- 10 b. That continued placement outside of the home is in the child's
11 best interest and that the placement plan satisfies the criteria pro-
12 vided in section 9 of P. L. 1977, c. 424 (C. 30:4C-58) and is appro-
13 priate for the child's needs;
- 14 c. That continued placement outside of the home is in the child's
15 best interest, but that the placement plan does not satisfy the cri-
16 teria provided in section 9 of P. L. 1977, c. 424 (C. 30:4C-58) and
17 is not appropriate for the child's needs;

18 d. That the initiation of proceedings for the termination of
 19 parental rights in order to free the child for adoption is in the
 20 child's best interest.

21 In addition to the finding, the board shall state the reasons and
 22 additional factors it deems appropriate to explain its conclusions.
 23 When any change in the plan or situation of the child is recom-
 24 mended, the board shall state its specific recommendations and the
 25 factual basis therefor.

1 7. Section 12 of P. L. 1977, c. 424 (C. 30:4C-61) is amended to
 2 read as follows:

3 12. a. Upon review of the board's report, the [juvenile and do-
 4 mestic relations court] ****[Family Part]**** ***family part*** of the
 5 *Chancery Division of the Superior Court* shall issue an order con-
 6 cerning the child's placement which it deems will best serve the
 7 interests of the child. The court shall either:

8 (1) Order the return of the child to his parents or legal guardian;

9 (2) Order continued placement in accordance with the placement
 10 plan currently in effect;

11 (3) Order continued placement in accordance with a new place-
 12 ment plan to be developed by the division within 30 days and sub-
 13 mitted to the court for approval. The plan shall be reviewed by
 14 the board within 30 days; or

15 (4) Order continued placement and recommend that the division
 16 initiate proceedings to terminate parental rights in order to free
 17 the child for adoption.

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

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

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

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

30 c. Notice of such hearing, including a statement of the disposi-
 31 tional alternatives of the court, shall be provided at least 30 days
 32 in advance to the following persons:

33 (1) The division;

34 (2) The child;

35 (3) The child's parents or legal guardian;

36 (4) The review board; and

37 (5) The temporary caretaker.

38 The division, child, child's parents or legal guardian and review
39 board shall be entitled to participate in the proceeding.

40 The court may also request additional information from any
41 other persons or agencies which the court determines has an
42 interest in or information relating to the welfare of the child, which
43 may include the temporary caretaker.

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

50 e. Any person who receives a copy of the court order shall
51 comply with the confidentiality requirements established by the
52 Supreme Court for the purposes of this act.*

1 *8. (New section) a. If the division proposes to return a child
2 home although the return home is either prohibited by the place-
3 ment plan approved by the court or expressly contingent upon
4 certain conditions in the placement plan that have not been met,
5 the division shall promptly **[so]** notify the board and the court
6 in writing.

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

16 c. The court shall promptly review the board's recommendations
17 and issue an order concerning the child's placement pursuant to
18 section 12 of P. L. 1977, c. 424 (C. 30:4C-61).

19 d. The division shall not return the child home unless the court
20 approves the division's proposed action and orders the return home
21 of the child.

22 e. Notwithstanding the provisions of this section to the contrary,
23 in an **[emergent]** **emergency** situation, **[when no alter-

24 *native placement is available and the division believes return home*
 25 *is appropriate, the division may request the court to waive the*
 26 *special review provisions of this section and to approve the return*
 27 *home. If the court approves the division's request, the division*
 28 *shall promptly so notify the board. The board shall conduct a*
 29 *review of the change in the placement plan within 15 days of the*
 30 *date the child was returned home.*]** **the court may waive the*
 31 *special review provisions of this section and approve the return*
 32 *home upon the request of the division to do so. The request of the*
 33 *division for a court waiver of the special review provisions shall*
 34 *be accompanied by a written statement from the division declaring*
 35 *and finding that the out-of-home placement has been disrupted,*
 36 *that no appropriate alternative placement for the child can be found*
 37 *in the home of a relative, a foster home, group home, shelter, resi-*
 38 *dential care facility or other setting following the change in place-*
 39 *ment and that the return home will not endanger the health and*
 40 *welfare of the child. The written statement submitted with a re-*
 41 *quest shall also outline the specific reasons for the findings made.*
 42 *The division shall conduct an on-site visit to the home of a child*
 43 *when in an emergency situation the division plans to request of*
 44 *the court a waiver of the special review provisions. A report of*
 45 *the on-site visit shall be included with the request.*

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

58 *Notwithstanding any other provisions of law to the contrary, the*
 59 *court shall retain jurisdiction over the placement of the child after*
 60 *a child has been returned home in an emergency situation.***

1 **[2.]* *9.* This act shall take effect immediately.*

STATEMENT

This bill amends the "Child Placement Review Act," P. L. 1977, c. 424 (C. 30:4C-50 et seq.) to require that a child placement review board must conduct a special review before a child who is placed outside his home by the Division of Youth and Family Services in the Department of Human Services in accordance with a court order issued by the Family Part of the Chancery Division of the Superior Court may be returned home to his parents or legal guardian when the proposed return is contrary to the placement plan approved by the court. This special review would provide an additional means of checking whether the proposed reasons for the change are appropriate and whether this action would be in the best interests of the child. This bill is a response to a recommendation of the New Jersey State Child Placement Advisory Council in its 1983 report on *Barriers to Permanency Planning*.

S1039(1984)

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1039

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 14, 1984

This bill amends the Child Placement Review Act to require a special review by the appropriate review board before a child is returned home when returning home is contrary to the plan approved by the court. The purpose of the special review is to provide an additional check on whether the decision to return the child to his home is appropriate and in the best interests of the child. Additionally, the bill provides that board members shall be reimbursed for child care expenses incurred in the performance of their professional duties. The bill is based on recommendations of the New Jersey State Child Placement Advisory Council.

The committee amended the bill at the request of the sponsor. The amendments specify in greater detail the procedures which govern exceptions to the special review provision in emergency situations when no alternative placement is available. In these cases, the Division of Youth and Family Services (DYFS) may request from the court a waiver from the special review requirements and approval to return the child home immediately. The amendments provide that, in addition to the requirement that the board review the change in plan within 15 days of the return home, DYFS must conduct a minimum of two on-site visits to the home of a child returned there in an emergency situation within the first 10 days of the return to monitor the child's health and welfare. The amendments also stipulate that the court shall retain jurisdiction over the child's placement after the child has been returned home in an emergency situation.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1039

with Senate committee amendment

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1984

As amended by committee, this bill amends the Child Placement Review Act to require a special review by the appropriate review board before a child is returned home when returning home is contrary to the plan approved by the court. The purpose of the special review is to provide an additional check on whether the decision to return the child to his home is appropriate and in the best interests of the child. Additionally, the bill provides that board members shall be reimbursed for child care expenses incurred in the performance of their professional duties. This bill is based on recommendations of the New Jersey State Child Placement Advisory Council.

The committee amended the bill at the recommendation of the sponsor. The amendments clarify the sponsor's intent with respect to the special review by specifying the procedures for notifying the review board of a change in plan and proposal to return the child home, clarifying the nature of and time frame for the special review and mandating a court review and court approval of the proposed action before the child is returned home. Also, the amendments change the allocation of the special review provisions to a new section in the act. The amendments also add a provision to reimburse board members for child care expenses incurred in the performance of their professional duties. This amendment was added because the current practice by counties of not reimbursing members for child care expenses has resulted in a hardship for some members and has restricted the availability of prospective new board members. The New Jersey Child Placement Advisory Council estimates the total annual cost Statewide for child care reimbursement will be approximately \$2,000.00.

The committee also amended the bill on the recommendation of the Department of Human Services to include an exception to the special review provision in emergency situations when an alternative placement is not available. In these cases the division may request from the court a waiver from the special review requirements and approval to return

the child home immediately. The board is required to review the change in plan within 15 days of the return home.

Finally, several technical amendments were adopted to conform all juvenile and domestic relations court references in the Child Placement Review Act to the recently established Family Part of the Chancery Division of the Superior Court which now has jurisdiction over all child placement review matters.
