

ASSEMBLY, No. 1231

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Co-Sponsored by:

**Assemblywomen Murphy, Jimenez, Assemblyman Giblin,
Assemblywoman Speight, Assemblymen Karabinchak and Holley**

SYNOPSIS

Requires adoption agency, court, or DCPD to maintain child's religious upbringing when placing child in adoptive or resource family home.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning adoption and placement in resource family
2 homes and amending P.L.1977, c.367, P.L.1974, c.119, and
3 P.L.1951, c.138.

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

7
8 1. Section 4 of P.L.1977, c.367 (C.9:3-40) is amended to read
9 as follows:

10 4. The Commissioner of Children and Families shall
11 promulgate rules and regulations relating to the qualification of
12 agencies for approval to make placements for adoption in New
13 Jersey. The rules and regulations shall include, but shall not be
14 limited to, standards of professional training and experience of
15 staff, requirements relating to responsibilities and the character of
16 trustees, officers or other persons supervising or conducting the
17 placement for adoption program, adequacy of facilities,
18 maintenance and confidentiality of casework records and furnishing
19 of reports. The requirements relating to the character of trustees,
20 officers or other persons supervising or conducting the placement
21 for adoption program at the agency shall include a prohibition on
22 engaging in, or the permitting of, any conduct that is deemed
23 inappropriate to the purposes of the agency.

24 In the selection of adoptive parents the standard shall be the best
25 interests of the child; and an approved agency shall not discriminate
26 with regard to the selection of adoptive parents for any child on the
27 basis of age, sex, race, national origin, religion or marital status
28 provided, however, that these factors may be considered in
29 determining whether the best interests of a child would be served by
30 a particular placement for adoption or adoption. An agency shall,
31 to the maximum extent practicable, place a child in an adoptive
32 home of the same religious faith as the child, except at the written
33 request of the child's birth parent or legal guardian.

34 If a child is placed in a home of a different religious faith from
35 that of the child, the agency shall prepare a statement of the facts
36 which impelled the placement to be made contrary to the religious
37 faith of the child. This statement shall be subject to inspection by
38 the division.

39 (cf: P.L.2006, c.47, s.35)
40

41 2. Section 34 of P.L.1974, c.119 (C.9:6-8.54) is amended to
42 read as follows:

43 34. a. For the purpose of section 31 of P.L.1974, c.119 (C.9:6-
44 8.51), the court may place the child in the custody of a relative or
45 other suitable person or the division for the placement of a child

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 after a finding that the division has made reasonable efforts to
2 prevent placement or that reasonable efforts to prevent placement
3 were not required in accordance with section 24 of P.L.1999, c.53
4 (C.30:4C-11.2). Whenever a court places a child in accordance
5 with this section to a person other than a brother, sister, aunt, uncle,
6 grandparent, birth mother, birth father, or stepparent, the placement
7 shall be made, to the maximum extent practicable, to the custody of
8 a person of the same religious faith as that of the child, except at the
9 written request of the child's birth parent.

10 If a child is placed in a home of a different religious faith from
11 that of the child:

12 (1) the court shall prepare a statement of the facts which
13 impelled the placement to be made contrary to the religious faith of
14 the child. This statement shall be a part of the minutes of the
15 proceeding, and subject to inspection by the division; and

16 (2) provisions shall be made for the child to attend services
17 conducted in the child's own religious faith, receive instruction in
18 the child's faith, and freely observe the child's faith, unless the
19 child's birth parent or legal guardian expressly requests otherwise
20 in writing.

21 b. (1) Placements under this section may be for an initial
22 period of 12 months and the court, in its discretion, may at the
23 expiration of that period, upon a hearing make successive
24 extensions for additional periods of up to one year each. The court
25 on its own motion may, at the conclusion of any period of
26 placement, hold a hearing concerning the need for continuing the
27 placement.

28 (2) The court shall conduct a permanency hearing for the child
29 no later than 30 days after placement in cases in which the court has
30 determined that reasonable efforts to reunify the child with the
31 parent or guardian are not required pursuant to section 25 of
32 P.L.1999, c.53 (C.30:4C-11.3), or no later than 12 months after
33 placement in cases in which the court has determined that efforts to
34 reunify the child with the parent or guardian are required. The
35 hearing shall include, but not necessarily be limited to,
36 consideration and evaluation of information provided by the
37 division and other interested parties regarding such matters as those
38 listed in subsection c. of section 50 of P.L.1999, c.53 (C.30:4C-
39 61.2).

40 (3) The court shall review the permanency plan for the child
41 periodically, as deemed appropriate by the court, to ensure that the
42 permanency plan is achieved.

43 c. No placement may be made or continued under this section
44 beyond the child's eighteenth birthday without **【his】** the child's
45 consent.

46 d. If the parent or person legally responsible for the care of any
47 such child or with whom such child resides receives public
48 assistance and care, any portion of which is attributable to such

1 child, a copy of the order of the court providing for the placement
2 of such child from **his** the child's home shall be furnished to the
3 appropriate county welfare board, which shall reduce the public
4 assistance and care furnished to such parent or other person by the
5 amount attributable to such child.

6 (cf: P.L.1999, c.213, s.2)

7
8 3. Section 26 of P.L.1951, c.138 (C.30:4C-26) is amended to
9 read as follows:

10 26. a. Whenever the circumstances of a child are such that **his**
11 the child's needs cannot be adequately met in **his** the child's own
12 home, the division may effect **his** the child's placement in a
13 resource family home, with or without payment of board, in a group
14 home, or in an appropriate institution if such care is deemed
15 essential for **him** the child. The division shall **make every**
16 reasonable effort to, to the maximum extent practicable, select a
17 resource family home, a group home or an institution of the same
18 religious faith as the **parent or parents of such** child, except at the
19 written request of the child's birth parent or legal guardian.

20 If the child is placed in a resource family home, group home, or
21 an institution of a different religious faith from that of the child:

22 (1) the division shall prepare a statement of the facts which
23 impelled the placement to be made contrary to the religious faith of
24 the child. This statement shall be incorporated with the placement
25 plan for the child required by section 6 of P.L.1977, c.424
26 (C.30:4C-55); and

27 (2) provisions shall be made for the child to attend services
28 conducted in the child's own religious faith, receive instruction in
29 the child's faith, and freely observe the child's faith, unless the
30 child's birth parent or legal guardian expressly requests otherwise
31 in writing. The division shall include in its policy manual a policy
32 on matters pertaining to religious observance, instruction, and
33 training.

34 b. Whenever the division places any child, as provided by this
35 section, in any municipality and county of this State, the child shall
36 be deemed a resident of such municipality and county for all
37 purposes except school funding, and **he** the child shall be entitled
38 to the use and benefit of all health, recreational, vocational and
39 other facilities of such municipality and county in the same manner
40 and extent as any other child living in such municipality and
41 county.

42 c. Whenever the division shall place any child, as provided by
43 this section, in any school district, the child shall be entitled to the
44 educational benefits of the district determined pursuant to section 3
45 of P.L.2010, c.69 (C.30:4C-26b); provided, however, that the
46 district of residence, as determined by the Commissioner of
47 Education pursuant to law, shall be responsible for paying, as

1 applicable, tuition and transportation costs for such child to the
2 district in which **【he】** the child is placed.

3 d. No municipality shall enact a planning or zoning ordinance
4 governing the use of land by, or for, single family dwellings which
5 shall, by any of its terms or provisions or by any rule or regulation
6 adopted in accordance therewith, discriminate between children
7 who are members of such single families by reason of their
8 relationship by blood, marriage or adoption, children placed with
9 such families in such dwellings by the division or other entity
10 designated by the Commissioner of Children and Families, and
11 children placed pursuant to law with families in single family
12 dwellings known as group homes.

13 Any planning or zoning ordinance, heretofore or hereafter
14 enacted by a municipality, which violates the provisions of this
15 section, shall be invalid and inoperative.

16 (cf: P.L.2010, c.69, s.2)

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18 4. This act shall take effect immediately.

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STATEMENT

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23 This bill requires that a private adoption agency, a court, or the
24 Division of Child Protection and Permanency in the Department of
25 Children and Families maintain the continuity of a child's religious
26 upbringing, to the maximum extent practicable, when placing a
27 child in the custody of a guardian, into resource family care, or into
28 an adoptive home.

29 The bill permits agencies and courts to place a child in a setting
30 of a different religion only in the case of a written statement from
31 the child's birth parent or legal guardian. In cases where such a
32 placement is not feasible or not in the child's best interest, a written
33 statement would be required explaining the placement decision. In
34 cases where a court or an agency places a child into a resource
35 family home of a different religion from that of the child, the bill
36 requires that provisions be made for the child to continue religious
37 observance, education, and training in the new setting. These
38 provisions are not required when placing a child into an adoptive
39 home.