

ASSEMBLY, No. 3744

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Provides for termination of parental rights under certain circumstances;
expands definition of “abused child.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning termination of parental rights and amending
2 P.L.1951, c.138, P.L.1999, c.53 and P.L.1971, c.437.

3

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

6

7 1. Section 15 of P.L.1951, c.138 (C.30:4C-15) is amended to
8 read as follows:

9 15. Whenever

10 (a) it appears that a court wherein a complaint has been
11 proffered as provided in chapter 6 of Title 9 of the Revised Statutes,
12 has entered a conviction against the parent or parents, guardian, or
13 person having custody and control of any child because of abuse,
14 abandonment, neglect of or cruelty to such child; or

15 (b) (Deleted by amendment, P.L.1991, c.275);

16 (c) it appears that the best interests of any child under the care
17 or custody of the division require that he be placed under
18 guardianship; or

19 (d) it appears that a parent or guardian of a child, following the
20 acceptance of such child by the division pursuant to section 11 or
21 12 of P.L.1951, c.138 (C.30:4C-11 or 12), or following the
22 placement or commitment of such child in the care of an authorized
23 agency, whether in an institution or in a resource family home, and
24 notwithstanding the reasonable efforts of such agency to encourage
25 and strengthen the parental relationship, has failed for a period of
26 one year to remove the circumstances or conditions that led to the
27 removal or placement of the child, although physically and
28 financially able to do so, notwithstanding the division's reasonable
29 efforts to assist the parent or guardian in remedying the conditions;
30 or

31 (e) the parent has abandoned the child; or

32 (f) the parent of a child has been found by a criminal court of
33 competent jurisdiction to have committed murder, aggravated
34 manslaughter or manslaughter of another child of the parent; or to
35 have aided or abetted, attempted, conspired, or solicited to commit
36 such murder, aggravated manslaughter or manslaughter of the child
37 or another child of the parent; or to have committed, or attempted to
38 commit, an assault that resulted, or could have resulted, in the
39 significant bodily injury to the child or another child of the parent;
40 or to have committed or aided or abetted, attempted, conspired, or
41 solicited to commit an offense of human trafficking of any child in
42 violation of section 1 of P.L.2005, c.77 (C.2C:13-8) or P.L.2013,
43 c.51 (C.52:17B-237 et al.); or to have committed or aided or
44 abetted, attempted, conspired or solicited to commit promoting
45 prostitution or engaging in prostitution activities involving 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 pursuant to paragraph (3), (4), or (7) of subsection b. of
2 N.J.S.2C:34-1; or to have committed or aided or abetted, attempted,
3 conspired or solicited to commit endangering the welfare of a child
4 in violation of N.J.S.2C:24-4; or the parent has committed a
5 similarly serious act which resulted, or could have resulted, in the
6 death or significant bodily injury to the child or another child of the
7 parent; a petition to terminate the parental rights of the child's
8 parents, setting forth the facts in the case, shall be filed by the
9 division with the Family Part of the Chancery Division of the
10 Superior Court in the county where such child may be at the time of
11 the filing of such petition. A petition shall be filed as soon as any
12 one of the circumstances in subsections (a) through (f) of this
13 section is established, but no later than when the child has been in
14 placement for 15 of the most recent 22 months, unless the division
15 establishes an exception to the requirement to seek termination of
16 parental rights in accordance with section 31 of P.L.1999, c.53
17 (C.30:4C-15.3). Upon filing the petition, the division shall initiate
18 concurrent efforts to identify, recruit, process and approve a
19 qualified family to adopt the child.

20 A petition as provided in this section may be filed by any person
21 or any association or agency, interested in such child in the
22 circumstances set forth in subsections (a) and (f) of this section.
23 The division shall seek to be joined as a party to a petition filed to
24 terminate the parental rights of a child in the care and custody of the
25 division unless the division has established an exception to the
26 requirement to seek termination of parental rights in accordance
27 with section 31 of P.L.1999, c.53 (C.30:4C-15.3).
28 (cf: P.L.2004, c.130, s.55).
29

30 2. Section 24 of P.L.1999, c.53 (C.30:4C-11.2) is amended to
31 read as follows:

32 24. In any case in which the Division of Child Protection and
33 Permanency accepts a child in care or custody, including placement,
34 the division shall not be required to provide reasonable efforts to
35 prevent placement of the child if a court of competent jurisdiction
36 has determined that both of the following criteria are met:

37 a. One of the following actions has occurred:

38 (1) the parent has subjected the child to aggravated
39 circumstances of abuse, neglect, cruelty, or abandonment,

40 (2) the parent has been convicted of **murder, aggravated**
41 **manslaughter, or manslaughter of another child of the parent;**
42 **aiding or abetting, attempting, conspiring, or soliciting to commit,**
43 **or committing murder, aggravated manslaughter, or**
44 **manslaughter, or human trafficking of **the** any child **or** another**
45 **child of the parent]; aiding or abetting, attempting, conspiring, or**
46 **soliciting to commit, or committing promoting prostitution or**
47 **engaging in prostitution activities involving a child pursuant to**

1 paragraph (3), (4), or (7) of subsection b. of N.J.S.2C:34-1; aiding
2 or abetting, attempting, conspiring, or soliciting to commit, or
3 committing endangering the welfare of a child in violation of
4 N.J.S.2C:24-4; committing or attempting to commit an assault that
5 resulted, or could have resulted, in the significant bodily injury to
6 the child or another child of the parent; or committing a similarly
7 serious criminal act which resulted, or could have resulted, in the
8 death or significant bodily injury to the child or another child of the
9 parent,

10 (3) the rights of the parent to another of the parent's children
11 have been involuntarily terminated or

12 (4) removal of the child was required due to imminent danger to
13 the child's life, safety or health; and

14 b. Efforts to prevent placement were not reasonable due to risk
15 of harm to the child's health or safety.

16 When determining whether reasonable efforts are required to
17 prevent placement, the health and safety of the child shall be of
18 paramount concern to the court.

19 (cf: P.L.2012, c.16, s.62)

20

21 3. Section 25 of P.L.1999, c.53 (C.30:4C-11.3) is amended to
22 read as follows:

23 25. In any case in which the Division of Child Protection and
24 Permanency accepts a child in care or custody, including placement,
25 the division shall not be required to provide reasonable efforts to
26 reunify the child with a parent if a court of competent jurisdiction
27 has determined that:

28 a. The parent has subjected the child to aggravated
29 circumstances of abuse, neglect, cruelty, or abandonment;

30 b. The parent has been convicted of **【murder, aggravated**
31 **manslaughter, or manslaughter of another child of the parent;】**
32 **aiding or abetting, attempting, conspiring, or soliciting to commit,**
33 **or committing murder, aggravated manslaughter **【or】,****
34 **manslaughter, or human trafficking of 【the】 any child 【or another**
35 **child of the parent】; aiding or abetting, attempting, conspiring, or**
36 **soliciting to commit, or committing promoting prostitution or**
37 **engaging in prostitution activities involving a child pursuant to**
38 **paragraph (3), (4), or (7) of subsection b. of N.J.S.2C:34-1; aiding**
39 **or abetting, attempting, conspiring, or soliciting to commit, or**
40 **committing endangering the welfare of a child in violation of**
41 **N.J.S.2C:24-4;** committing or attempting to commit an assault that
42 resulted, or could have resulted, in significant bodily injury to the
43 child or another child of the parent; or committing a similarly
44 serious criminal act which resulted, or could have resulted, in the
45 death of or significant bodily injury to the child or another child of
46 the parent; or

1 c. The rights of the parent to another of the parent's children
2 have been involuntarily terminated.

3 When determining whether reasonable efforts are required to
4 reunify the child with the parent, the health and safety of the child
5 and the child's need for permanency shall be of paramount concern
6 to the court.

7 This section shall not be construed to prohibit the division from
8 providing reasonable efforts to reunify the family, if the division
9 determines that family reunification is in the child's best interests.

10 A permanency plan for the child may be established at the same
11 hearing at which the court determines that reasonable efforts are not
12 required to reunify the child with the parent, if the hearing meets all
13 of the requirements of a permanency hearing pursuant to section 50
14 of P.L.1999, c.53 (C.30:4C-61.2).
15 (cf: P.L.2012, c.16, s.63)
16

17 4. Section 2 of P.L.1971, c.437 (C.9:6-8.9) is amended to read
18 as follows:

19 2. For purposes of this act:

20 "Abused child" means a child under the age of 18 years whose
21 parent, guardian, or other person having his custody and control:

22 a. Inflicts or allows to be inflicted upon such child physical
23 injury by other than accidental means which causes or creates a
24 substantial risk of death, or serious or protracted disfigurement, or
25 protracted impairment of physical or emotional health or protracted
26 loss or impairment of the function of any bodily organ;

27 b. Creates or allows to be created a substantial or ongoing risk
28 of physical injury to such child by other than accidental means
29 which would be likely to cause death or serious or protracted
30 disfigurement, or protracted loss or impairment of the function of
31 any bodily organ; or

32 c. Commits or allows to be committed an act of sexual abuse
33 against the child, or commits or has aided or abetted, attempted,
34 conspired, or solicited to commit an offense of human trafficking of
35 any child in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) or
36 P.L.2013, c.51 (C.52:17B-237 et al.), promoting prostitution or
37 engaging in prostitution activities involving a child pursuant to
38 paragraph (3), (4), or (7) of subsection b. of N.J.S.2C:34-1, or
39 endangering the welfare of a child in violation of N.J.S.2C:24-4;

40 d. Or a child whose physical, mental, or emotional condition
41 has been impaired or is in imminent danger of becoming impaired
42 as the result of the failure of his parent or guardian, or such other
43 person having his custody and control, to exercise a minimum
44 degree of care (1) in supplying the child with adequate food,
45 clothing, shelter, education, medical or surgical care though
46 financially able to do so or though offered financial or other
47 reasonable means to do so, or (2) in providing the child with proper
48 supervision or guardianship, by unreasonably inflicting or allowing

1 to be inflicted harm, or substantial risk thereof, including the
2 infliction of excessive corporal punishment or using excessive
3 physical restraint under circumstances which do not indicate that
4 the child's behavior is harmful to himself, others or property; or by
5 any other act of a similarly serious nature requiring the aid of the
6 court;

7 e. Or a child who has been willfully abandoned by his parent or
8 guardian, or such other person having his custody and control;

9 f. Or a child who is in an institution as defined in section 1 of
10 P.L.1974, c.119 (C.9:6-8.21) and (1) has been so placed
11 inappropriately for a continued period of time with the knowledge
12 that the placement has resulted and may continue to result in harm
13 to the child's mental or physical well-being or (2) has been willfully
14 isolated from ordinary social contact under circumstances which
15 indicate emotional or social deprivation.

16 A child shall not be considered abused pursuant to subsection f.
17 of this section if the acts or omissions described therein occur in a
18 day school as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21).
19 (cf: P.L.1987, c.341, s.3)

20

21 5. This act shall take effect immediately.

22

23

24 STATEMENT

25

26 This bill amends Title 30 of the New Jersey Statutes, concerning
27 actions to terminate parental rights, to include offenses for human
28 trafficking of any child, promoting or engaging in prostitution
29 involving a child, and endangering the welfare of a child as
30 enumerated crimes for which termination of parental rights may be
31 authorized. The bill would similarly expand the definition of
32 "abused child" in Title 9 of the Revised Statutes to take into
33 account such criminal offenses, thus making them statutorily
34 recognized forms of abuse warranting various protective actions by
35 the State.