

30:4C-52 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 30:4C-52 et al (Child Placement Review Act--amends)

LAWS 1982 CHAPTER 24

Bill No. S774

Sponsor(s) Orechio and others

Date Introduced Jan. 18, 1982

Committee: Assembly Corrections, Health and Human Services  
Senate

Amended during passage  Yes  No Substituted for A712 (not attached since identical to S774)

Date of Passage: Assembly March 8, 1982  
Senate February 1, 1982

Date of approval April 27, 1982

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>
Committee Statement: Assembly	Yes	<del>No</del>
Senate	<del>Yes</del>	No
Fiscal Note	<del>Yes</del>	No
Veto Message	<del>Yes</del>	No
Message on signing	Yes	<del>No</del>

Following were printed:

Reports	Yes	<del>No</del>
Hearings	<del>Yes</del>	No

Recommendations of Advisory Council as mentioned in statements:

974.901 New Jersey Child Placement Advisory Council. Annual report...Trenton.  
C343 (See annual report, October, 1978-October, 1979 and second annual report, October, 1979- December, 1980)

6/22/81

PP

DEPOSITORY COPY

SENATE, No. 774

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1982

By Senators ORECHIO, CODEY, DiFRANCESCO, HAGEDORN  
and CAUFIELD

(Without Reference)

AN ACT to amend and supplement the "Child Placement Review Act," approved February 27, 1978 (P. L. 1977, c. 424) and making an appropriation therefor.

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

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

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

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

5 b. "Child placed outside his home" means a child under the care,  
6 custody or guardianship of the division who resides in a foster  
7 home, group home **[or]**, residential treatment facility, county  
8 shelter for the care of abused or neglected children or juveniles  
9 in need of supervision, or independent living arrangement operated  
10 by or approved for payment by the division, or a child who has  
11 been placed by the division in the home of a person who is not  
12 related to the child and does not receive any payment for the care  
13 of the child from the division;

14 c. "County of supervision" means the county in which the  
15 division has established responsibility for supervision of the child;

16 d. "Division" means the Division of Youth and Family Services  
17 in the Department of Human Services;

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

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

3 8. The assignment judge in each county shall establish as an  
4 arm of each juvenile and domestic relations court one or more

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

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

20 Members shall be appointed for terms of 3 years, except that  
 21 of those initially appointed, one shall be for a term of 1 year, two  
 22 for terms of 2 years, and two for terms of 3 years. Members shall  
 23 serve after the expiration of their terms until their respective  
 24 successors shall have been appointed. Vacancies shall be filled  
 25 for the duration of the unexpired terms. Members shall serve  
 26 without compensation but shall be reimbursed for such reasonable  
 27 and necessary expenses incurred in the performance of their official  
 28 duties. The governing body of the county in which the board  
 29 serves may, at its discretion, provide for reimbursement to review  
 30 board members for such additional and reasonable expenses as  
 31 the governing body may determine.

32 *In accordance with guidelines and procedures established by the*  
 33 *Supreme Court, members shall attend initial training sessions*  
 34 *within 6 months of their appointment and any other training ses-*  
 35 *sions required by the court.*

36 Each board shall meet at such times as it shall determine. Each  
 37 juvenile and domestic relations court shall provide its board with  
 38 reasonable and necessary *administrative and* clerical support  
 39 services. *These services shall include obtaining and reviewing*  
 40 *information requested by the board, preparing and dispatching all*  
 41 *notices and reports required under P. L. 1977, c. 424 (C. 30:4C-50*  
 42 *et seq.), arranging for board meetings and maintaining a perma-*  
 43 *nent record of all board proceedings, collecting statistical data and*  
 44 *servng as a liaison to the division.*

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

3 9. Each board shall act on behalf of the juvenile and domestic

4 relations court in reviewing the case of every child placed outside  
5 his home pursuant to a voluntary agreement to determine whether  
6 the best interests of the child are being served by such placement.  
7 Such a review shall be initiated within 45 days following the initial  
8 placement and completed within 15 days thereafter. A periodic  
9 review shall take place at least every 12 months thereafter.

10 Each board shall also act on behalf of the juvenile and domestic  
11 relations court in reviewing the case of each child placed outside  
12 his home by the division in accordance with a court order pursuant  
13 to P. L. 1974, c. 119, s. 34 (C. 9:6-8.54) (*C. 9:6-8.21 et seq.*),  
14 P. L. 1951, c. 138, s. 12 (C. 30:4C-12), P. L. 1973, c. 306, s. 21 (C.  
15 2A:4-61) or P. L. 1973, c. 306, s. 22 (C. 2A:4-62). Such a review  
16 shall be initiated upon receipt by the board of the placement plan,  
17 which shall be submitted by the division within 45 days of the  
18 *initial* court order. The board's review shall be completed within  
19 15 days of receipt of the plan. A periodic review shall take place  
20 at least every 12 months thereafter.

21 *Notwithstanding the provisions of section 3 of P. L. 1977, c. 424*  
22 *(C. 30:4C-52) to the contrary, if a child placed outside his home*  
23 *attains 18 years of age or older and his home placement costs are*  
24 *being paid by the division, the board shall continue to conduct*  
25 *periodic reviews until the division terminates supervision of the*  
26 *person.*

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

- 29 a. The appropriateness of the goal and objectives of the place-  
30 ment plan;
- 31 b. The appropriateness of the services provided to the child,  
32 the parents or legal guardian and the temporary caretaker;
- 33 c. Whether the child has siblings who are also placed outside  
34 of their home;
- 35 d. Whether the wishes of the child were considered regarding  
36 placement and development of the placement plan, when appro-  
37 priate;
- 38 e. Whether the division, the parents or legal guardian and the  
39 temporary caretaker are fulfilling their respective responsibilities  
40 in accordance with the placement plan;
- 41 f. Whether the parents or legal guardian have been afforded the  
42 opportunity and been encouraged to participate in a program of  
43 regular visitation with the child;
- 44 g. Whether there are obstacles which hinder or prevent the  
45 attainment of the placement plan objectives and goal; and
- 46 h. The circumstances surrounding the placement.

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

1 4. Section 10 of P. L. 1977, c. 424 (C. 30:4C-59) is amended to  
 2 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; **[and]**
- 10 d. *The temporary caretaker; and*

11 **[d.]** e. Any other person or agency whom the board determines  
 12 has an interest in or information relating to the welfare of the  
 13 child**[, which may include the temporary caretaker].**

13A *The written notice shall inform the person of his right to attend*  
 13B *the review and shall be prepared in a manner which will encourage*  
 13C *the person's attendance at the review.*

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

18 The board shall conduct a review and make recommendations  
 19 based upon the written materials; provided, however, that the  
 20 board may afford any party or person an opportunity to appear  
 21 before it if the board feels that such an appearance will assist it  
 22 in conducting its review or making its recommendations. *Upon*  
 23 *the request of the board, the juvenile and domestic relations court*  
 24 *may subpoena a person to attend the review board meeting.*

1 5. 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 and the division. Such report shall offer one of the  
 6 following findings, stating the specific reasons therefor:

- 7 a. That return of the child to his parent or legal guardian is in  
 8 the child's best interest;
- 9 b. That continued placement outside of the home is in the child's  
 10 best interest and that the placement plan *satisfies the criteria pro-*

11 *vided in section 9 of P. L. 1977, c. 424 (C. 30:4C-58) and is appro-*  
 12 *priate for the child's needs ;*

13 c. That continued placement outside of the home is in the child's  
 14 best interest, but that the placement plan *does not satisfy the*  
 15 *criteria provided in section 9 of P. L. 1977, c. 424 (C. 30:4C-58) and*  
 16 *is not appropriate for the child's needs ;*

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

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

1 6. 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  
 4 domestic relations court shall issue an order concerning the child's  
 5 placement which it deems will best serve the interests of the child.

6 The court shall either:

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

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

10 (3) Order continued placement in accordance with a new place-  
 11 ment plan to be developed by the division *within 30 days* and  
 12 **[approved by the court]** *submitted to the court for approval.*

13 *The plan shall be reviewed by the board within 30 days; or*

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

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

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

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

26 (3) The court concludes that the interest of justice require that  
 27 a hearing be held;

28 the court may schedule a summary hearing.

29 c. Notice of such hearing, including a statement of the disposi-

30 tional alternatives of the court, shall be provided at least 30 days in  
 31 advance to the following [parties, each of whom shall be entitled  
 32 to participate in the proceeding] 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.*

37A *The division, child, child's parents or legal guardian and review*  
 37B *board shall be entitled to participate in the proceeding.*

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

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

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

1 7. Section 13 of P. L. 1977, c. 424 (C. 30:4C-62) is amended to  
 2 read as follows:

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

13 a. Advise the Supreme Court with respect to the issuance of  
 14 rules governing the duties, responsibilities and practices of the  
 15 review boards;

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

18 c. Monitor and evaluate the effectiveness of this act in promoting  
 19 the welfare of children placed outside their home. *These activities*  
 20 *may be carried out through the regular collection of data from each*  
 21 *county as well as through other appropriate means;*

22 d. Advise the Supreme Court with respect to the establishment  
23 of guidelines and procedures for the training of placement review  
24 board members;

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

28 f. Make an annual report on the effectiveness of the implementa-  
29 tion of this act to the Supreme Court, the Governor and the Legis-  
30 lature and such other reports as it may deem proper or as may  
31 be requested from time to time by the Supreme Court, the Gov-  
32 ernor or the Legislature.

1 8. Section 18 of P. L. 1977, c. 424 is amended to read as follows:

2 18. This act shall take effect 120 days following enactment, but  
3 administrative actions or appointments necessary to effectuate its  
4 purposes may be taken immediately, and shall expire on June 30  
5 following the third anniversary of the effective date].

1 9. (New section) The Child Placement Advisory Council may  
2 accept from any governmental department or agency, public or  
3 private body or any other source, grants or contributions to be  
4 used for carrying out its responsibilities under P. L. 1977, c. 424  
5 (C. 30:4C-50 et seq.).

1 10. (New section) When a child is placed in a home for the  
2 purpose of adoption, the division shall notify the county juvenile  
3 and domestic relations court in writing of the placement. Upon  
4 receipt of the notice, the board shall not schedule further reviews  
5 of the case unless:

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

7 b. The complaint for adoption was not filed within 8 months of  
8 the placement and the filing of the complaint is not imminent; or

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

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

1 11. There is appropriated \$50,000.00 to effectuate the purposes  
2 of this act.

1 12. This act shall take effect immediately.



## STATEMENT

The Child Placement Review Act was enacted in 1977 to establish a system of administrative and judicial review of children placed outside of their homes by the State Division of Youth and Family Services. The purpose of the review is to ensure appropriate placement and planning which is in the best interests of the child.

When the bill was enacted it was not known whether all of its provisions would be beneficial for children in placement; therefore, the act was given an expiration date of June 30, 1982 and the Joint Institutions, Health and Welfare Committee and the Child Placement Advisory Council (created by the act) were charged with the responsibility of reviewing implementation and recommending to the Legislature whether the act should be extended in its present or an amended form, or whether it should be permitted to expire.

This bill is based on the recommendations of the Advisory Council which has carefully monitored implementation of the act. The bill extends the act indefinitely and amends various sections of the act to improve the functioning and strengthen the role of the review boards and the Advisory Council. The bill makes the following major changes in the law:

1. The number of review boards in each county shall be based on the number of reviews conducted in the county rather than the number of judges in the county (section 2);
2. The Juvenile and Domestic Relations Court in each county and the Administrative Office of the Courts shall be required to provide administrative support services, as well as clerical support, to the county review boards and Advisory Council, respectively (sections 2 and 7); and
3. The review board is given the authority to waive the requirement to notify a child of a review if it determines that it would not be in the child's best interests to be notified (section 4).

Other amendments provide that: children subject to review shall include those in county shelters and independent living arrangements; the assignment judge in each county may appoint up to two alternate members to each review board; review board members shall attend initial training sessions within 6 months of their appointment to the board; the division shall submit its placement plan to the board within 45 days of the initial court order; the review board shall continue to review cases of persons over 18 years of age who are still under the division's supervision; upon the request of the board, the court may require persons to attend

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a review board meeting; the review board shall find that a placement plan is not appropriate when the criteria listed in section 9 of the law are not satisfied; the division shall prepare a new placement plan within 30 days when the court orders continued placement with a new plan; the court shall notify and permit the attendance of review board members at court hearings; the Administrative Office of the Courts shall reimburse Advisory Council members for expenses; the role of the Advisory Council with respect to monitoring the effectiveness of the act shall include regular collection of data from counties; the Advisory Council may accept grants or contributions from public or private sources to carry out its responsibilities under the act; and specific time frames shall apply to actions of the review board and the Division of Youth and Family Services when a child is placed in a home for the purpose of adoption.

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ASSEMBLY CORRECTIONS, HEALTH AND  
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 774

**STATE OF NEW JERSEY**

DATED: FEBRUARY 25, 1982

This bill amends the Child Placement Review Act to extend the act indefinitely and to strengthen the role and improve the functioning of the county review boards and the State Child Placement Advisory Council. The bill is based on the recommendations of the Advisory Council.

This bill makes the following major changes in the law :

1. Children subject to review shall include those children under division supervision who are placed in county shelters and independent living arrangements and those persons over 18 who are still under the division's supervision (sections 1 and 3) ;

2. The number of review boards in each county shall be based on the number of reviews conducted in the county rather than the number of judges in the county (section 2) ;

3. Newly appointed review board members are required to attend initial training sessions within 6 months of their appointment (section 2) ;

4. The Juvenile and Domestic Relations Court in each county and the Administrative Office of the Courts are required to provide administrative support services, as well as clerical support, to the review boards and Advisory Council, respectively (sections 2 and 7) ;

5. The review board is authorized to waive the requirement of sending a notice of a review to a child on a case by case basis, if the board determines that notice would be harmful to the child (section 4) ;

6. Upon the request of the review board, the court may subpoena persons to attend a review (section 4) ;

7. The review board is required to consider whether the division's placement plan satisfies the criteria in section 3 of this act when making a finding about a child's placement (section 5) ;

8. The court is required to notify the review board and the temporary caretaker (in addition to the division, child and his parents or guardian) of the hearing. Also, the court is required to send a copy of its order to those persons entitled to notice of the hearing (section 6) ;

9. The Advisory Council is authorized to accept grants or contri-

butions from public or private sources to carry out its responsibilities (section 9);

10. The division and the review boards are given specified deadlines with respect to their responsibilities towards a child placed in a home for the purpose of adoption (section 10); and

11. The bill appropriates \$50,000.00 to carry out the purposes of this bill.

The Assembly Corrections, Health and Human Services Committee listened to testimony from a variety of interested persons and groups on this important issue. The committee agrees that this bill will further strengthen and improve child placement review in New Jersey.

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RELEASE: IMMEDIATELY

CONTACT: DAVE DE MAIO

APRIL 27, 1982

TRENTON---Governor Thomas H. Kean, today, signed Senate Bill 774, sponsored by Senator Carmen Orechio (D-Essex), indefinitely extending the provisions of the 1977 Child Placement Review Act that would have otherwise expired on June 30, 1982.

The Child Placement Review Act created volunteer citizen boards, under the supervision of the Superior Court Assignment Judge in each county, to review the case of each child that is placed in a foster home, group home or residential treatment facility by the Division of Youth and Family Services (DYFS).

S-774 also makes substantial improvement to the original legislation enabling the Review Boards to have jurisdiction over all children placed outside their homes by DYFS, including juveniles in need of supervision and those placed in independent living arrangements which DYFS either approves or finances.

The bill also makes a number of administrative and regulatory changes that have the effect of making the entire child placement system more responsive to the individual needs of the child and encouraging better planning for the long-range goals of the child. According to previous studies by the Child Placement Review Boards, juveniles that are more closely reviewed tend to be adopted and have positive long-range goals.

S-774 would improve the efficiency of the review system with the primary purpose of obtaining proper care for children placed outside their homes by supplementing the knowledge and input available to Juvenile and Domestic Relations Courts, utilizing the talents of hundreds of volunteers and opening the system to more public scrutiny and accountability.

Among the administrative changes are:

- Ø each review board would handle up to 200 cases, cutting current case overloads;
- Ø all Review Board members would undergo training seminars to insure familiarity with the system;
- Ø provides for alternate members of board to insure smooth operations;
- Ø provides that DYFS, the child, natural parents or legal guardian, and the Review Board have the right to participate in any summary hearings ordered by the Juvenile and Domestic Relations Court;
- Ø adds the child's temporary caretaker to the list of persons to be notified for attendance at any review hearings in order to obtain input from the person closest to the child;
- Ø requires the Juvenile and Domestic Relations Court to provide administrative services to the Review Boards.

0 adds the child's temporary caretaker to the list of persons to be notified for attendance at any review hearings in order to obtain input from the person closest to the child;

0 requires the Juvenile and Domestic Relations Court to provide administrative services to the Review Boards.

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