

ASSEMBLY, No. 5128

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Increases the frequency of permanency hearing from every 12 months to every six months.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/10/2020)

1 AN ACT concerning permanency hearings and amending P.L.1974,
2 c.119 and P.L.1999, c.53.

3

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

6

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

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

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

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

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

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

39 d. If the parent or person legally responsible for the care of any
40 such child or with whom such child resides receives public
41 assistance and care, any portion of which is attributable to such
42 child, a copy of the order of the court providing for the placement
43 of such child from his home shall be furnished to the appropriate
44 county welfare board, which shall reduce the public assistance and
45 care furnished to such parent or other person by the amount

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 attributable to such child.

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

3

4 2. Section 50 of P.L.1999, c.53 (C.30:4C-61.2) is amended to
5 read as follows:

6 50. a. A permanency hearing shall be held that provides review
7 and approval by the court of the placement plan:

8 (1) within 30 days after the determination of an exception to the
9 reasonable effort requirement to reunify the child with the parent in
10 accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); or

11 (2) no later than **[12]** six months after the child has been in
12 placement.

13 b. Written notice of the date, time and place of the permanency
14 hearing shall be provided at least 15 days in advance to the
15 following, each of whom shall be entitled to attend the hearing and
16 to submit written information to the court:

17 (1) the division or agency;

18 (2) the child;

19 (3) the parents, including a non-custodial parent or legal
20 guardian;

21 (4) the temporary caretaker;

22 (5) any other person or agency whom the court determines has an
23 interest in or information relating to the welfare of the child;

24 (6) the counsel for a parent, child or other interested party who
25 has provided or is providing representation in the case before the
26 court; and

27 (7) the child's resource family parent or relative providing care
28 for the child shall also receive written notice of, and shall have a
29 right to be heard at, the hearing, but the resource family parent or
30 relative shall not be made a party to the hearing solely on the basis
31 of the notice and right to be heard.

32 c. The hearing shall include, but not necessarily be limited to,
33 consideration and evaluation of information provided by the
34 division and other interested parties regarding such matters as:

35 (1) a statement of the goal for the permanent placement or return
36 home of the child and the anticipated date that the goal will be
37 achieved;

38 (2) the intermediate objectives relating to the attainment of the
39 goal;

40 (3) a statement of the duties and responsibilities of the division,
41 the parents or legal guardian and the temporary caretaker, including
42 the services to be provided by the division to the child and to the
43 temporary caretaker;

44 (4) a statement of the services to be provided to the parent or
45 legal guardian or an exception to the requirement to provide
46 reasonable efforts toward family reunification in accordance with
47 section 25 of P.L.1999, c.53 (C.30:4C-11.3). Services to facilitate
48 adoption or an alternative permanent placement may be provided

1 concurrently with services to reunify the child with the parent or
2 guardian;

3 (5) a permanency plan which includes whether and, if applicable,
4 when:

5 (a) the child shall be returned to the parent or guardian, if the
6 child can be returned home without endangering the child's health
7 or safety;

8 (b) the division has determined that family reunification is not
9 possible and the division shall file a petition for the termination of
10 parental rights for the purpose of adoption; or

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

15 d. If the court approves a permanency plan for the child, the
16 court shall make a specific finding of the reasonable efforts made
17 thus far by the division and the appropriateness of the reasonable
18 efforts to achieve the permanency plan.

19 (cf: P.L.2007, c.228, s.8)

20

21 3. This act shall take effect immediately.

22

23

24 STATEMENT

25

26 This bill increases the frequency of permanency hearings for
27 children placed outside their homes from every 12 months to every
28 six months.

29 Specifically, the bill amends section 34 of P.L.1974, c.119
30 (C.9:6-8.54) to require a permanency hearing for a child placed in
31 the custody of a relative, other suitable person, or the Division of
32 Child Protection and Permanency (DCPP), after a finding that the
33 DCPP has made reasonable efforts to prevent placement or that
34 reasonable efforts to prevent placement were not required, be held
35 no later than six months after placement in cases in which the court
36 has determined that efforts to reunify the child with the parent or
37 guardian are required. Current law requires that permanency
38 hearings take place no later than 12 months after placement in such
39 cases.

40 The bill also amends section 50 of P.L.1999, c.53 (C.30:4C-61.2)
41 to require that a permanency hearing providing for court review and
42 approval of a placement plan be held no later than six months after
43 a child has been in placement. Current law requires that this
44 hearing be held no later than 12 months after the child has been in
45 placement.