SENATE, No. 4285

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED DECEMBER 16, 2021

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Establishes New Jersey Siblings' Bill of Rights.

CURRENT VERSION OF TEXT

As introduced.

AN ACT establishing the New Jersey Siblings' Bill of Rights and amending and supplementing P.L.1991, c.290.

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

1. (New section) P.L. , c. (C.) (pending before the Legislature as this bill) shall be known and may be cited as the "New Jersey Siblings' Bill of Rights."

2. (New section) The Legislature finds and declares that:

a. In January 2020, the Department of Children and Families established a Youth Council comprising 24 young New Jerseyans with lived experience in the child welfare system.

b. In considering ways to improve the child welfare system, members of the youth council emphasized the importance of maintaining sibling relationships by: keeping siblings together in resource family or congregate care settings, when feasible; placing siblings in close proximity with one another when placing siblings together is not an option; and supporting sibling connections while in out-of-home placement.

c. The Youth Council's conclusion that maintaining sibling relationships and placing siblings together whenever possible improves child welfare outcomes and counteracts adverse childhood experiences is supported by research and child welfare organizations.

d. Siblings should be supported by the Department of Children and Families in their efforts to maintain relationships with siblings who are not in resource family care or who have not been adopted.

e. Therefore, it is in the best interests of the State to declare that policies and procedures allowing for all siblings in resource family or congregate care settings to be placed together are generally preferred unless such placements are not in the best interests of one or more of the siblings.

3. Section 4 of P.L.1991, c.290 (C.9:6B-4) is amended to read as follows:

4. A child placed outside his home shall have the following rights, consistent with the health, safety and physical and psychological welfare of the child and as appropriate to the individual circumstances of the child's physical or mental development:

a. To placement outside his home only after the applicable department has made every reasonable effort, including the provision or arrangement of financial or other assistance and services as necessary, to enable the child to remain in his home;

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 <u>thus</u> is new matter.

b. To the best efforts of the applicable department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child with a relative;

c. To the best efforts of the applicable department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child in an appropriate setting in his own community;

d. To the best efforts of the applicable department to place the child in the same setting with the child's sibling if the sibling is also being placed outside his home;

e. To visit with the child's parents or legal guardian immediately after the child has been placed outside his home and on a regular basis thereafter, and to otherwise maintain contact with the child's parents or legal guardian, and to receive assistance from the applicable department to facilitate that contact, including the provision or arrangement of transportation as necessary;

f. To visit with the child's sibling on a regular basis and to otherwise maintain contact with the child's sibling if the child was separated from his sibling upon placement outside his home, including the provision or arrangement of transportation as necessary;

g. To placement in the least restrictive setting appropriate to the child's needs and conducive to the health and safety of the child;

h. To be free from physical or psychological abuse and from repeated changes in placement before the permanent placement or return home of the child;

i. To have regular contact with any caseworker assigned to the child's case who is employed by the applicable department or any agency or organization with which the applicable department contracts to provide services and the opportunity, as appropriate to the age of the child, to participate in the planning and regular review of the child's case, and to be informed on a timely basis of changes in any placement plan which is prepared pursuant to law or regulation and the reasons therefor in terms and language appropriate to the child's ability to understand;

j. To have a placement plan, as required by law or regulation, that reflects the child's best interests and is designed to facilitate the permanent placement or return home of the child in a timely manner that is appropriate to the needs of the child;

k. To services of a high quality that are designed to maintain and advance the child's mental and physical well-being;

l. To be represented in the planning and regular review of the child's case, including the placement and development of, or revisions to, any placement plan which is required by law or regulation and the provision of services to the child, the child's parents or legal guardian and the temporary caretaker, by a person other than the child's parent or legal guardian or temporary caretaker who will advocate for the best interests of the child and

the enforcement of the rights established pursuant to this act, which person may be the caseworker, as appropriate, or a person appointed by the court for this purpose;

m. To receive an educational program which will maximize the child's potential;

n. To receive adequate, safe and appropriate food, clothing and housing;

o. To receive adequate and appropriate medical care; **[**and**]**

p. To be free from unwarranted physical restraint and isolation ;

q. To be placed with siblings when possible and in the best interests of all siblings placed together, including placement together in congregate care settings when possible;

r. 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;

s. To be allowed to participate in the permanency planning decisions of their siblings, as age and developmentally appropriate, and to have their recommendations and wishes in this regard documented in the case record, in the words written, or otherwise expressed by the sibling when possible;

t. To know or be made aware of expectations for continued contact with their siblings after an adoption or transfer of permanent physical and legal custody to a relative;

u. To be promptly informed about changes in sibling placements or circumstances;

v. To be permitted in-person contact with siblings, if in the best interest of both siblings, and to be provided necessary transportation as reasonable, and to have access to a phone or computer that allows for virtual visits in between or when face-to-face visits are not feasible;

w. To be permitted in-person contact with siblings, if in the best interest of both siblings, and to be provided necessary transportation as reasonable, and to have access to a phone or computer that allows for virtual visits in between or when face-to-face visits are not feasible;

x. 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

y. To be provided updated contact information for all siblings at least annually, including a current telephone number, address, and email address, unless not in the best interests of one or more siblings.

(cf: P.L.1991, c.290, s.4)

3. This act shall take effect immediately.

STATEMENT

This bill establishes the "New Jersey Siblings' Bill of Rights." Based on a document drafted by the Department of Children and Families' Youth Council, comprising of 24 young New Jerseyans with lived experience in the child welfare system, this bill specifically establishes the following rights for siblings who have been placed in a resource family or a congregate care settings: to be placed with siblings when possible and in the best interests of all siblings placed together, including placement together in congregate care settings when possible; 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; to be allowed to participate in the permanency planning decisions of their siblings, as age and developmentally appropriate, and to have their recommendations and wishes in this regard documented in the case record, in the words written, or otherwise expressed by the sibling when possible; to know or be made aware of expectations for continued contact with their siblings after an adoption or transfer of permanent physical and legal custody to a relative; to be promptly informed about changes in sibling placements or circumstances; to be permitted in-person contact with siblings, if in the best interest of both siblings, and to be provided necessary transportation as reasonable, and to have access to a phone or computer that allows for virtual visits in between or when face-to-face visits are not feasible; to be permitted in-person contact with siblings, if in the best interest of both siblings, and to be provided necessary transportation as reasonable, and to have access to a phone or computer that allows for virtual visits in between or when face-to-face visits are not feasible; 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 to be provided updated contact information for all siblings at least annually, including a current telephone number, address, and email address, unless not in the best interests of one or more siblings.