

9:3-45.2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 228

NJSA: 9:3-45.2 (Authorizes DYFS to review prospective resource family parents' child abuse record information from other states, and provides these parents with right to be heard at certain hearings)

BILL NO: S2835 (Substituted for A4335)

SPONSOR(S) Karcher and Others

DATE INTRODUCED: June 21, 2007

COMMITTEE: **ASSEMBLY:**

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2007

SENATE: December 10, 2007

DATE OF APPROVAL: January 3, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S2835

[SPONSOR'S STATEMENT:](#) (Begins on page 9 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[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 NOTE: No

A4335

[SPONSOR'S STATEMENT:](#) (Begins on page 9 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

RWH 5/16/08

P.L. 2007, CHAPTER 228, *approved January 3, 2008*
Senate, No. 2835

1 AN ACT concerning resource family parents and revising parts of
2 statutory law.

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

6
7 1. Section 3 of P.L.1999, c.53 (C.9:3-45.2) is amended to read
8 as follows:

9 3. In any case in which the Division of Youth and Family
10 Services accepts a child in its care or custody, the child's resource
11 family parent or relative providing care for the child, as applicable,
12 shall receive written notice of **【and an opportunity】**, and shall have
13 a right to be heard at, any review or hearing held with respect to the
14 child, but the resource family parent or relative shall not be made a
15 party to the review or hearing solely on the basis of the notice and
16 **【opportunity】** right to be heard.

17 (cf: P.L.2004, c.130, s.17)

18

19 2. Section 28 of P.L.1999, c.53 (C.30:4C-12.2) is amended to
20 read as follows:

21 28. In any case in which the Division of Youth and Family
22 Services accepts a child in its care or custody, the child's resource
23 family parent or relative providing care for the child, as applicable,
24 shall receive written notice of **【and an opportunity】**, and shall have
25 a right to be heard at, any review or hearing held with respect to the
26 child, but the resource family parent or relative shall not be made a
27 party to the review or hearing solely on the basis of the notice and
28 **【opportunity】** right to be heard.

29 (cf: P.L.2004, c.130, s.54)

30

31 3. Section 4 of P.L.2001, c.419 (C.30:4C-27.6) is amended to
32 read as follows:

33 4. a. A person shall not provide resource family care to a child
34 unless the person is licensed by the department pursuant to this act.
35 The license shall be issued to a specific person for a specific
36 residence and shall not be transferable to another person or
37 residence. The resource family parent shall maintain the license on
38 file at the resource family home.

39 b. A person desiring to provide resource family care to a child
40 shall apply to the department for a license in a manner and form
41 prescribed by the commissioner.

42 c. A resource family parent applicant or resource family parent
43 shall be of good moral character.

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 d. A resource family parent applicant or resource family parent,
2 as applicable, shall:

3 (1) Complete the license application form provided by the
4 department;

5 (2) Provide written consent for the division to conduct a check
6 of its child abuse records pursuant to section 4 of P.L.1971, c.437
7 (C.9:6-8.11) and the child abuse records in each state in which the
8 prospective resource family parent has resided in the preceding five
9 years;

10 (3) Provide written consent from each other adult member of the
11 resource family parent applicant's household for the division to
12 conduct a child abuse record information check on that person, and
13 a child abuse record information check in each state in which that
14 person has resided in the preceding five years; and

15 (4) Immediately notify the department when a new adult
16 becomes a resident of the resource family parent applicant's or
17 resource family parent's household in order to ensure that the
18 department can conduct a criminal history record background check
19 pursuant to section 1 of P.L.1985, c.396 (C.30:4C-26.8) and the
20 division can conduct a child abuse record information check on the
21 new adult household member.

22 e. As a condition of securing a license, the applicant shall
23 participate in pre-service training in accordance with standards
24 adopted by the commissioner pursuant to this act.

25 f. A resource family parent licensed pursuant to this act shall
26 participate in pre-service and in-service training in accordance with
27 standards adopted by the commissioner pursuant to this act.

28 (cf: P.L.2004, c.130, s.73)

29

30 4. Section 5 of P.L.2001, c.419 (C.30:4C-27.7) is amended to
31 read as follows:

32 5. a. The division shall, upon receipt of written consent from
33 the resource family parent applicant and any other adult member of
34 the resource family parent applicant's household pursuant to
35 subsection d. of section 4 of P.L.2001, c.419 (C.30:4C-27.6):

36 (1) conduct a child abuse record information check of the
37 division's child abuse records to determine if an incident of child
38 abuse or neglect has been substantiated, pursuant to section 4 of
39 P.L.1971, c.437 (C.9:6-8.11), against a resource family parent
40 applicant or any adult member of the resource family parent
41 applicant's household~~],~~upon receipt of written consent from the
42 resource family parent applicant or any adult member of the
43 resource family parent applicant's household pursuant to subsection
44 d. of section 4 of P.L.2001, c.419 (C.30:4C-27.6)] ; and

45 (2) request a child abuse record information check from the
46 applicable authority in each state in which the prospective resource
47 family parent and any other adult residing in the prospective
48 parent's home has resided in the preceding five years.

1 The department shall consider, for the purposes of this act, any
2 incidents of child abuse or neglect that were substantiated on or
3 after June 29, 1995, to ensure that a resource family parent
4 applicant or adult member of the resource family parent applicant's
5 household has had an opportunity to appeal a substantiated finding
6 of child abuse or neglect pursuant to department regulations, except
7 that the department may consider substantiated incidents prior to
8 that date if the department, in its judgment, determines that the
9 resource family parent applicant or adult household member poses a
10 risk of harm in a resource family home. In cases involving
11 incidents substantiated prior to June 29, 1995, the department shall
12 offer the resource family parent applicant or adult member of the
13 resource family parent applicant's household an opportunity for a
14 hearing to contest its action restricting the resource family parent
15 applicant from providing resource family care to a child.

16 b. (1) The department shall conduct an annual on-site
17 inspection of a resource family home and evaluate the resource
18 family home to determine whether it complies with the provisions
19 of this act.

20 (2) The department may, without prior notice, inspect and
21 examine a resource family home and inspect all documents, records,
22 files or other data required to be maintained by a resource family
23 parent pursuant to this act.

24 c. If an applicant meets the requirements of this act, the
25 department shall issue a license to that person.

26 d. (1) The license shall be valid for the time period designated
27 by the commissioner, subject to the resource family parent's
28 continued compliance with the provisions of this act.

29 (2) The department shall determine if the license shall be
30 renewed based upon the results of the annual on-site inspection and
31 evaluation of the resource family home conducted pursuant to this
32 section. If the on-site inspection and evaluation indicate the
33 resource family home's full or substantial compliance with the
34 provisions of this act, the department shall renew the license.

35 (cf: P.L.2004, c.130, s.74)

36

37 5. Section 5 of P.L.1977, c.424 (C.30:4C-54) is amended to
38 read as follows:

39 5. The court shall, within 15 days following receipt of the
40 notice of the initial placement pursuant to a voluntary agreement,
41 determine, based solely upon the petition and other affidavits and
42 written materials submitted to the court, whether or not reasonable
43 efforts have been made to prevent the placement and whether or not
44 the continuation of the child in his home would be contrary to the
45 welfare of the child, and either approve the placement or order the
46 return of the child to his home, except that, lack of reasonable
47 efforts to prevent placement shall not be the sole basis for the
48 court's order of a return of the child to his home.

1 If the division has documented an exception to the requirement
2 to provide reasonable efforts towards family reunification, the court
3 shall make a finding of whether reasonable efforts are required in
4 accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3). The
5 child's health, safety and need for permanency shall be of
6 paramount concern to the court when it makes its finding.

7 The court also may require the submission of supplementary
8 material or schedule a summary hearing if:

9 a. The court has before it conflicting statements of material
10 fact;

11 b. The court determines that it is in the best interest of the
12 child; or

13 c. The child's parents or legal guardian requests the hearing.

14 The court shall provide written notice to the parties involved in
15 the hearing at least five days prior to the hearing. The court shall
16 provide written notice of the date, time and place of such hearing to
17 the parents or legal guardian of the child, the child or the child's
18 counsel, the child's temporary caretaker, the division, and any other
19 party the court deems appropriate. If the child's caretaker is a
20 resource family parent, preadoptive parent or relative, the caretaker
21 shall receive written notice of ~~【and an opportunity】~~, and shall have
22 a right to be heard at the hearing, but the caretaker shall not be
23 made a party to the hearing solely on the basis of the notice and
24 ~~【opportunity】~~ right to be heard.

25 (cf: P.L.2005, c.169, s.14)

26
27 6. Section 10 of P.L.1977, c.424 (C.30:4C-59) is amended to
28 read as follows:

29 10. Each board shall provide written notice of the date, time and
30 place of each review at least 15 days in advance to the following,
31 each of whom shall be entitled to attend the review and to submit
32 information in writing to the board:

33 a. The division or agency;

34 b. The child;

35 c. The parents including a non-custodial parent or legal
36 guardian;

37 d. The temporary caretaker;

38 e. Any other person or agency whom the board determines has
39 an interest in or information relating to the welfare of the child;

40 f. The counsel for a parent, child or other interested party who
41 has provided or is providing representation in the case before the
42 board; and

43 If the child's caretaker is a resource family parent or relative, the
44 caretaker shall receive written notice of ~~【and an opportunity】~~, and
45 shall have a right to be heard at the review, but the caretaker shall
46 not be made a party to the review solely on the basis of the notice
47 and ~~【opportunity】~~ right to be heard.

1 The board may determine who may be in attendance at any
2 particular portion of its meeting. Nothing herein shall be
3 interpreted to exclude judges and court support staff from attending
4 review board meetings.

5 The written notice shall inform the person of his right to attend
6 the review and to submit written information and shall be prepared
7 in a manner which will encourage the person's attendance at the
8 review.

9 Notice to the child may be waived by the court on a case by case
10 basis either on its own motion or on the petition of any of the above
11 persons in cases where the court determines that notice would be
12 harmful to the child. A waiver of notice to the child shall not waive
13 the notice requirement to counsel for the child or other
14 representatives of the child.

15 The review board may seek information from any agency which
16 has been involved with the child, parents or legal guardian or
17 temporary caretaker. If the agency fails to provide the requested
18 information, the court may, upon the request of the board, issue a
19 subpoena to the agency for the information.

20 The board shall conduct a review and make recommendations
21 based upon the written materials; provided, however, that the board
22 shall afford any party or person entitled to notice pursuant to this
23 section a reasonable opportunity to appear and to present his views
24 and recommendations. Upon the request of the board, the Family
25 Part of the Chancery Division of the Superior Court may subpoena a
26 person to attend the review board meeting.

27 A designated agency shall provide relevant and necessary
28 information to the board regarding a child who is reviewed by the
29 board.

30 (cf: P.L.2004, c.130, s.87)

31

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

34 12. a. Upon review of the board's report, the Family Part of the
35 Chancery Division of the Superior Court shall issue an order
36 concerning the child's placement which it deems will best serve the
37 health, safety and interests of the child. The court shall issue the
38 order within 21 calendar days of the court's receipt of the board's
39 report unless the court schedules a summary hearing. The court
40 shall either:

41 (1) Order the return of the child to his parents or legal guardian
42 within two weeks and order the division or designated agency, as
43 appropriate, to provide any reasonable and available services which
44 are necessary to implement the return home;

45 (2) Order continued placement on a temporary basis until the
46 long-term goal is achieved; or

47 (3) Order continued placement on a temporary basis but that the
48 division shall provide further information within two weeks to the

1 court, which information shall be reviewed by the board within 30
2 days of its receipt.

3 (4) (Deleted by amendment, P.L.1987, c.252.)

4 In accordance with section 8 of P.L.1984, c.85 (C.30:4C-61.1),
5 the court may order that the division shall not return a child to his
6 home prior to review by the board and an order of the court.

7 In addition, if the placement plan does not satisfy the criteria of
8 section 9 of P.L.1977, c.424 (C.30:4C-58), the court shall order that
9 the placement plan be modified or that a new plan be developed
10 within 30 days.

11 b. In reviewing the report, the court may request that, where
12 available, any written or oral information submitted to the board be
13 provided to the court. The court shall make a determination based
14 upon the report and any other information before it; provided,
15 however, that the court may schedule a summary hearing if:

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

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

20 (3) The court concludes that the interests of justice require that a
21 hearing be held; or

22 (4) The board recommends that a hearing be held due to lack of
23 compliance with the placement plan, including achievement of the
24 permanent placement identified in the permanency plan; or

25 (5) The division has documented an exception to the
26 requirement to provide reasonable efforts toward family
27 reunification pursuant to section 25 of P.L.1999, c.53 (C.30:4C-
28 11.3); or

29 (6) If the review is to serve as a permanency hearing.

30 c. Notice of such hearing, including a statement of the
31 dispositional alternatives of the court, shall be provided at least 30
32 days in advance, unless the court finds that it is in the best interest
33 of the child to provide less notice in order to conduct the hearing
34 sooner. Notice shall be provided to the following persons unless
35 the court determines it is not in the best interests of the child:

36 (1) The division;

37 (2) The child;

38 (3) The child's parents including a non-custodial parent or legal
39 guardian;

40 (4) The review board;

41 (5) The temporary caretaker;

42 (6) The counsel for any parent, child or other interested party
43 who has provided or is providing representation in the case before
44 the board; and

45 (7) If the child's caretaker is a resource family parent or relative,
46 the caretaker shall receive written notice of **[and an opportunity]**,
47 and shall have a right to be heard at, the hearing, but the caretaker

1 shall not be made a party to the hearing solely on the basis of the
2 notice and **[opportunity]** right to be heard.

3 The court may also request or order additional information from
4 any other persons or agencies which the court determines have an
5 interest in or information relating to the welfare of the child.

6 The court shall hold the hearing within 60 days of receipt of the
7 board's report and shall issue its order within 15 days of the hearing.

8 d. The court shall send a copy of its order concerning the
9 child's placement to all persons listed in subsection c. of this
10 section, except that, if notice to the child of the board review was
11 waived pursuant to section 10 of P.L.1977, c.424 (C.30:4C-59), the
12 court may waive the requirement of sending a copy of its order to
13 the child.

14 e. Any person who receives a copy of the court order shall
15 comply with the confidentiality requirements established by the
16 Supreme Court for the purposes of this act.

17 (cf: P.L.2004, c.130, s.89)

18

19 8. Section 50 of P.L.1999, c.53 (C.30:4C-61.2) is amended to
20 read as follows:

21 50. a. A permanency hearing shall be held that provides review
22 and approval by the court of the placement plan:

23 (1) within 30 days after the determination of an exception to the
24 reasonable effort requirement to reunify the child with the parent in
25 accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); or

26 (2) no later than 12 months after the child has been in
27 placement.

28 b. Written notice of the date, time and place of the permanency
29 hearing shall be provided at least 15 days in advance to the
30 following, each of whom shall be entitled to attend the hearing and
31 to submit written information to the court:

32 (1) the division or agency;

33 (2) the child;

34 (3) the parents, including a non-custodial parent or legal
35 guardian;

36 (4) the temporary caretaker;

37 (5) any other person or agency whom the court determines has
38 an interest in or information relating to the welfare of the child;

39 (6) the counsel for a parent, child or other interested party who
40 has provided or is providing representation in the case before the
41 court; and

42 (7) the child's resource family parent or relative providing care
43 for the child shall also receive written notice of **[and an**
44 **opportunity]**, and shall have a right to be heard at, the hearing, but
45 the resource family parent or relative shall not be made a party to
46 the hearing solely on the basis of the notice and **[opportunity]** right
47 to be heard.

- 1 c. The hearing shall include, but not necessarily be limited to,
2 consideration and evaluation of information provided by the
3 division and other interested parties regarding such matters as:
- 4 (1) a statement of the goal for the permanent placement or
5 return home of the child and the anticipated date that the goal will
6 be achieved;
- 7 (2) the intermediate objectives relating to the attainment of the
8 goal;
- 9 (3) a statement of the duties and responsibilities of the division,
10 the parents or legal guardian and the temporary caretaker, including
11 the services to be provided by the division to the child and to the
12 temporary caretaker;
- 13 (4) a statement of the services to be provided to the parent or
14 legal guardian or an exception to the requirement to provide
15 reasonable efforts toward family reunification in accordance with
16 section 25 of P.L.1999, c.53 (C.30:4C-11.3). Services to facilitate
17 adoption or an alternative permanent placement may be provided
18 concurrently with services to reunify the child with the parent or
19 guardian;
- 20 (5) a permanency plan which includes whether and, if
21 applicable, when:
- 22 (a) the child shall be returned to the parent or guardian, if the
23 child can be returned home without endangering the child's health
24 or safety;
- 25 (b) the division has determined that family reunification is not
26 possible and the division shall file a petition for the termination of
27 parental rights for the purpose of adoption; or
- 28 (c) the division has determined that termination of parental
29 rights is not appropriate in accordance with section 31 of P.L.1999,
30 c.53 (C.30:4C-15.3) and the child shall be placed in an alternative
31 permanent placement.
- 32 d. If the court approves a permanency plan for the child, the
33 court shall make a specific finding of the reasonable efforts made
34 thus far by the division and the appropriateness of the reasonable
35 efforts to achieve the permanency plan.
36 (cf; P.L.2004, c.130, s.91).
- 37
- 38 9. This act shall take effect on the 30th day after enactment.
39
40

41 STATEMENT

42
43 This bill makes two changes in the statutes governing resource
44 family parents to ensure that the Division of Youth and Family
45 Services (DYFS) in the Department of Children and Families is in
46 compliance with recently adopted federal regulations of the
47 Administration for Children and Families.

1 Specifically, the bill amends various laws in Titles 9 and 30 of
2 the Revised Statutes to explicitly give resource family parents the
3 right to be heard at hearings and reviews concerning the children
4 under their care. The laws presently provide that resource family
5 parents shall receive notice of and shall have the opportunity to be
6 heard at the hearing or review.

7 The bill also expands the authority of DYFS regarding
8 background checks of prospective resource family parents and any
9 other adults residing in the household, by authorizing DYFS to
10 request a child abuse record information check from the applicable
11 authority in each state in which the prospective resource family
12 parent, and any other adult residing in the household, has resided in
13 the preceding five years.

14

15

16

17

18 Authorizes DYFS to review prospective resource family parents'
19 child abuse record information from other states, and provides these
20 parents with right to be heard at certain hearings

SENATE, No. 2835

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 21, 2007

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

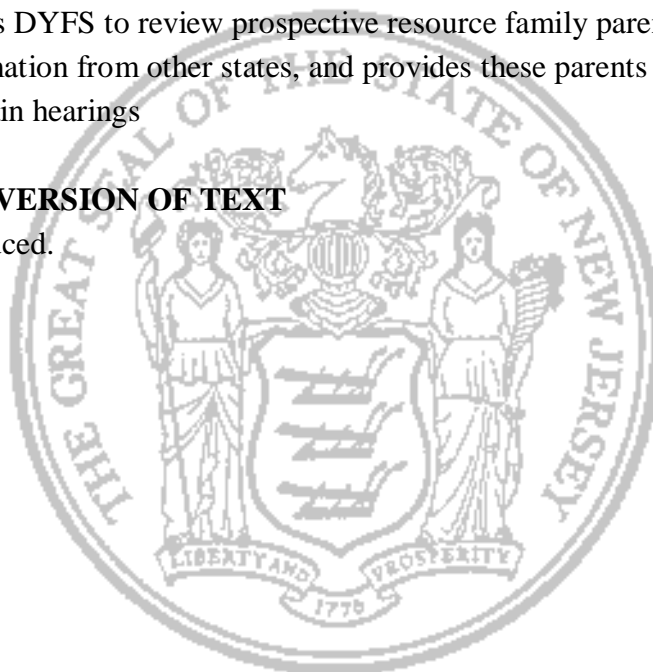
Senator Turner

SYNOPSIS

Authorizes DYFS to review prospective resource family parents' child abuse record information from other states, and provides these parents with right to be heard at certain hearings

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2007)

1 AN ACT concerning resource family parents and revising parts of
2 statutory law.

3

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

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7 1. Section 3 of P.L.1999, c.53 (C.9:3-45.2) is amended to read
8 as follows:

9 3. In any case in which the Division of Youth and Family
10 Services accepts a child in its care or custody, the child's resource
11 family parent or relative providing care for the child, as applicable,
12 shall receive written notice of **[and an opportunity]**, and shall have
13 a right to be heard at, any review or hearing held with respect to the
14 child, but the resource family parent or relative shall not be made a
15 party to the review or hearing solely on the basis of the notice and
16 **[opportunity]** right to be heard.

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22 Services accepts a child in its care or custody, the child's resource
23 family parent or relative providing care for the child, as applicable,
24 shall receive written notice of **[and an opportunity]**, and shall have
25 a right to be heard at, any review or hearing held with respect to the
26 child, but the resource family parent or relative shall not be made a
27 party to the review or hearing solely on the basis of the notice and
28 **[opportunity]** right to be heard.

29 (cf: P.L.2004, c.130, s.54)

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31 3. Section 4 of P.L.2001, c.419 (C.30:4C-27.6) is amended to
32 read as follows:

33 4. a. A person shall not provide resource family care to a child
34 unless the person is licensed by the department pursuant to this act.
35 The license shall be issued to a specific person for a specific
36 residence and shall not be transferable to another person or
37 residence. The resource family parent shall maintain the license on
38 file at the resource family home.

39 b. A person desiring to provide resource family care to a child
40 shall apply to the department for a license in a manner and form
41 prescribed by the commissioner.

42 c. A resource family parent applicant or resource family parent
43 shall be of good moral character.

44 d. A resource family parent applicant or resource family parent,
45 as applicable, shall:

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 (1) Complete the license application form provided by the
2 department;

3 (2) Provide written consent for the division to conduct a check
4 of its child abuse records pursuant to section 4 of P.L.1971, c.437
5 (C.9:6-8.11) and the child abuse records in each state in which the
6 prospective resource family parent has resided in the preceding five
7 years;

8 (3) Provide written consent from each other adult member of the
9 resource family parent applicant's household for the division to
10 conduct a child abuse record information check on that person, and
11 a child abuse record information check in each state in which that
12 person has resided in the preceding five years; and

13 (4) Immediately notify the department when a new adult
14 becomes a resident of the resource family parent applicant's or
15 resource family parent's household in order to ensure that the
16 department can conduct a criminal history record background check
17 pursuant to section 1 of P.L.1985, c.396 (C.30:4C-26.8) and the
18 division can conduct a child abuse record information check on the
19 new adult household member.

20 e. As a condition of securing a license, the applicant shall
21 participate in pre-service training in accordance with standards
22 adopted by the commissioner pursuant to this act.

23 f. A resource family parent licensed pursuant to this act shall
24 participate in pre-service and in-service training in accordance with
25 standards adopted by the commissioner pursuant to this act.
26 (cf: P.L.2004, c.130, s.73)

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31 the resource family parent applicant and any other adult member of
32 the resource family parent applicant's household pursuant to
33 subsection d. of section 4 of P.L.2001, c.419 (C.30:4C-27.6):

34 (1) conduct a child abuse record information check of the
35 division's child abuse records to determine if an incident of child
36 abuse or neglect has been substantiated, pursuant to section 4 of
37 P.L.1971, c.437 (C.9:6-8.11), against a resource family parent
38 applicant or any adult member of the resource family parent
39 applicant's household~~], upon receipt of written consent from the~~
40 resource family parent applicant or any adult member of the
41 resource family parent applicant's household pursuant to subsection
42 d. of section 4 of P.L.2001, c.419 (C.30:4C-27.6)] ; and

43 (2) request a child abuse record information check from the
44 applicable authority in each state in which the prospective resource
45 family parent and any other adult residing in the prospective
46 parent's home has resided in the preceding five years.

47 The department shall consider, for the purposes of this act, any
48 incidents of child abuse or neglect that were substantiated on or

1 after June 29, 1995, to ensure that a resource family parent
2 applicant or adult member of the resource family parent applicant's
3 household has had an opportunity to appeal a substantiated finding
4 of child abuse or neglect pursuant to department regulations, except
5 that the department may consider substantiated incidents prior to
6 that date if the department, in its judgment, determines that the
7 resource family parent applicant or adult household member poses a
8 risk of harm in a resource family home. In cases involving
9 incidents substantiated prior to June 29, 1995, the department shall
10 offer the resource family parent applicant or adult member of the
11 resource family parent applicant's household an opportunity for a
12 hearing to contest its action restricting the resource family parent
13 applicant from providing resource family care to a child.

14 b. (1) The department shall conduct an annual on-site
15 inspection of a resource family home and evaluate the resource
16 family home to determine whether it complies with the provisions
17 of this act.

18 (2) The department may, without prior notice, inspect and
19 examine a resource family home and inspect all documents, records,
20 files or other data required to be maintained by a resource family
21 parent pursuant to this act.

22 c. If an applicant meets the requirements of this act, the
23 department shall issue a license to that person.

24 d. (1) The license shall be valid for the time period designated
25 by the commissioner, subject to the resource family parent's
26 continued compliance with the provisions of this act.

27 (2) The department shall determine if the license shall be
28 renewed based upon the results of the annual on-site inspection and
29 evaluation of the resource family home conducted pursuant to this
30 section. If the on-site inspection and evaluation indicate the
31 resource family home's full or substantial compliance with the
32 provisions of this act, the department shall renew the license.

33 (cf: P.L.2004, c.130, s.74)

34

35 5. Section 5 of P.L.1977, c.424 (C.30:4C-54) is amended to
36 read as follows:

37 5. The court shall, within 15 days following receipt of the
38 notice of the initial placement pursuant to a voluntary agreement,
39 determine, based solely upon the petition and other affidavits and
40 written materials submitted to the court, whether or not reasonable
41 efforts have been made to prevent the placement and whether or not
42 the continuation of the child in his home would be contrary to the
43 welfare of the child, and either approve the placement or order the
44 return of the child to his home, except that, lack of reasonable
45 efforts to prevent placement shall not be the sole basis for the
46 court's order of a return of the child to his home.

47 If the division has documented an exception to the requirement
48 to provide reasonable efforts towards family reunification, the court

1 shall make a finding of whether reasonable efforts are required in
2 accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3). The
3 child's health, safety and need for permanency shall be of
4 paramount concern to the court when it makes its finding.

5 The court also may require the submission of supplementary
6 material or schedule a summary hearing if:

7 a. The court has before it conflicting statements of material
8 fact;

9 b. The court determines that it is in the best interest of the
10 child; or

11 c. The child's parents or legal guardian requests the hearing.

12 The court shall provide written notice to the parties involved in
13 the hearing at least five days prior to the hearing. The court shall
14 provide written notice of the date, time and place of such hearing to
15 the parents or legal guardian of the child, the child or the child's
16 counsel, the child's temporary caretaker, the division, and any other
17 party the court deems appropriate. If the child's caretaker is a
18 resource family parent, preadoptive parent or relative, the caretaker
19 shall receive written notice of **【and an opportunity】**, **and shall have**
20 **a right** to be heard at the hearing, but the caretaker shall not be
21 made a party to the hearing solely on the basis of the notice and
22 **【opportunity】 right** to be heard.

23 (cf: P.L.2005, c.169, s.14)

24

25 6. Section 10 of P.L.1977, c.424 (C.30:4C-59) is amended to
26 read as follows:

27 10. Each board shall provide written notice of the date, time and
28 place of each review at least 15 days in advance to the following,
29 each of whom shall be entitled to attend the review and to submit
30 information in writing to the board:

31 a. The division or agency;

32 b. The child;

33 c. The parents including a non-custodial parent or legal
34 guardian;

35 d. The temporary caretaker;

36 e. Any other person or agency whom the board determines has
37 an interest in or information relating to the welfare of the child;

38 f. The counsel for a parent, child or other interested party who
39 has provided or is providing representation in the case before the
40 board; and

41 If the child's caretaker is a resource family parent or relative, the
42 caretaker shall receive written notice of **【and an opportunity】**, **and**
43 **shall have a right** to be heard at the review, but the caretaker shall
44 not be made a party to the review solely on the basis of the notice
45 and **【opportunity】 right** to be heard.

46 The board may determine who may be in attendance at any
47 particular portion of its meeting. Nothing herein shall be

1 interpreted to exclude judges and court support staff from attending
2 review board meetings.

3 The written notice shall inform the person of his right to attend
4 the review and to submit written information and shall be prepared
5 in a manner which will encourage the person's attendance at the
6 review.

7 Notice to the child may be waived by the court on a case by case
8 basis either on its own motion or on the petition of any of the above
9 persons in cases where the court determines that notice would be
10 harmful to the child. A waiver of notice to the child shall not waive
11 the notice requirement to counsel for the child or other
12 representatives of the child.

13 The review board may seek information from any agency which
14 has been involved with the child, parents or legal guardian or
15 temporary caretaker. If the agency fails to provide the requested
16 information, the court may, upon the request of the board, issue a
17 subpoena to the agency for the information.

18 The board shall conduct a review and make recommendations
19 based upon the written materials; provided, however, that the board
20 shall afford any party or person entitled to notice pursuant to this
21 section a reasonable opportunity to appear and to present his views
22 and recommendations. Upon the request of the board, the Family
23 Part of the Chancery Division of the Superior Court may subpoena a
24 person to attend the review board meeting.

25 A designated agency shall provide relevant and necessary
26 information to the board regarding a child who is reviewed by the
27 board.

28 (cf: P.L.2004, c.130, s.87)

29

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

32 12. a. Upon review of the board's report, the Family Part of the
33 Chancery Division of the Superior Court shall issue an order
34 concerning the child's placement which it deems will best serve the
35 health, safety and interests of the child. The court shall issue the
36 order within 21 calendar days of the court's receipt of the board's
37 report unless the court schedules a summary hearing. The court
38 shall either:

39 (1) Order the return of the child to his parents or legal guardian
40 within two weeks and order the division or designated agency, as
41 appropriate, to provide any reasonable and available services which
42 are necessary to implement the return home;

43 (2) Order continued placement on a temporary basis until the
44 long-term goal is achieved; or

45 (3) Order continued placement on a temporary basis but that the
46 division shall provide further information within two weeks to the
47 court, which information shall be reviewed by the board within 30
48 days of its receipt.

1 (4) (Deleted by amendment, P.L.1987, c.252.)

2 In accordance with section 8 of P.L.1984, c.85 (C.30:4C-61.1),
3 the court may order that the division shall not return a child to his
4 home prior to review by the board and an order of the court.

5 In addition, if the placement plan does not satisfy the criteria of
6 section 9 of P.L.1977, c.424 (C.30:4C-58), the court shall order that
7 the placement plan be modified or that a new plan be developed
8 within 30 days.

9 b. In reviewing the report, the court may request that, where
10 available, any written or oral information submitted to the board be
11 provided to the court. The court shall make a determination based
12 upon the report and any other information before it; provided,
13 however, that the court may schedule a summary hearing if:

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

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

18 (3) The court concludes that the interests of justice require that a
19 hearing be held; or

20 (4) The board recommends that a hearing be held due to lack of
21 compliance with the placement plan, including achievement of the
22 permanent placement identified in the permanency plan; or

23 (5) The division has documented an exception to the
24 requirement to provide reasonable efforts toward family
25 reunification pursuant to section 25 of P.L.1999, c.53 (C.30:4C-
26 11.3); or

27 (6) If the review is to serve as a permanency hearing.

28 c. Notice of such hearing, including a statement of the
29 dispositional alternatives of the court, shall be provided at least 30
30 days in advance, unless the court finds that it is in the best interest
31 of the child to provide less notice in order to conduct the hearing
32 sooner. Notice shall be provided to the following persons unless
33 the court determines it is not in the best interests of the child:

34 (1) The division;

35 (2) The child;

36 (3) The child's parents including a non-custodial parent or legal
37 guardian;

38 (4) The review board;

39 (5) The temporary caretaker;

40 (6) The counsel for any parent, child or other interested party
41 who has provided or is providing representation in the case before
42 the board; and

43 (7) If the child's caretaker is a resource family parent or relative,
44 the caretaker shall receive written notice of **[and an opportunity]**,
45 and shall have a right to be heard at the hearing, but the caretaker
46 shall not be made a party to the hearing solely on the basis of the
47 notice and **[opportunity]** right to be heard.

1 The court may also request or order additional information from
2 any other persons or agencies which the court determines have an
3 interest in or information relating to the welfare of the child.

4 The court shall hold the hearing within 60 days of receipt of the
5 board's report and shall issue its order within 15 days of the hearing.

6 d. The court shall send a copy of its order concerning the
7 child's placement to all persons listed in subsection c. of this
8 section, except that, if notice to the child of the board review was
9 waived pursuant to section 10 of P.L.1977, c.424 (C.30:4C-59), the
10 court may waive the requirement of sending a copy of its order to
11 the child.

12 e. Any person who receives a copy of the court order shall
13 comply with the confidentiality requirements established by the
14 Supreme Court for the purposes of this act.
15 (cf: P.L.2004, c.130, s.89)

16
17 8. Section 50 of P.L.1999, c.53 (C.30:4C-61.2) is amended to
18 read as follows:

19 50. a. A permanency hearing shall be held that provides review
20 and approval by the court of the placement plan:

21 (1) within 30 days after the determination of an exception to the
22 reasonable effort requirement to reunify the child with the parent in
23 accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); or

24 (2) no later than 12 months after the child has been in
25 placement.

26 b. Written notice of the date, time and place of the permanency
27 hearing shall be provided at least 15 days in advance to the
28 following, each of whom shall be entitled to attend the hearing and
29 to submit written information to the court:

30 (1) the division or agency;

31 (2) the child;

32 (3) the parents, including a non-custodial parent or legal
33 guardian;

34 (4) the temporary caretaker;

35 (5) any other person or agency whom the court determines has
36 an interest in or information relating to the welfare of the child;

37 (6) the counsel for a parent, child or other interested party who
38 has provided or is providing representation in the case before the
39 court; and

40 (7) the child's resource family parent or relative providing care
41 for the child shall also receive written notice of **【and an**
42 **opportunity】**, and shall have a right to be heard at, the hearing, but
43 the resource family parent or relative shall not be made a party to
44 the hearing solely on the basis of the notice and **【opportunity】** right
45 to be heard.

46 c. The hearing shall include, but not necessarily be limited to,
47 consideration and evaluation of information provided by the
48 division and other interested parties regarding such matters as:

- 1 (1) a statement of the goal for the permanent placement or
2 return home of the child and the anticipated date that the goal will
3 be achieved;
- 4 (2) the intermediate objectives relating to the attainment of the
5 goal;
- 6 (3) a statement of the duties and responsibilities of the division,
7 the parents or legal guardian and the temporary caretaker, including
8 the services to be provided by the division to the child and to the
9 temporary caretaker;
- 10 (4) a statement of the services to be provided to the parent or
11 legal guardian or an exception to the requirement to provide
12 reasonable efforts toward family reunification in accordance with
13 section 25 of P.L.1999, c.53 (C.30:4C-11.3). Services to facilitate
14 adoption or an alternative permanent placement may be provided
15 concurrently with services to reunify the child with the parent or
16 guardian;
- 17 (5) a permanency plan which includes whether and, if
18 applicable, when:
- 19 (a) the child shall be returned to the parent or guardian, if the
20 child can be returned home without endangering the child's health
21 or safety;
- 22 (b) the division has determined that family reunification is not
23 possible and the division shall file a petition for the termination of
24 parental rights for the purpose of adoption; or
- 25 (c) the division has determined that termination of parental
26 rights is not appropriate in accordance with section 31 of P.L.1999,
27 c.53 (C.30:4C-15.3) and the child shall be placed in an alternative
28 permanent placement.
- 29 d. If the court approves a permanency plan for the child, the
30 court shall make a specific finding of the reasonable efforts made
31 thus far by the division and the appropriateness of the reasonable
32 efforts to achieve the permanency plan.
33 (cf; P.L.2004, c.130, s.91).

34
35 9. This act shall take effect on the 30th day after enactment.
36
37

38 STATEMENT
39

40 This bill makes two changes in the statutes governing resource
41 family parents to ensure that the Division of Youth and Family
42 Services (DYFS) in the Department of Children and Families is in
43 compliance with recently adopted federal regulations of the
44 Administration for Children and Families.

45 Specifically, the bill amends various laws in Titles 9 and 30 of
46 the Revised Statutes to explicitly give resource family parents the
47 right to be heard at hearings and reviews concerning the children
48 under their care. The laws presently provide that resource family

S2835 KARCHER, VITALE

10

1 parents shall receive notice of and shall have the opportunity to be
2 heard at the hearing or review.

3 The bill also expands the authority of DYFS regarding
4 background checks of prospective resource family parents and any
5 other adults residing in the household, by authorizing DYFS to
6 request a child abuse record information check from the applicable
7 authority in each state in which the prospective resource family
8 parent, and any other adult residing in the household, has resided in
9 the preceding five years.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2835

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2007

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate No. 2835.

This bill makes two changes in the statutes governing resource family parents to ensure that the Division of Youth and Family Services (DYFS) in the Department of Children and Families is in compliance with recently adopted federal regulations of the Administration for Children and Families.

Specifically, the bill amends various laws in Titles 9 and 30 of the Revised Statutes to explicitly give resource family parents the right to be heard at hearings and reviews concerning the children under their care. The laws presently provide that resource family parents shall receive notice of and shall have the opportunity to be heard at the hearing or review.

The bill also expands the authority of DYFS regarding background checks of prospective resource family parents and any other adults residing in the household, by authorizing DYFS to request a child abuse record information check from the applicable authority in each state in which the prospective resource family parent, and any other adult residing in the household, has resided in the preceding five years.

This bill is identical to Assembly Bill No.4335 (Cryan/Munoz), which is pending before the Assembly.

ASSEMBLY, No. 4335

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 11, 2007

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Authorizes DYFS to review prospective resource family parents' child abuse record information from other states, and provides these parents with right to be heard at certain hearings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2007)

1 AN ACT concerning resource family parents and revising parts of
2 statutory law.

3

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

6

7 1. Section 3 of P.L.1999, c.53 (C.9:3-45.2) is amended to read
8 as follows:

9 3. In any case in which the Division of Youth and Family
10 Services accepts a child in its care or custody, the child's resource
11 family parent or relative providing care for the child, as applicable,
12 shall receive written notice of **[and an opportunity]**, and shall have
13 a right to be heard at, any review or hearing held with respect to the
14 child, but the resource family parent or relative shall not be made a
15 party to the review or hearing solely on the basis of the notice and
16 **[opportunity]** right to be heard.

17 (cf: P.L.2004, c.130, s.17)

18

19 2. Section 28 of P.L.1999, c.53 (C.30:4C-12.2) is amended to
20 read as follows:

21 28. In any case in which the Division of Youth and Family
22 Services accepts a child in its care or custody, the child's resource
23 family parent or relative providing care for the child, as applicable,
24 shall receive written notice of **[and an opportunity]**, and shall have
25 a right to be heard at, any review or hearing held with respect to the
26 child, but the resource family parent or relative shall not be made a
27 party to the review or hearing solely on the basis of the notice and
28 **[opportunity]** right to be heard.

29 (cf: P.L.2004, c.130, s.54)

30

31 3. Section 4 of P.L.2001, c.419 (C.30:4C-27.6) is amended to
32 read as follows:

33 4. a. A person shall not provide resource family care to a child
34 unless the person is licensed by the department pursuant to this act.
35 The license shall be issued to a specific person for a specific
36 residence and shall not be transferable to another person or
37 residence. The resource family parent shall maintain the license on
38 file at the resource family home.

39 b. A person desiring to provide resource family care to a child
40 shall apply to the department for a license in a manner and form
41 prescribed by the commissioner.

42 c. A resource family parent applicant or resource family parent
43 shall be of good moral character.

44 d. A resource family parent applicant or resource family parent,
45 as applicable, shall:

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 (1) Complete the license application form provided by the
2 department;

3 (2) Provide written consent for the division to conduct a check of
4 its child abuse records pursuant to section 4 of P.L.1971, c.437
5 (C.9:6-8.11) and the child abuse records in each state in which the
6 prospective resource family parent has resided in the preceding five
7 years;

8 (3) Provide written consent from each other adult member of the
9 resource family parent applicant's household for the division to
10 conduct a child abuse record information check on that person, and
11 a child abuse record information check in each state in which that
12 person has resided in the preceding five years; and

13 (4) Immediately notify the department when a new adult
14 becomes a resident of the resource family parent applicant's or
15 resource family parent's household in order to ensure that the
16 department can conduct a criminal history record background check
17 pursuant to section 1 of P.L.1985, c.396 (C.30:4C-26.8) and the
18 division can conduct a child abuse record information check on the
19 new adult household member.

20 e. As a condition of securing a license, the applicant shall
21 participate in pre-service training in accordance with standards
22 adopted by the commissioner pursuant to this act.

23 f. A resource family parent licensed pursuant to this act shall
24 participate in pre-service and in-service training in accordance with
25 standards adopted by the commissioner pursuant to this act.
26 (cf: P.L.2004, c.130, s.73)

27
28 4. Section 5 of P.L.2001, c.419 (C.30:4C-27.7) is amended to
29 read as follows:

30 5. a. The division shall, upon receipt of written consent from
31 the resource family parent applicant and any other adult member of
32 the resource family parent applicant's household pursuant to
33 subsection d. of section 4 of P.L.2001, c.419 (C.30:4C-27.6):

34 (1) conduct a child abuse record information check of the
35 division's child abuse records to determine if an incident of child
36 abuse or neglect has been substantiated, pursuant to section 4 of
37 P.L.1971, c.437 (C.9:6-8.11), against a resource family parent
38 applicant or any adult member of the resource family parent
39 applicant's household~~],~~ upon receipt of written consent from the
40 resource family parent applicant or any adult member of the
41 resource family parent applicant's household pursuant to subsection
42 d. of section 4 of P.L.2001, c.419 (C.30:4C-27.6)] ; and

43 (2) request a child abuse record information check from the
44 applicable authority in each state in which the prospective resource
45 family parent and any other adult residing in the prospective
46 parent's home has resided in the preceding five years.

47 The department shall consider, for the purposes of this act, any
48 incidents of child abuse or neglect that were substantiated on or

1 after June 29, 1995, to ensure that a resource family parent
2 applicant or adult member of the resource family parent applicant's
3 household has had an opportunity to appeal a substantiated finding
4 of child abuse or neglect pursuant to department regulations, except
5 that the department may consider substantiated incidents prior to
6 that date if the department, in its judgment, determines that the
7 resource family parent applicant or adult household member poses a
8 risk of harm in a resource family home. In cases involving
9 incidents substantiated prior to June 29, 1995, the department shall
10 offer the resource family parent applicant or adult member of the
11 resource family parent applicant's household an opportunity for a
12 hearing to contest its action restricting the resource family parent
13 applicant from providing resource family care to a child.

14 b. (1) The department shall conduct an annual on-site inspection
15 of a resource family home and evaluate the resource family home to
16 determine whether it complies with the provisions of this act.

17 (2) The department may, without prior notice, inspect and
18 examine a resource family home and inspect all documents, records,
19 files or other data required to be maintained by a resource family
20 parent pursuant to this act.

21 c. If an applicant meets the requirements of this act, the
22 department shall issue a license to that person.

23 d. (1) The license shall be valid for the time period designated
24 by the commissioner, subject to the resource family parent's
25 continued compliance with the provisions of this act.

26 (2) The department shall determine if the license shall be
27 renewed based upon the results of the annual on-site inspection and
28 evaluation of the resource family home conducted pursuant to this
29 section. If the on-site inspection and evaluation indicate the
30 resource family home's full or substantial compliance with the
31 provisions of this act, the department shall renew the license.

32 (cf: P.L.2004, c.130, s.74)

33

34 5. Section 5 of P.L.1977, c.424 (C.30:4C-54) is amended to read
35 as follows:

36 5. The court shall, within 15 days following receipt of the notice
37 of the initial placement pursuant to a voluntary agreement,
38 determine, based solely upon the petition and other affidavits and
39 written materials submitted to the court, whether or not reasonable
40 efforts have been made to prevent the placement and whether or not
41 the continuation of the child in his home would be contrary to the
42 welfare of the child, and either approve the placement or order the
43 return of the child to his home, except that, lack of reasonable
44 efforts to prevent placement shall not be the sole basis for the
45 court's order of a return of the child to his home.

46 If the division has documented an exception to the requirement
47 to provide reasonable efforts towards family reunification, the court
48 shall make a finding of whether reasonable efforts are required in

1 accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3). The
2 child's health, safety and need for permanency shall be of
3 paramount concern to the court when it makes its finding.

4 The court also may require the submission of supplementary
5 material or schedule a summary hearing if:

6 a. The court has before it conflicting statements of material fact;

7 b. The court determines that it is in the best interest of the child;

8 or

9 c. The child's parents or legal guardian requests the hearing.

10 The court shall provide written notice to the parties involved in
11 the hearing at least five days prior to the hearing. The court shall
12 provide written notice of the date, time and place of such hearing to
13 the parents or legal guardian of the child, the child or the child's
14 counsel, the child's temporary caretaker, the division, and any other
15 party the court deems appropriate. If the child's caretaker is a
16 resource family parent, preadoptive parent or relative, the caretaker
17 shall receive written notice of **[and an opportunity]**, and shall have
18 a right to be heard at the hearing, but the caretaker shall not be
19 made a party to the hearing solely on the basis of the notice and
20 **[opportunity]** right to be heard.

21 (cf: P.L.2005, c.169, s.14)

22

23 6. Section 10 of P.L.1977, c.424 (C.30:4C-59) is amended to
24 read as follows:

25 10. Each board shall provide written notice of the date, time and
26 place of each review at least 15 days in advance to the following,
27 each of whom shall be entitled to attend the review and to submit
28 information in writing to the board:

29 a. The division or agency;

30 b. The child;

31 c. The parents including a non-custodial parent or legal guardian;

32 d. The temporary caretaker;

33 e. Any other person or agency whom the board determines has
34 an interest in or information relating to the welfare of the child;

35 f. The counsel for a parent, child or other interested party who
36 has provided or is providing representation in the case before the
37 board; and

38 If the child's caretaker is a resource family parent or relative, the
39 caretaker shall receive written notice of **[and an opportunity]**, and
40 shall have a right to be heard at the review, but the caretaker shall
41 not be made a party to the review solely on the basis of the notice
42 and **[opportunity]** right to be heard.

43 The board may determine who may be in attendance at any
44 particular portion of its meeting. Nothing herein shall be
45 interpreted to exclude judges and court support staff from attending
46 review board meetings.

47 The written notice shall inform the person of his right to attend
48 the review and to submit written information and shall be prepared

1 in a manner which will encourage the person's attendance at the
2 review.

3 Notice to the child may be waived by the court on a case by case
4 basis either on its own motion or on the petition of any of the above
5 persons in cases where the court determines that notice would be
6 harmful to the child. A waiver of notice to the child shall not waive
7 the notice requirement to counsel for the child or other
8 representatives of the child.

9 The review board may seek information from any agency which
10 has been involved with the child, parents or legal guardian or
11 temporary caretaker. If the agency fails to provide the requested
12 information, the court may, upon the request of the board, issue a
13 subpoena to the agency for the information.

14 The board shall conduct a review and make recommendations
15 based upon the written materials; provided, however, that the board
16 shall afford any party or person entitled to notice pursuant to this
17 section a reasonable opportunity to appear and to present his views
18 and recommendations. Upon the request of the board, the Family
19 Part of the Chancery Division of the Superior Court may subpoena
20 a person to attend the review board meeting.

21 A designated agency shall provide relevant and necessary
22 information to the board regarding a child who is reviewed by the
23 board.

24 (cf: P.L.2004, c.130, s.87)

25

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

28 12. a. Upon review of the board's report, the Family Part of the
29 Chancery Division of the Superior Court shall issue an order
30 concerning the child's placement which it deems will best serve the
31 health, safety and interests of the child. The court shall issue the
32 order within 21 calendar days of the court's receipt of the board's
33 report unless the court schedules a summary hearing. The court
34 shall either:

35 (1) Order the return of the child to his parents or legal guardian
36 within two weeks and order the division or designated agency, as
37 appropriate, to provide any reasonable and available services which
38 are necessary to implement the return home;

39 (2) Order continued placement on a temporary basis until the
40 long-term goal is achieved; or

41 (3) Order continued placement on a temporary basis but that the
42 division shall provide further information within two weeks to the
43 court, which information shall be reviewed by the board within 30
44 days of its receipt.

45 (4) (Deleted by amendment, P.L.1987, c.252.)

46 In accordance with section 8 of P.L.1984, c.85 (C.30:4C-61.1),
47 the court may order that the division shall not return a child to his
48 home prior to review by the board and an order of the court.

1 In addition, if the placement plan does not satisfy the criteria of
2 section 9 of P.L.1977, c.424 (C.30:4C-58), the court shall order that
3 the placement plan be modified or that a new plan be developed
4 within 30 days.

5 b. In reviewing the report, the court may request that, where
6 available, any written or oral information submitted to the board be
7 provided to the court. The court shall make a determination based
8 upon the report and any other information before it; provided,
9 however, that the court may schedule a summary hearing if:

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

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

14 (3) The court concludes that the interests of justice require that a
15 hearing be held; or

16 (4) The board recommends that a hearing be held due to lack of
17 compliance with the placement plan, including achievement of the
18 permanent placement identified in the permanency plan; or

19 (5) The division has documented an exception to the requirement
20 to provide reasonable efforts toward family reunification pursuant
21 to section 25 of P.L.1999, c.53 (C.30:4C-11.3); or

22 (6) If the review is to serve as a permanency hearing.

23 c. Notice of such hearing, including a statement of the
24 dispositional alternatives of the court, shall be provided at least 30
25 days in advance, unless the court finds that it is in the best interest
26 of the child to provide less notice in order to conduct the hearing
27 sooner. Notice shall be provided to the following persons unless
28 the court determines it is not in the best interests of the child:

29 (1) The division;

30 (2) The child;

31 (3) The child's parents including a non-custodial parent or legal
32 guardian;

33 (4) The review board;

34 (5) The temporary caretaker;

35 (6) The counsel for any parent, child or other interested party
36 who has provided or is providing representation in the case before
37 the board; and

38 (7) If the child's caretaker is a resource family parent or relative,
39 the caretaker shall receive written notice of **【and an opportunity】**,
40 and shall have a right to be heard at the hearing, but the caretaker
41 shall not be made a party to the hearing solely on the basis of the
42 notice and **【opportunity】** right to be heard.

43 The court may also request or order additional information from
44 any other persons or agencies which the court determines have an
45 interest in or information relating to the welfare of the child.

46 The court shall hold the hearing within 60 days of receipt of the
47 board's report and shall issue its order within 15 days of the hearing.

1 d. The court shall send a copy of its order concerning the child's
2 placement to all persons listed in subsection c. of this section,
3 except that, if notice to the child of the board review was waived
4 pursuant to section 10 of P.L.1977, c.424 (C.30:4C-59), the court
5 may waive the requirement of sending a copy of its order to the
6 child.

7 e. Any person who receives a copy of the court order shall
8 comply with the confidentiality requirements established by the
9 Supreme Court for the purposes of this act.
10 (cf: P.L.2004, c.130, s.89)
11

12 8. Section 50 of P.L.1999, c.53 (C.30:4C-61.2) is amended to
13 read as follows:

14 50. a. A permanency hearing shall be held that provides review
15 and approval by the court of the placement plan:

16 (1) within 30 days after the determination of an exception to the
17 reasonable effort requirement to reunify the child with the parent in
18 accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); or

19 (2) no later than 12 months after the child has been in placement.

20 b. Written notice of the date, time and place of the permanency
21 hearing shall be provided at least 15 days in advance to the
22 following, each of whom shall be entitled to attend the hearing and
23 to submit written information to the court:

24 (1) the division or agency;

25 (2) the child;

26 (3) the parents, including a non-custodial parent or legal
27 guardian;

28 (4) the temporary caretaker;

29 (5) any other person or agency whom the court determines has an
30 interest in or information relating to the welfare of the child;

31 (6) the counsel for a parent, child or other interested party who
32 has provided or is providing representation in the case before the
33 court; and

34 (7) the child's resource family parent or relative providing care
35 for the child shall also receive written notice of **[and an**
36 **opportunity]**, and shall have a right to be heard at the hearing, but
37 the resource family parent or relative shall not be made a party to
38 the hearing solely on the basis of the notice and **[opportunity] right**
39 to be heard.

40 c. The hearing shall include, but not necessarily be limited to,
41 consideration and evaluation of information provided by the
42 division and other interested parties regarding such matters as:

43 (1) a statement of the goal for the permanent placement or return
44 home of the child and the anticipated date that the goal will be
45 achieved;

46 (2) the intermediate objectives relating to the attainment of the
47 goal;

1 (3) a statement of the duties and responsibilities of the division,
2 the parents or legal guardian and the temporary caretaker, including
3 the services to be provided by the division to the child and to the
4 temporary caretaker;

5 (4) a statement of the services to be provided to the parent or
6 legal guardian or an exception to the requirement to provide
7 reasonable efforts toward family reunification in accordance with
8 section 25 of P.L.1999, c.53 (C.30:4C-11.3). Services to facilitate
9 adoption or an alternative permanent placement may be provided
10 concurrently with services to reunify the child with the parent or
11 guardian;

12 (5) a permanency plan which includes whether and, if applicable,
13 when:

14 (a) the child shall be returned to the parent or guardian, if the
15 child can be returned home without endangering the child's health
16 or safety;

17 (b) the division has determined that family reunification is not
18 possible and the division shall file a petition for the termination of
19 parental rights for the purpose of adoption; or

20 (c) the division has determined that termination of parental rights
21 is not appropriate in accordance with section 31 of P.L.1999, c.53
22 (C.30:4C-15.3) and the child shall be placed in an alternative
23 permanent placement.

24 d. If the court approves a permanency plan for the child, the
25 court shall make a specific finding of the reasonable efforts made
26 thus far by the division and the appropriateness of the reasonable
27 efforts to achieve the permanency plan.

28 (cf; P.L.2004, c.130, s.91).

29

30 9. This act shall take effect on the 30th day after enactment.

31

32

33

STATEMENT

34

35 This bill makes two changes in the statutes governing resource
36 family parents to ensure that the Division of Youth and Family
37 Services (DYFS) in the Department of Children and Families is in
38 compliance with recently adopted federal regulations of the
39 Administration for Children and Families.

40 Specifically, the bill amends various laws in Titles 9 and 30 of
41 the Revised Statutes to explicitly give resource family parents the
42 right to be heard at hearings and reviews concerning the children
43 under their care. The laws presently provide that resource family
44 parents shall receive notice of and shall have the opportunity to be
45 heard at the hearing or review.

46 The bill also expands the authority of DYFS regarding
47 background checks of prospective resource family parents and any
48 other adults residing in the household, by authorizing DYFS to

A4335 CRYAN, MUNOZ

10

1 request a child abuse record information check from the applicable
2 authority in each state in which the prospective resource family
3 parent, and any other adult residing in the household, has resided in
4 the preceding five years.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4335

STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Assembly Human Services Committee reports favorably Assembly Bill No. 4335.

This bill makes two changes in the statutes governing resource family parents to ensure that the Division of Youth and Family Services (DYFS) in the Department of Children and Families is in compliance with recently adopted federal regulations of the Administration for Children and Families.

Specifically, the bill amends various laws in Titles 9 and 30 of the Revised Statutes to explicitly give resource family parents the right to be heard at hearings and reviews concerning the children under their care. The laws presently provide that resource family parents shall receive notice of and shall have the opportunity to be heard at the hearing or review.

The bill also expands the authority of DYFS regarding background checks of prospective resource family parents and any other adults residing in the household, by authorizing DYFS to request a child abuse record information check from the applicable authority in each state in which the prospective resource family parent, and any other adult residing in the household, has resided in the preceding five years.