

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 1034

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2022

The Assembly Judiciary Committee reports favorably Senate Bill No. 1034 (2R) 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, which is composed of 24 young New Jerseyans with experience in the child welfare system, this bill amends the current law on the rights of children in out-of-home placement and specifically establishes the following rights for siblings who have been placed in a resource family or a congregate care setting:

1) 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;

2) to be allowed to participate in the permanency planning decisions of the child’s siblings, whenever appropriate;

3) to invite any other siblings of the sibling who is the subject of the permanency planning to participate in the permanency planning decision, which other siblings will be allowed to participate in the permanency planning decision, whenever appropriate;

4) to have the recommendations and wishes of the child and of each sibling who participates in a permanency planning decision documented in the case record of the Division of Child Protection and Permanency in the Department of Children and Families and provided to the court, with the recommendations and wishes documented in the words written, or otherwise expressed by the sibling, whenever possible;

5) to know, or be made aware of by the department, 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), which continued contact will be subject to the approval of the adoptive parents or caregiver, as applicable;

6) to be promptly informed about changes in sibling placements or permanency planning goals;

7) 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;

8) to have access to a phone or computer that allows for virtual visits between face-to-face visits or when face-to-face visits are not feasible;

9) 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

10) to be provided updated contact information for all siblings at least annually, including a current telephone number, address, and email address, unless doing so is not in the best interests of one or more siblings.

As amended and reported by the committee, Senate Bill No. 1034 (2R) is identical to Assembly Bill No. 1357 (1R) which was also reported by the committee on this date with amendments.

COMMITTEE AMENDMENTS:

The committee amendments clarify that a child in an out-of-home placement has the right to:

1) participate in the permanency planning decisions of the child's siblings, whenever appropriate;

2) invite any other siblings of the sibling who is the subject of the permanency planning to participate in the permanency planning decision, which siblings are to be permitted to participate in the permanency planning decision whenever appropriate; and

3) have the recommendations and wishes of the child and of each sibling who participates in the permanency planning decision documented in the case record of the Division of Child Protection and Permanency (DCPP) and provided to the court, in words written, or otherwise expressed by the sibling, whenever possible.

The previous version of the bill did not provide that a child in an out-of-home placement has the right to invite other siblings to participate in their sibling's permanency placement decisions, did not explicitly provide those other siblings the right to participate in a sibling's permanency planning decision, and did not specify that the sibling recommendations and wishes concerning permanency placements be documented in the DCPP's records and provided to the court.

The committee amendments further revise a provision of the bill that grants a child the right to know, or be made aware of by the Department of Children and Families, of expectations for continued contact with the child's siblings after an adoption or permanent transfer of legal custody; as revised, the provision specifies that any

continuing contact between the siblings is subject to approval by the adoptive parents or caregiver, as applicable.

The committee amendments additionally make technical changes to address grammatical issues.