

ASSEMBLY, No. 1312

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

SYNOPSIS

Allows for tri-weekly visits for parents or guardians of infants or toddlers under Division of Child Protection and Permanency's care.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning visitation with infants or toddlers under the
2 care of Division of Child Protection and Permanency and
3 amending P.L.1974, c.119 and P.L.1977, c.424.

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

7
8 1. Section 34 of P.L.1974, c.119 (C.9:6-8.54) is amended to
9 read as follows:

10 34. a. For the purpose of section 31 of P.L.1974, c.119 (C.9:6-
11 8.51), the court may place the child in the custody of a relative or
12 other suitable person or the division for the placement of a child
13 after a finding that the division has made reasonable efforts to
14 prevent placement or that reasonable efforts to prevent placement
15 were not required in accordance with section 24 of P.L.1999, c.53
16 (C.30:4C-11.2).

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

24 The court shall order the division to allow a parent or legal
25 guardian of an infant or toddler placed pursuant to the provisions of
26 this section to visit with the infant or toddler three times per week,
27 at a minimum, provided the life or health of the child would not be
28 endangered by the visits.

29 (2) The court shall conduct a permanency hearing for the child
30 no later than 30 days after placement in cases in which the court has
31 determined that reasonable efforts to reunify the child with the
32 parent or guardian are not required pursuant to section 25 of
33 P.L.1999, c.53 (C.30:4C-11.3), or no later than 12 months after
34 placement in cases in which the court has determined that efforts to
35 reunify the child with the parent or guardian are required. The
36 hearing shall include, but not necessarily be limited to,
37 consideration and evaluation of information provided by the
38 division and other interested parties regarding such matters as those
39 listed in subsection c. of section 50 of P.L.1999, c.53 (C.30:4C-
40 61.2).

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

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 c. No placement may be made or continued under this section
2 beyond the child's eighteenth birthday without his consent.

3 d. If the parent or person legally responsible for the care of any
4 such child or with whom such child resides receives public
5 assistance and care, any portion of which is attributable to such
6 child, a copy of the order of the court providing for the placement
7 of such child from his home shall be furnished to the appropriate
8 county welfare board, which shall reduce the public assistance and
9 care furnished to such parent or other person by the amount
10 attributable to such child.

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

12

13 2. Section 6 of P.L.1977, c.424 (C.30:4C-55) is amended to
14 read as follows:

15 6. The division shall prepare and revise, when necessary, in
16 consultation with the child's parents or legal guardian and, when
17 appropriate, the child, a placement plan for each child placed
18 outside his home. The placement plan shall include:

19 a. A statement of the goal for the permanent placement or
20 return home of the child and anticipated date that the goal will be
21 achieved;

22 b. The intermediate objectives relating to the attainment of the
23 goal;

24 c. A statement of the duties and responsibilities of the division,
25 the parents or legal guardian and the temporary caretaker, including
26 the services to be provided by the division to the child and to the
27 temporary caretaker;

28 d. A statement of the services to be provided to the parent or
29 legal guardian or an exception to the requirement to provide
30 reasonable efforts toward family reunification in accordance with
31 section 25 of P.L.1999, c.53 (C.30:4C-11.3). Services to facilitate
32 adoption or an alternative permanent placement may be provided
33 concurrently with services to reunify the child with the parent or
34 guardian;

35 e. In the case of the parent or legal guardian of an infant or
36 toddler placed outside his home, a statement of the services to be
37 provided to the parent or legal guardian to facilitate visitation with
38 the infant or toddler three times per week, at a minimum, provided
39 the life or health of the child would not be endangered by the visits;
40 and

41 **[e.]** f. A permanency plan for the child and the division's
42 reasonable efforts to achieve that plan, if: the division has
43 established an exception to the requirement to provide reasonable
44 efforts toward family reunification in accordance with section 25 of
45 P.L.1999, c.53 (C.30:4C-11.3); or the child has been in placement
46 for 12 months.

47 The permanency plan shall include whether and, if applicable,
48 when:

1 (a) the child shall be returned to the parent or guardian, if the
2 child can be returned home without endangering the child's health
3 or safety;

4 (b) the division has determined that family reunification is not
5 possible, and the division shall file a petition for the termination of
6 parental rights for the purpose of adoption; or

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

11 (cf: P.L.1999, c.53, s.44)

12

13 3. This act shall take effect on the first day of the third month
14 next following enactment, except that the Commissioner of
15 Children and Families may take any anticipatory administrative
16 action in advance as shall be necessary for the implementation of
17 this act.

18

19

20 STATEMENT

21

22 This bill mandates that when placing an infant or toddler in the
23 custody of a relative, other suitable person, or the Division of Child
24 Protection and Permanency (DCPP) in the Department of Children
25 and Families for placement, the court shall order DCPP to allow a
26 parent or legal guardian to visit with the infant or toddler three
27 times per week, at a minimum, provided that the life or health of the
28 child would not be endangered by the visits.

29 The bill also stipulates that when DCPP prepares or revises a
30 placement plan for an infant or toddler that has been placed outside
31 his home, the plan include a statement of services to be provided to
32 facilitate the parent or legal guardian's visitation with the infant or
33 toddler three times per week, at a minimum, provided the life or
34 health of the child would not be endangered by the visits.

35 An important factor in a child returning safely home after being
36 placed in foster care is consistent, healthy visitation with parents
37 and siblings. New Jersey has performed poorly in facilitating
38 family visitation. The latest federal monitor's report on the State's
39 child welfare reform efforts, however, has shown improvement in
40 this area. In July 2014, 56% of children in foster care participated
41 in weekly visitation with their parents, compared to 35% in
42 December 2011.

43 While these figures are encouraging, the settlement sets the same
44 frequency standards for infant and toddler visitation (weekly visits)
45 as for older children. Research shows that younger children need
46 more frequent visitation to form bonds with their parents and
47 facilitate a safe return home when family reunification is the goal.

1 This bill, therefore, codifies recommendations outlined in
2 Advocates for Children of New Jersey's policy brief, The Littlest
3 Victims: Protecting Babies from Abuse and Neglect. The policy
4 brief called for increasing the frequency of visitation between
5 infants and toddlers and their parents from the current weekly
6 requirement to three times per week.