

SENATE, No. 2134

STATE OF NEW JERSEY

INTRODUCED JUNE 5, 1997

By Senators KOSCO and GIRGENTI

1 AN ACT concerning foster care and supplementing P.L.1977, c.424
2 (C.30:4C-50 et seq.).

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

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7 1. This act shall be known and may be cited as the "Child
8 Protection and Safety Act of 1997."

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10 2. As used in this act:

11 "Court" means the Family Part of the Chancery Division of the
12 Superior Court.

13 "High- risk child" means a child who has been placed in the custody
14 of the Division of Youth and Family Services for placement in foster
15 care by the court or as a result of a voluntary placement agreement
16 pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.), or in accordance
17 with section 12 of P.L.1951, c.138 (C.30:4C-12), and meets one or
18 more of the following conditions:

19 a. The child has been in foster care for six or more months;

20 b. The child has been repeatedly placed in foster care pursuant to
21 the provisions of P.L.1991, c.448 (C.30:4C-53.1 et seq.);

22 c. Parental substance abuse is a factor in the child's placement in
23 foster care; or

24 d. The child is a victim of physical or sexual abuse.

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26 3. a. In a case in which a child placement review board has
27 conducted a review of a high-risk child's placement and has
28 recommended to the court that the child be returned to his parent or
29 legal guardian, in accordance with section 10 of P.L.1977, c.424
30 (C.30:4C-59), the division shall prepare a plan for the return home of
31 the child pursuant to section 4 of this act.

32 b. The division shall submit the plan to the court 10 calendar days
33 prior to the issuance of the court's decision concerning the child's
34 placement. The court shall review the division's report and use the
35 information to make its final determination on whether or not it is in
36 the child's best interest to return to his parent or legal guardian.

1 c. The court may also request or order additional information or
2 take testimony from any other party, including the child, the child's
3 parent, legal guardian, other family members, or the child's foster
4 parent, which the court determines has an interest or information
5 relating to the child's return home.

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7 4. A plan for the return home of a child shall be a plan prepared by
8 the division, prior to a child's return to a parent or legal guardian,
9 which shall ensure the safety of the child upon his return from a foster
10 care placement. The plan shall include:

11 a. A description of the problems or conditions which led to the
12 child's placement in foster care;

13 b. The services provided to the child's parent or legal guardian by
14 the division, during the child's placement in foster care;

15 c. An assessment of the parent's or legal guardian's success in
16 eliminating the problems or conditions which necessitated the child's
17 placement and whether or not the elimination of those problems and
18 conditions indicate that the child will not be at risk upon his return
19 home;

20 d. Proof that the child's parent or legal guardian has successfully
21 completed a treatment program for a substance abuse problem, if
22 parental substance abuse was a factor in the placement of the child;

23 e. The specific actions to be taken by the division to prepare the
24 child for his return home; and

25 f. A summary of the division's plan to provide supportive services
26 to the child's parent or legal guardian and to monitor the family
27 following the child's return home.

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29 5. a. Within 30 calendar days of the child's return home, the
30 division shall conduct a minimum of two on-site visits to the home of
31 the child to ascertain the health and welfare of the child, assess the
32 child's adjustment to the return home and identify any additional
33 services needed by the child and the parent or legal guardian, to help
34 facilitate the child's return home. A detailed written report of each on-
35 site visit shall promptly be submitted to the court and to the child
36 placement review board.

37 b. Within 45 calendar days of the child's return home, the division
38 shall prepare a written report on the status of the child's placement
39 with his parent or legal guardian. The report shall include the
40 division's assessment of the child's continued safety in the home and
41 a plan for the future supervision of the family, if necessary. The report
42 shall be submitted to the board and the court for their review.

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44 6. If a police or other law enforcement agency, in whose
45 jurisdiction a high-risk child resides, has investigated a report of child
46 abuse or neglect at the home of the child's parent or legal guardian,

1 the division shall notify the police or other law enforcement agency
2 upon the child's return home.

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4 7. This act shall take effect six months following enactment.

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STATEMENT

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9 This bill establishes the "Child Protection and Safety Act of 1997."
10 Under the provisions of the bill, in any case where a child placement
11 review board has recommended a high-risk child be returned home to
12 his parents following an out-of-home placement, the Division of Youth
13 and Family Services (DYFS) would be required to prepare a plan for
14 the return home of the child. The bill defines a "high-risk child" as a
15 child who has been placed in the custody of DYFS for placement in
16 foster care by court order or as a result of a voluntary placement
17 agreement and meets one or more of the following conditions :

- 18 1. The child has been in foster care for six or more months;
- 19 2. The child has been repeatedly placed in foster care;
- 20 3. Parental substance abuse is a factor in the child's placement in
21 foster care; or
- 22 4. The child is a victim of physical or sexual abuse.

23 The plan for the return home of the child would be prepared prior
24 to the issuance of the court's decision concerning the child's
25 placement, in accordance with section 12 of P.L.1977, c.424
26 (C.30:4C-61) and would include:

- 27 1. A description of the problems or conditions which led to the
28 foster care placement;
- 29 2. The services provided to the child's parent or legal guardian by
30 the division, during the child's placement;
- 31 3. An assessment of the parent's or legal guardian's success in
32 eliminating the problems or conditions which led to the child's
33 placement;
- 34 4. Proof that the child's parent or legal guardian has successfully
35 completed a treatment program for a substance abuse problem;
- 36 5. The specific actions to be taken by the division to prepare the
37 child for his return home; and
- 38 6. A summary of the division's plan to provide supportive services
39 to the parent or legal guardian upon the child's return home.

40 The court would then review the division's report and use the
41 information to make its final determination on the child's placement.

42 The bill would also require DYFS to conduct at least two on-site
43 home visits within 30 days of the child's return home. A written report
44 of each on-site visit would be submitted to the court and to the child
45 placement review board.

1 Within 45 days, DYFS would be required to prepare a written
2 report on the status of the child's placement with his parent or legal
3 guardian. The report would include the division's assessment on the
4 child's continued safety in the home and a plan for the future
5 supervision of the family, if necessary. DYFS would then submit the
6 plan to the child placement review board and the court for their
7 review.

8 Finally, the bill would require DYFS to inform the police or other
9 law enforcement agency of a high-risk child's return home, if they have
10 investigated a report of child abuse or neglect at the child's home.

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15 "Child Protection and Safety Act of 1997."