

30:4C-11

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(Termination of  
parental rights--  
amendment)

LAWS OF: 1991

CHAPTER: 275

Bill No: S2580

Sponsor(s): Costa

Date Introduced: April 5, 1990

Committee: Assembly: Judiciary

Senate: Children's Services

Amended during passage: Yes Senate committee substitute (1R)  
enacted

Date of Passage: Assembly: June 24, 1991

Senate: November 19, 1990

Date of Approval: September 10, 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: No

Following were printed:

Reports: No

Hearings: Yes

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(over)

974.90 New Jersey. Legislature. Senate, Children's Services Committee.  
C536 Public hearing on S2580...(parental rights law),  
1990a held 4-30-90. Trenton, 1990

See also:

974.90 New Jersey. Commission on Sex Discrimination in the Statutes.  
C536 Public hearing on termination of parental rights,  
1987 held 2-4-87. Trenton, 1987.

KBG/SLJ

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2580

STATE OF NEW JERSEY

ADOPTED OCTOBER 1, 1990

Sponsored by Senator COSTA

1 AN ACT concerning the termination of parental rights, amending  
2 and supplementing P.L.1951, c.138.

3

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

6 1. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to  
7 read as follows:

8 11. Whenever it shall appear that any child within this State is  
9 of such circumstances that [his] the child's welfare will be  
10 endangered unless proper care or custody is provided, an  
11 application setting forth the facts in the case may be filed with  
12 the [Bureau of Childrens] Division of Youth and Family Services  
13 by a parent or other relative of such child, by a person standing in  
14 loco parentis to such child, by a person or association or agency  
15 or public official having a special interest in such child or by the  
16 child himself, seeking that the [Bureau of Childrens Services]  
17 division accept and provide such care or custody of such child as  
18 the circumstances may require. Such application shall be in  
19 writing, and shall contain a statement of the relationship to or  
20 special interest in such child which justifies the filing of such  
21 application. The provisions of this section shall be deemed to  
22 include an application on behalf of an unborn child when the  
23 prospective mother is within this State at the time of application  
24 for such services.

25 Upon receipt of an application as provided in this section, the  
26 [Bureau of Childrens Services] division shall verify the statements  
27 set forth in such application and shall investigate all the matters  
28 pertaining to the circumstances of the child. If upon such  
29 verification and investigation it shall appear (a) that the welfare  
30 of such child will be endangered unless proper care or custody is  
31 provided; (b) that the needs of such child cannot properly be  
32 provided for by financial assistance as made available by the laws  
33 of this State; (c) that there is no person legally responsible for  
34 the support of such child whose identity and whereabouts are  
35 known and who is willing and able to provide for the care and  
36 support required by such child; and (d) that such child, if suffering  
37 from a mental or physical disability requiring institutional care,  
38 is not immediately admissible to any public institution providing

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:

<sup>1</sup> Assembly AJL committee amendments adopted April 29, 1991.

1 such care; then the [Bureau of Childrens Services] division may  
2 accept and provide such care or custody as the circumstances of  
3 such child may require.

4 (cf: P.L.1962, c.197, s.14)

5 2. Section 12 of P.L.1951, c.138 (C.30:4C-12) is amended to  
6 read as follows:

7 12. Whenever it shall appear that the parent or parents,  
8 guardian, or person having custody and control of any child within  
9 this State is [grossly immoral or] unfit to be entrusted with the  
10 care and education of such child, or shall fail to provide such  
11 child with proper protection, maintenance and education, or is [of  
12 such vicious, careless or dissolute habits as to endanger]  
13 endangering the welfare of such child, a written or oral complaint  
14 may be filed with the [Bureau of Childrens] Division of Youth and  
15 Family Services by any person or by any public or private agency  
16 or institution interested in such child. When such a complaint is  
17 filed by a public or private agency or institution, it shall be  
18 accompanied by a summary setting forth the reason for such  
19 complaint and other social history of the child and his family's  
20 situation which justifies such complaint; or, if this is not feasible,  
21 such summary shall be made available to the [Bureau of  
22 Childrens] Division of Youth and Family Services as soon  
23 thereafter as possible.

24 Upon receipt of a complaint as provided in this section, the  
25 [Bureau of Childrens] Division of Youth and Family Services shall  
26 investigate, or shall cause to be investigated, the statements set  
27 forth in such complaint. If the circumstances so warrant, the  
28 parent, parents, guardian, or person having custody and control of  
29 the child shall be afforded an opportunity to file an application  
30 for care, as provided in section 11 of [this act] P.L.1951, c.138,  
31 (C.30:4C-11). If the parent, parents, guardian, or person having  
32 custody and control of the child shall refuse to permit or shall in  
33 any way impede investigation, and the [bureau] division  
34 determines that further investigation is necessary in the best  
35 interests of the child, the [bureau] division may thereupon apply  
36 to the [Juvenile and Domestic Relations] Family Part of the  
37 Chancery Division of the Superior Court [of] in the county where  
38 the child resides, for an order directing the parent, parents,  
39 guardian, or person having custody and control of the child to  
40 permit immediate investigation. The court, upon such  
41 application, may proceed to hear the matter in a summary  
42 manner and if satisfied that the best interests of the child so  
43 require may issue an order as requested.

44 If, after such investigation has been completed, it appears that  
45 the child requires care and supervision by the [Bureau of  
46 Childrens] Division of Youth and Family Services but the parent,  
47 parents, guardian, or person having custody and control of the  
48 child continue to refuse to apply for care in the manner provided  
49 in section 11 of P.L.1951, c.138 (C.30:4C-11), the [bureau]  
50 division may apply to the [Juvenile and Domestic Relations]

1 Family Part of the Chancery Division of the Superior Court [of]  
2 in the county where the child resides for an order making the  
3 child a ward of the court and placing such child under the care  
4 and supervision of the [Bureau of Childrens] Division of Youth and  
5 Family Services.

6 The court, at a summary hearing held upon notice to the  
7 [Bureau of Childrens] Division of Youth and Family Services, and  
8 to the parent, parents, guardian, or person having custody and  
9 control of the child, if satisfied that the best interests of the  
10 child so require, may issue an order as requested, which order  
11 shall have the same force and effect as the acceptance of a child  
12 for care by the [bureau] division as provided in section 11 of [this  
13 act] P.L.1951, c.138 (C.30:4C-11); provided, however, that such  
14 order shall not be effective beyond a period of 6 months from the  
15 date of entry unless the court, upon application by the [Bureau of  
16 Childrens] Division of Youth and Family Services, at a summary  
17 hearing held upon notice to the parent, parents, guardian, or  
18 person having custody of the child, extends the time of the order.

19 Immediately after the court's order and while the child is in  
20 the division's care, the division shall initiate a search for the  
21 child's natural mother or father, if they are not known to the  
22 division. The search shall be initiated within 30 days of the court  
23 order. The search will be completed when all sources contacted  
24 have either responded to the inquiry or failed to respond within  
25 45 days. The results shall be valid for six months after the date  
26 it was completed.

27 (cf: P.L.1962, c.197, s.15)

28 3. Section 15 of P.L.1951, c.138 (C.30:4C-15) is amended to  
29 read as follows:

30 15. Whenever (a) it appears that a court wherein a complaint  
31 has been proffered as provided in chapter 6 of Title 9 of the  
32 Revised Statutes, has entered a conviction against the parent or  
33 parents, guardian, or person having custody and control of any  
34 child because of abuse, abandonment, neglect of or cruelty to  
35 such child; or (b) [it appears that any child has been adjudged  
36 delinquent by a court of proper jurisdiction in this State; or]  
37 (Deleted by amendment P.L.19 , c. (C. )) (c) it appears  
38 that the best interests of any child under the care or custody of  
39 the [Bureau of Childrens] Division of Youth and Family Services  
40 require that he be placed under guardianship; or (d) it appears  
41 that a parent or guardian of a child, following the acceptance of  
42 such child by the [Bureau of Childrens Services] division pursuant  
43 to sections 11 or 12 of [this act] P.L.1951, c.138 (C.30:4C-11 and  
44 12), or following the placement or commitment of such child in  
45 the care of an authorized agency, whether in an institution or in a  
46 foster home, and notwithstanding the diligent efforts of such  
47 agency to encourage and strengthen the parental relationship, has  
48 failed [substantially and continuously or repeatedly] for a period  
49 of [more than] year [to maintain contact with and plan for the  
50 future of the child, although physically and financially able to do

1 so] to remove the circumstances or conditions that led to the  
2 removal or placement of the child<sup>1</sup>, although physically and  
3 financially able to do so<sup>1</sup> , notwithstanding the division's diligent  
4 efforts to assist the parent or guardian in remedying the  
5 conditions, and that additional services available from the  
6 division within program and fiscal constraints will not enable the  
7 child to be reunited with the parent or guardian; a petition,  
8 setting forth the facts in the case, may be filed with the [juvenile  
9 and domestic relations court of] Family Part of the Chancery  
10 Division of the Superior Court in the county where such child may  
11 be at the time of the filing of such petition. A petition as  
12 provided in this section may be filed by any person or any  
13 association or agency, interested in such child, or by the [Bureau  
14 of Childrens Services] division in the circumstances set forth in  
15 items (c) and (d) hereof.

16 (cf: P.L.1962, c.197, s.18)

17 4. Section 17 of P.L.1951, c.138 (C.30:4C-17) is amended to  
18 read as follows:

19 17. a. When a petition is filed under section 15 [hereof] of  
20 P.L.1951, c.138 (C.30:4C-15), by a person, association or agency  
21 other than the [Bureau of Childrens] Division of Youth and Family  
22 Services, the court, in addition to causing service to be made  
23 upon the parent, parents, guardian or person having custody and  
24 control of such child in accordance with rules of court, shall also  
25 cause a copy of the petition and notice of the time and place of  
26 hearing to be served on or mailed to the [Bureau of Childrens  
27 Services] division at least 20 days before the time of such hearing.

28 b. When a petition is filed under section 15 of P.L.1951, c.138  
29 (C.30:4C-15) by a person, association or agency, the court shall  
30 cause a copy of the petition to be served upon the absent parent  
31 of the child. The notice shall inform the parent of the purpose of  
32 the action and of the right to file written objections to the  
33 guardianship proceedings within 20 days after notice is given in  
34 the case of a resident, and 35 days in the case of a nonresident,  
35 of this State.

36 If personal service of the notice cannot be effected because  
37 the whereabouts of an absent parent are unknown, the court shall  
38 determine that an adequate effort has been made to serve notice  
39 upon the parent if the plaintiff has:

40 (1) Sent the notice by regular mail and by certified mail return  
41 receipt requested, to the last known address of the parent;

42 (2) Made a discreet inquiry among any known relatives, friends  
43 and current or former employers of the parent;

44 (3) Unless otherwise restricted by law, made direct inquiries,  
45 using the party's name and last known or suspected address, to  
46 the local post office, the Division of Motor Vehicles in the  
47 Department of Law and Public Safety, the county welfare  
48 agency, the municipal police department, the Division of State  
49 Police in the Department of Law and Public Safety, the county  
50 probation office, the Department of Corrections, and any other

1 social service or law enforcement agency known to have had  
2 contact with the parent, or the equivalent agencies in other  
3 states, territories or countries.

4 Failure to receive a response to the inquiries made pursuant to  
5 paragraphs (2) and (3) of this subsection within 45 days shall  
6 constitute a negative response.

7 c. In any case in which the identity of an absent parent cannot  
8 be determined or the known parent of a child is unable or refuses  
9 to identify the other parent, and the court is unable from other  
10 information before the court to identify the other parent, service  
11 on that parent shall be waived by the court.

12 d. Whenever a petition is filed under section 15 [hereof] of  
13 P.L.1951, c.138 (C.30:4C-15), and there shall be filed with such  
14 petition a statement or statements made under oath and attesting  
15 that the best interests of the child require that he be placed  
16 under the guardianship of the [Bureau of Childrens Services]  
17 division immediately and pending final hearing, the court, at a  
18 special summary hearing held upon notice to the [Bureau of  
19 Childrens Services] division, may make an interlocutory order  
20 committing such child to the [Bureau of Childrens Services]  
21 division until a final hearing on the petition. Such interlocutory  
22 order shall have the same force and effect as an order of  
23 commitment provided for in section 20 [hereof] of P.L.1951,  
24 c.138 (C.30:4C-20).

25 (cf: P.L.1962, c.197, s.19)

26 5. Section 19 of P.L.1951, c.138, (C.30:4C-19), is amended to  
27 read as follows:

28 19. Adjournment of any hearing on a petition filed under  
29 section [fifteen hereof] 15 of P.L.1951, c.138 (C.30:4C-15) shall  
30 not exceed a total period of [ninety] 45 days.

31 (cf: P.L.1951, c.138, s.19)

32 6. (New section) In any case in which the Division of Youth  
33 and Family Services accepts a child in its care or custody, the  
34 division shall initiate a search for relatives who may be willing  
35 and able to provide the care and support required by the child. A  
36 home evaluation study of the relative's home shall be conducted  
37 in accordance with procedures established by the division. The  
38 search shall be initiated within 30 days of the division's  
39 acceptance of the child in its care or custody. The search will be  
40 completed when all sources contacted have either responded to  
41 the inquiry or failed to respond within 45 days. The results  
42 shall be valid for six months after the date it was completed.

43 7. (New section) The division shall initiate a petition to  
44 terminate parental rights on the grounds of the "best interest of  
45 the child" pursuant to subsection (c) of section 15 of P.L.1951,  
46 c.138 (C.30:4C-15) if the following standards are met:

47 a. The child's health and development have been or will  
48 continue to be endangered by the parental relationship;

49 b. The parent is unwilling or unable to eliminate the harm  
50 facing the child or is unable or unwilling to provide a safe and

1 stable home for the child and the delay of permanent placement  
2 will add to the harm;

3 c. The division has made diligent efforts to provide services to  
4 help the parent correct the circumstances which led to the  
5 child's placement outside the home and the court has considered  
6 alternatives to termination of parental rights; and

7 d. <sup>1</sup>[The continuation of the parent and child relationship  
8 clearly diminishes the child's prospects for early integration into  
9 a stable and permanent home]Termination of parental rights will  
10 not do more harm than good<sup>1</sup>.

11 As used in this section and in section 15 of P.L.1951, c.138  
12 (C.30:4C-15) "diligent efforts" mean reasonable attempts by an  
13 agency authorized by the division to assist the parents in  
14 remedying the circumstances and conditions that led to the  
15 placement of the child and in reinforcing the family structure,  
16 including, but not limited to:

17 (1) consultation and cooperation with the parent in developing  
18 a plan for appropriate services;

19 (2) providing services that have been agreed upon, to the  
20 family, in order to further the goal of family reunification;  
21 <sup>1</sup>[and]<sup>1</sup>

22 (3) informing the parent at appropriate intervals of the child's  
23 progress, development and health <sup>1</sup>; and

24 (4) facilitating appropriate visitation<sup>1</sup>.

25 8. (New section) A final hearing for guardianship shall be held  
26 within three months from the date the petition is filed with the  
27 family part of the Chancery Division of the Superior Court  
28 pursuant to section 15 of P.L.1951, c.138 (C.30:4C-15).

29 9. This act shall take effect immediately.

30

31

32

#### CHILDREN

33

34 Changes procedures regarding the termination of parental rights.



SENATE, No. 2580

STATE OF NEW JERSEY

INTRODUCED APRIL 5, 1990

By Senator COSTA

1 AN ACT concerning the termination of parental rights and  
2 amending P.L.1951, c.138.

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

6 1. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to  
7 read as follows:

8 11. Whenever it shall appear that any child within this State is  
9 of such circumstances that his welfare will be endangered unless  
10 proper care or custody is provided, an application setting forth  
11 the facts in the case may be filed with the [Bureau of Childrens]  
12 Division of Youth and Family Services by a parent or other  
13 relative of such child, by a person standing in loco parentis to  
14 such child, by a person or association or agency or public official  
15 having a special interest in such child or by the child himself,  
16 seeking that the [Bureau of Childrens Services] division accept  
17 and provide such care or custody of such child as the  
18 circumstances may require. Such application shall be in writing,  
19 and shall contain a statement of the relationship to or special  
20 interest in such child which justifies the filing of such  
21 application. The provisions of this section shall be deemed to  
22 include an application on behalf of an unborn child when the  
23 prospective mother is within this State at the time of application  
24 for such services.

25 Upon receipt of an application as provided in this section, the  
26 [Bureau of Childrens Services] division shall verify the statements  
27 set forth in such application and shall investigate all the matters  
28 pertaining to the circumstances of the child. The investigation  
29 shall include, but not be limited to, a search for the child's  
30 natural mother or father, if they are not known to the division, or  
31 other legally responsible persons who may be willing and able to  
32 provide for the care and support required by the child. The time  
33 limit for the search shall be completed within one year and it  
34 shall be valid for six months after the date it was completed. If  
35 upon such verification and investigation it shall appear (a) that  
36 the welfare of such child will be endangered unless proper care or  
37 custody is provided; (b) that the needs of such child cannot  
38 properly be provided for by financial assistance as made available  
39 by the laws of this State; (c) that there is no person legally

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.

1 responsible for the support of such child whose identity and  
2 whereabouts are known and who is willing and able to provide for  
3 the care and support required by such child; and (d) that such  
4 child, if suffering from a mental or physical disability requiring  
5 institutional care, is not immediately admissible to any public  
6 institution providing such care; then the [Bureau of Childrens  
7 Services] division may accept and provide such care or custody as  
8 the circumstances of such child may require.

9 (cf: P.L.1962, c.197, s.14)

10 2. Section 15 of P.L.1951, c.138 (C.30:4C-15) is amended to  
11 read as follows:

12 15. Whenever (a) it appears that a court wherein a complaint  
13 has been proffered as provided in chapter 6 of Title 9 of the  
14 Revised Statutes, has entered a conviction against the parent or  
15 parents, guardian, or person having custody and control of any  
16 child because of abuse, abandonment, neglect of or cruelty to  
17 such child; or (b) it appears that any child has been adjudged  
18 delinquent by a court of proper jurisdiction in this State; or (c) it  
19 appears that the best interests of any child under the care or  
20 custody of the [Bureau of Childrens] Division of Youth and Family  
21 Services require that he be placed under guardianship; or (d) it  
22 appears that a parent or guardian of a child, following the  
23 acceptance of such child by the [Bureau of Childrens Services]  
24 division pursuant to sections 11 or 12 of [this act] P.L.1951, c.138  
25 (C.30:4C-11 or 12), or following the placement or commitment of  
26 such child in the care of an authorized agency, whether in an  
27 institution or in a foster home, and notwithstanding the diligent  
28 efforts of such agency to encourage and strengthen the parental  
29 relationship, has failed substantially and continuously or  
30 repeatedly for a period of [more than] 1 year to [maintain contact  
31 with and plan for the future of the child] provide the child with  
32 adequate food, clothing, shelter and education, as required by  
33 law, or other care necessary for the physical or moral well-being  
34 of the child, although physically and  
35 financially able to do so; or (e) it appears that the efforts the  
36 parent has made to remedy the circumstances or conditions to  
37 make it in the best interest of the child to return to the child's  
38 home, including, the extent to which the parent has maintained  
39 regular visitation or other contact with the child, and the  
40 maintaining of regular communication with the custodian of the  
41 child, do not improve the child's prospect for the timely  
42 integration of the child into a stable and permanent home; a  
43 petition, setting forth the facts in the case, may be filed with the  
44 [juvenile and domestic relations court] family part of the  
45 Chancery Division of the Superior Court of the county where such  
46 child may be at the time of the filing of such petition. A petition  
47 as provided in this section may be filed by any person or any  
48 association or agency, interested in such child, or by the [Bureau  
49 of Childrens Services] division in the circumstances set forth in

1 items (c) [and], (d) and (e) hereof.

2 A final hearing for guardianship shall be held within three  
3 months from the date the petition is filed with the family part of  
4 the Chancery Division of the Superior Court.

5 (cf: P.L.1962, c.197, s.18)

6 3. Section 17 of P.L.1951, c.138 (C.30:4C-17) is amended to  
7 read as follows:

8 17. a. When a petition is filed under section 15 of P.L.1951,  
9 c.138 (C.30:4C-15), the court, in accordance with the Rules of  
10 Court, shall cause a copy of the petition to be served upon the  
11 parents of the child. The notice shall inform each parent of the  
12 purpose of the action and of their right to file written objections  
13 to the guardianship proceedings within 20 days after notice is  
14 given in the case of a resident and 35 days in the case of a  
15 nonresident.

16 b. If personal service of the notice cannot be effected because  
17 the whereabouts of a parent of the child is unknown, the court  
18 shall determine that an adequate effort has been made to serve  
19 notice upon the parent if the plaintiff has:

20 (1) Sent the notice by regular mail and by certified mail return  
21 receipt requested, to the last known address of the parent;

22 (2) Made a discreet inquiry among any known relations, friends  
23 and current or former employers of the parent;

24 (3) Unless otherwise restricted by law, made direct inquiries,  
25 using the party's name and last known or suspected address, to  
26 the local post office, the State Division of Motor Vehicles,  
27 county welfare agency, the municipal police department, the  
28 Division of State Police, the county probation office, the  
29 Department of Corrections, and any other social service or law  
30 enforcement agency known to have had contact with the party, or  
31 the equivalent agencies in other states, territories or countries.

32 Failure to receive a response to the inquiries made pursuant to  
33 paragraphs (2) and (3) within 45 days, shall constitute a negative  
34 response.

35 c. In any case where the identity of a parent cannot be  
36 determined or where the known parent of a child is unable or  
37 refuses to identify the other parent, and the court is unable from  
38 other information before the court to identify the other parent,  
39 service on that parent shall be waived by the court.

40 d. When a petition is filed under section 15 [hereof] of  
41 P.L.1951, c.138 (C.30:4C-15), a person, association or agency  
42 other than the [Bureau of Childrens] Division of Youth and Family  
43 Services, the court, in addition to causing service to be made  
44 upon the parent, parents, guardian or person having custody and  
45 control of such child in accordance with rules of court, shall also  
46 cause a copy of the petition and notice of the time and place of  
47 hearing to be served on or mailed to the [Bureau of Childrens  
48 Services] division at least 20 days before the time of such hearing.

49 e. Whenever a petition is filed under section 15 [hereof] of

1 P.L.1951, c.138 (C.30:4C-15), and there shall be filed with such  
2 petition a statement or statements made under oath and attesting  
3 that the best interests of the child require that he be placed  
4 under the guardianship of the [Bureau of Childrens Services]  
5 division immediately and pending final hearing, the court, at a  
6 special summary hearing held upon notice to the [Bureau of  
7 Childrens Services] division, may make an interlocutory order  
8 committing such child to the [Bureau of Childrens Services]  
9 division until a final hearing on the petition. Such interlocutory  
10 order shall have the same force and effect as an order of  
11 commitment provided for in section 20 [hereof] of P.L.1951,  
12 c.138 (C.30:4C-20).

13 (cf: P.L.1962, c.197, s.19)

14 4. Section 19 of P.L.1951, c.138, (C.30:4C-19), is amended to  
15 read as follows:

16 19. Adjournment of any hearing on a petition filed under  
17 section [fifteen hereof] 15 of P.L.1951, c.138 (C.30:4C-15) shall  
18 not exceed a total period of [ninety] 45 days.

19 (cf: P.L.1951, c.138, s.19)

20 5. This act shall take effect immediately.

21

22

23

#### STATEMENT

24

25 This bill amends the termination of parental rights statute,  
26 P.L.1951, c.138 (C.30:4C-1 et seq.). The bill recognizes that the  
27 grave nature of termination of parental rights requires that the  
28 circumstances in which termination is achieved be delineated as  
29 clearly as possible and provides that the State should be provided  
30 with a reasonable time frame in which to complete the process.  
31 This clarification would provide proper safeguards for both the  
32 parent and child and would also guide the actions of those  
33 responsible for initiating and adjudicating the termination  
34 proceedings.

35 The bill:

36 a. Requires the Division of Youth and Family Services to  
37 conduct searches of a child's natural parents and other family  
38 members willing to care for the child once the division has  
39 recognized the need to provide the child with the State's care  
40 and support. This provision would also make the result of these  
41 searches valid for six months;

42 b. Clarifies the grounds which are used by the division to  
43 initiate termination of parental rights proceedings;

44 c. Clarifies the notification procedures used to notify parents  
45 of a child during a termination of parental rights proceeding; and

46 d. Shortens the time limit for adjournments during a  
47 termination of parental rights proceeding.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2580**

with committee amendments

**STATE OF NEW JERSEY**

DATED: APRIL 29, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments the Senate Committee Substitute for Senate Bill No. 2580.

The substitute amends the termination of parental rights statute, P.L.1951, c.138 (C.30:4C-1 et seq.). The substitute requires that the circumstances in which termination may result be delineated as clearly as possible. The State should be provided with a reasonable time frame in which to complete the process. This clarification would provide proper safeguards for both the parent and child and would also guide the actions of those responsible for initiating and adjudicating the termination proceedings.

The substitute:

1. Requires the Division of Youth and Family Services to conduct searches for a child's natural parents as well as for other family members who would be willing to care for the child. The bill provides that the search must be initiated within 30 days of the court order. The search will be completed when all sources contacted have either responded to the inquiry or failed to respond within 45 days. The results would be valid for six months after the date the search was completed.

2. Clarifies the grounds which are used by the division to initiate termination of parental rights proceedings. See section 2 of the substitute.

3. Clarifies the notification procedures for termination of parental rights proceedings. See section 4 of the substitute.

4. Reduces the time limit for adjournments from 90 days to 45 days for termination of parental rights proceedings. See section 5 of the substitute.

5. Provides the Division of Youth and Family Services with standards which must be met in order to initiate a petition to terminate parental rights. See section 7 of the substitute. The committee amended the language in subsection d. concerning the "best interests of the child" test to closely follow the language in New Jersey Div. of Youth and Family Services v. A.W., 103 N.J. 591 (1986). The committee also amended the definition of "diligent efforts" by an agency to include the agency's facilitation of appropriate visitation.

6. Provides that a final hearing for guardianship shall be held three months from the date the petition is filed. See section 8 of the substitute.

SENATE CHILDREN'S SERVICES COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2580

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1990

The Senate Children's Services Committee favorably reports a Senate Committee Substitute for Senate Bill No. 2580.

The substitute amends the termination of parental rights statute, P.L.1951, c.138 (C.30:4C-1 et seq.). The bill recognizes that the grave nature of termination of parental rights requires that the circumstances in which termination is achieved be delineated as clearly as possible, and that the State should be provided with a reasonable time frame in which to complete the process. This clarification would provide proper safeguards for both the parent and child and would also guide the actions of those responsible for initiating and adjudicating the termination proceedings.

The substitute:

a. Requires the Division of Youth and Family Services to conduct searches for a child's natural parents and other family members willing to care for the child once the division has recognized the need to provide the child with the State's care and support. The substitute also provides additional time for the completion of the DYFS search. The search must be initiated in 30 days and completed when all the sources contacted either respond or fail to respond to the inquiry within 45 days. This provision would also make the result of these search valid for six months.

b. Clarifies the grounds which are used by the division to initiate termination of parental rights proceedings;

c. Clarifies the notification procedures used to notify parents of a child during a termination of parental rights proceeding; and

d. Shortens the time limit for adjournments during a termination of parental rights proceeding.

The committee amended the substitute to restore the phrase "although physically and financially able to do so" in N.J.S.A.30:4C-15 which had been omitted with other language. The committee considered the language as important to clarify that a parent's failure to remove circumstances and conditions which led to removal must be considered in light of the parent's physical and financial ability. It would be unfair to hold the parent accountable for failure to remedy conditions in the absence of this consideration.

This substitute as amended is identical to Assembly Bill No. 4089 [1R].