

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1357

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly Women and Children Committee reports favorably Assembly Bill No. 1357, with committee amendments.

As amended by the committee, this bill establishes the “New Jersey Siblings’ Bill of Rights.” Based on a document drafted by the Department of Children and Families’ Youth Council, comprising of 24 young New Jerseyans with experience in the child welfare system, this bill amends the current law on child’s rights and specifically establishes the following rights for siblings who have been placed in a resource family or a congregate care setting: to be placed in the closest proximity possible to other siblings who are not in out-of-home placement or if placement together is not possible, when it is in the best interests of the child; to be allowed to participate in the permanency planning decisions of the child’s siblings, as age and developmentally appropriate, and to have the child’s recommendations and wishes in this regard documented in the case record, in the words written, or otherwise expressed by the sibling when possible; to know or be made aware of expectations for continued contact with the child’s siblings after an adoption or transfer of permanent physical and legal custody to a caregiver as defined in section 2 of P.L.2001, c.250 (C.3B:12A-2); to be promptly informed about changes in sibling placements or permanency planning goals; to be actively involved in the lives of the child’s siblings, including planning and attending celebrations, birthdays, holidays, graduations, and other meaningful milestones, to the greatest extent possible; to have access to a phone or computer that allows for virtual visits between or when face-to-face visits are not feasible; to not have sibling visits, including phone calls and virtual visits, be denied as a result of behavioral consequences when residing in a resource family home or congregate care setting; and to be provided updated contact information for all siblings at least annually, including a current telephone number, address, and email address, unless not in the best interests of one or more siblings.

For the purposes of the bill, section 2 of P.L.2001, c.250 (C.3B:12A-2) defines "caregiver" to mean a person over 18 years of age, other than a child's parent, who has a kinship relationship with the child and has been providing care and support for the child,

while the child has been residing in the caregiver's home, for either the last six consecutive months or nine of the last 15 months. "Caregiver" includes a resource family parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4).

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. 1357 is identical to Senate Bill No. 1034 (1R) which was also reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments remove certain amendatory provisions of the bill that already exist in the current law and relocate certain new rights being established under the bill to the sections setting forth those existing rights.

The committee amendments revise the provision granting siblings the right to know or be made aware of expectations for continued contact with the child's siblings after an adoption or transfer of permanent physical and legal custody to provide that the right applies to adoptions and transfers to a caregiver as defined in section 2 of P.L.2001, c.250 (C.3B:12A-2), rather than to a relative, as was provided in the bill as introduced.

The committee amendments revise a section establishing a right for siblings to be promptly informed about certain changes to provide that it applies to changes in sibling placements or permanency planning goals. As introduced, the right applied to changes in placements or circumstances.

The committee amendments establish that siblings will have the right to be actively involved in the lives of the child's siblings, including planning and attending celebrations, birthdays, holidays, graduations, and other meaningful milestones, to the greatest extent possible.

The committee amendments make technical changes to remove a duplicative provision and to address grammatical issues.