

[First Reprint]

**ASSEMBLY, No. 5598**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MAY 12, 2021

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblyman P. CHRISTOPHER TULLY**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

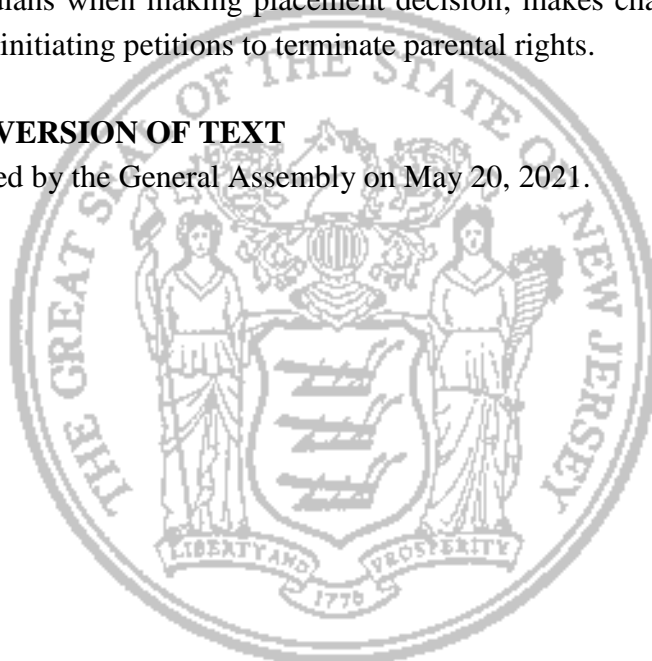
**Assemblywoman Vainieri Huttie, Assemblyman Stanley, Assemblywomen Swain, Reynolds-Jackson, Timberlake, McKnight, Speight and Jasey**

**SYNOPSIS**

Requires DCF or court to consider placement of children with relatives or kinship guardians when making placement decision; makes changes to certain standards for initiating petitions to terminate parental rights.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on May 20, 2021.



(Sponsorship Updated As Of: 6/2/2021)

1 AN ACT concerning child protective services and amending <sup>1</sup>and  
 2 supplementing<sup>1</sup> various parts of the statutory law.

3  
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 5 *of New Jersey:*

6  
 7 <sup>1</sup>1. (New section) The Legislature finds and declares that:

8 a. Foster care is intended by existing state and federal statute to  
 9 be temporary.

10 b. Kinship care is the preferred resource for children who must  
 11 be removed from their birth parents because use of kinship care  
 12 maintains children's connections with their families. There are  
 13 many benefits to placing children with relatives or other kinship  
 14 caregivers, such as increased stability and safety as well as the  
 15 ability to maintain family connections and cultural traditions.

16 c. Federal law permits kinship legal guardianship arrangements  
 17 to be used when the child has been in the care of a relative for a  
 18 period of six months

19 d. Parental rights must be protected and preserved whenever  
 20 possible.

21 e. Children are capable of forming healthy attachments with  
 22 multiple caring adults throughout the course of their childhood,  
 23 including with birth parents, temporary resource parents, extended  
 24 family members, and other caring adults.

25 f. The existence of a healthy attachment between a child and the  
 26 child's resource family parent does not in and of itself preclude the  
 27 child from maintaining, forming or repairing relationships with the  
 28 child's parent or caregiver of origin.

29 g. It is therefore necessary for the Legislature to amend current  
 30 laws to strengthen support for kinship caregivers, and ensure focus  
 31 on parents' fitness and the benefits of preserving the birth parent-  
 32 child relationship, as opposed to considering the impact of severing  
 33 the child's relationship with the resource family parents.<sup>1</sup>

34  
 35 <sup>1</sup>**[1.] 2.**<sup>1</sup> Section 2 of P.L.2001, c.250 (C.3B:12A-2) is  
 36 amended to read as follows:

37 2. As used in sections 1 through 6 of P.L.2001, c.250  
 38 (C.3B:12A-1 et seq.):

39 "Caregiver" means a person over 18 years of age, other than a  
 40 child's parent, who has a kinship relationship with the child and has  
 41 been providing care and support for the child, while the child has  
 42 been residing in the caregiver's home, for either the last **[12**  
 43 **consecutive months or 15 of the last 22]** six consecutive months or  
 44 nine of the last 15 months. "Caregiver" includes a resource family  
 45 parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4).

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly floor amendments adopted May 20, 2021.

1 “Child” means a person under 18 years of age, except as  
2 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

3 “Commissioner” means the Commissioner of Children and  
4 Families.

5 “Court” means the Superior Court, Chancery Division, Family  
6 Part.

7 “Department” means the Department of Children and Families.

8 “Division” means the Division of Child Protection and  
9 Permanency in the Department of Children and Families.

10 “Family friend” means a person who is connected to a child or  
11 the child’s parent by an established positive psychological or  
12 emotional relationship that is not a biological or legal relationship.

13 “Home review” means the basic review of the information  
14 provided by the petitioner and a visit to the petitioner’s home where  
15 the child will continue to reside, in accordance with the provisions  
16 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations  
17 adopted by the commissioner.

18 “Kinship caregiver assessment” means a written report prepared  
19 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
20 et al.) and pursuant to regulations adopted by the commissioner.

21 “Kinship legal guardian” means a caregiver who is willing to  
22 assume care of a child due to parental incapacity, with the intent to  
23 raise the child to adulthood, and who is appointed the kinship legal  
24 guardian of the child by the court pursuant to P.L.2001, c.250  
25 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
26 for the care and protection of the child and for providing for the  
27 child’s health, education and maintenance.

28 “Kinship relationship” means a family friend or a person with a  
29 biological or legal relationship with the child.

30 “Parental incapacity” means incapacity of such a serious nature  
31 as to demonstrate that the parent is unable, unavailable, or unwilling  
32 to perform the regular and expected functions of care and support of  
33 the child.

34 (cf: P.L.2006; 2012, c.16, s.13)

35  
36 <sup>1</sup>[2.] 3.<sup>1</sup> Section 5 of P.L.2001, c.250 (C.3B:12A-5) is  
37 amended to read as follows:

38 5. a. Upon petition of a caregiver, the court may appoint the  
39 caregiver as kinship legal guardian of a child residing in the  
40 caregiver’s home pursuant to the provisions of P.L. 2001, c. 250 (C.  
41 3B:12A-1 et al.).

42 b. A petition for the appointment of a kinship legal guardian  
43 shall include a kinship caregiver assessment, which shall contain:

44 (1) the full name and address of the person seeking to become  
45 the kinship legal guardian;

46 (2) the circumstances of the kinship relationship;

47 (3) the whereabouts of the child’s parents, if known;

48 (4) the nature of the parents’ incapacitation, if known;

- 1 (5) the wishes of the parents, if known;
- 2 (6) the ability of the kinship caregiver family to assume
- 3 permanent care of the child;
- 4 (7) the child's property and assets, if known;
- 5 (8) the wishes of the child, if appropriate;
- 6 (9) any current involvement of a child with the division if the
- 7 child has an open division case and is actively receiving services;
- 8 (10) certification from the caregiver that the caregiver has been
- 9 providing care and support for the child, while the child has been
- 10 residing in the caregiver's home, for at least the last **12**
- 11 **consecutive** ~~12~~ six consecutive months or nine of the last 15 months;
- 12 (11) the results from a criminal history record background check
- 13 and a domestic violence central registry check of the caregiver and
- 14 any adult residing in the caregiver's household conducted pursuant
- 15 to section 9 of P.L. 2001, c. 250 (C. 30:4C-86);
- 16 (12) the results from a child abuse record check arranged for and
- 17 coordinated by the division pursuant to section 9 of P.L. 2001, c.
- 18 250 (C. 30:4C-86); and
- 19 (13) the results of the caregiver's home review.
- 20 (cf: P.L.2001, c.250, s.5)
- 21
- 22 <sup>1</sup>**[3.] 4.**<sup>1</sup> Section 6 of P.L.2001, c.250 (C.3B:12A-6) is
- 23 amended to read as follows:
- 24 6. a. In making its determination about whether to appoint the
- 25 caregiver as kinship legal guardian, the court shall consider:
- 26 (1) if proper notice was provided to the child's parents;
- 27 (2) the best interests of the child;
- 28 (3) the kinship caregiver assessment;
- 29 (4) in cases in which the division is involved with the child as
- 30 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-
- 31 85), the recommendation of the division, including any parenting
- 32 time or visitation restrictions;
- 33 (5) the potential kinship legal guardian's ability to provide a safe
- 34 and permanent home for the child;
- 35 (6) the wishes of the child's parents, if known to the court;
- 36 (7) the wishes of the child if the child is 12 years of age or older,
- 37 unless unique circumstances exist that make the child's age
- 38 irrelevant;
- 39 (8) the suitability of the kinship caregiver and the caregiver's
- 40 family to raise the child;
- 41 (9) the ability of the kinship caregiver to assume full legal
- 42 responsibility for the child;
- 43 (10) the commitment of the kinship caregiver and the caregiver's
- 44 family to raise the child to adulthood;
- 45 (11) the results from the child abuse record check conducted
- 46 pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86); and
- 47 (12) the results from the criminal history record background
- 48 check and domestic violence check conducted pursuant to section 9

1 of P.L.2001, c.250 (C.30:4C-86). In any case in which the caregiver  
2 petitioning for kinship legal guardianship, or any adult residing in  
3 the prospective caregiver's home, has a record of criminal history  
4 or a record of being subjected to a final domestic violence  
5 restraining order under P.L.1991, c.261 (C.2C:25-17 et seq.), the  
6 court shall review the record with respect to the type and date of the  
7 criminal offense or the provisions and date of the final domestic  
8 violence restraining order and make a determination as to the  
9 suitability of the person to become a kinship legal guardian. For the  
10 purposes of this paragraph, with respect to criminal history, the  
11 court shall consider convictions for offenses specified in  
12 subsections c., d. and e. of section 1 of P.L.1985, c.396 (C.30:4C-  
13 26.8).

14 b. The court shall not award kinship legal guardianship of the  
15 child unless proper notice was served upon the parents of the child  
16 and any other party to whom the court has awarded custody or  
17 parenting time for that child, in accordance with the Rules of Court.

18 c. The court shall not award kinship legal guardianship of the  
19 child solely because of parental incapacity.

20 d. The court shall appoint the caregiver as a kinship legal  
21 guardian if, based upon clear and convincing evidence, the court  
22 finds that:

23 (1) each parent's incapacity is of such a serious nature as to  
24 demonstrate that the parents are unable, unavailable or unwilling to  
25 perform the regular and expected functions of care and support of  
26 the child;

27 (2) the parents' inability to perform those functions is unlikely to  
28 change in the foreseeable future;

29 (3) in cases in which the division is involved with the child as  
30 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-  
31 85), **[(a)]** the division exercised reasonable efforts to reunify the  
32 child with the birth parents and these reunification efforts have  
33 proven unsuccessful or unnecessary; **[and (b) adoption of the child**  
34 **is neither feasible nor likely;]** (Deleted by amendment,  
35 P.L. c. (C. ) (pending before the Legislature as this bill)  
36 and

37 (4) awarding kinship legal guardianship is in the child's best  
38 interests.

39 e. The court order appointing the kinship legal guardian shall  
40 specify, as appropriate, that:

41 (1) a kinship legal guardian shall have the same rights,  
42 responsibilities and authority relating to the child as a birth parent,  
43 including, but not limited to: making decisions concerning the  
44 child's care and well-being; consenting to routine and emergency  
45 medical and mental health needs; arranging and consenting to  
46 educational plans for the child; applying for financial assistance and  
47 social services for which the child is eligible; applying for a motor  
48 vehicle operator's license; applying for admission to college;

1 responsibility for activities necessary to ensure the child's safety,  
2 permanency and well-being; and ensuring the maintenance and  
3 protection of the child; except that a kinship legal guardian may not  
4 consent to the adoption of the child or a name change for the child;

5 (2) the birth parent of the child retains the authority to consent to  
6 the adoption of the child or a name change for the child;

7 (3) the birth parent of the child retains the obligation to pay child  
8 support;

9 (4) the birth parent of the child retains the right to visitation or  
10 parenting time with the child, as determined by the court;

11 (5) the appointment of a kinship legal guardian does not limit or  
12 terminate any rights or benefits derived from the child's parents,  
13 including, but not limited to, those relating to inheritance or  
14 eligibility for benefits or insurance; and

15 (6) kinship legal guardianship terminates when the child reaches  
16 18 years of age or when the child is no longer continuously enrolled  
17 in a secondary education program, whichever event occurs later, or  
18 when kinship legal guardianship is otherwise terminated.

19 f. An order or judgment awarding kinship legal guardianship  
20 may be vacated by the court prior to the child's 18th birthday if the  
21 court finds that the kinship legal guardianship is no longer in the  
22 best interests of the child or, in cases where there is an application  
23 to return the child to the parent, based upon clear and convincing  
24 evidence, the court finds that the parental incapacity or inability to  
25 care for the child that led to the original award of kinship legal  
26 guardianship is no longer the case and termination of kinship legal  
27 guardianship is in the child's best interests.

28 In cases in which the division was involved, when determining  
29 whether a child should be returned to a parent, the court may refer a  
30 parent for an assessment prepared by the division, in accordance  
31 with regulations adopted by the commissioner.

32 g. An order or judgment awarding kinship legal guardianship  
33 may be vacated by the court if, based upon clear and convincing  
34 evidence, the court finds that the guardian failed or is unable,  
35 unavailable or unwilling to provide proper care and custody of the  
36 child, or that the guardianship is no longer in the child's best  
37 interests.

38 (cf: P.L.2006, c.47, s.32)

39  
40 <sup>1</sup>[4.] 5.<sup>1</sup> Section 10 of P.L.1974, c.119 (C.9:6-8.30) is  
41 amended to read as follows:

42 10. a. The division, when informed that there has been an  
43 emergency removal of a child from his home without court order,  
44 shall make every reasonable effort to communicate immediately  
45 with the child's parent or guardian that such emergency removal has  
46 been made and the location of the facility to which the child has  
47 been taken, and advise the parent or guardian to appear in the

1 appropriate Superior Court, Chancery Division, Family Part within  
2 two court days.

3 The division shall make a reasonable effort, at least 24 hours  
4 prior to the court hearing, to:

5 notify the parent or guardian of the time to appear in court; and

6 inform the parent or guardian of his right to obtain counsel, and  
7 how to obtain counsel through the Office of the Public Defender if  
8 the parent or guardian is indigent.

9 The division shall also advise the party making the removal to  
10 appear. If the removed child is returned to his home prior to the  
11 court hearing, there shall be no court hearing to determine the  
12 sufficiency of cause for the child's removal, unless the child's  
13 parent or guardian makes application to the court for review.

14 The division shall make reasonable efforts to place the child with  
15 a suitable relative or person who has a kinship relationship as  
16 defined in section 2 of P.L.2001, c.250 (C.3B:12A-2) prior to  
17 placing the child with another suitable person.

18 For the purposes of this section, "facility" means a hospital,  
19 shelter or child care institution in which a child may be placed for  
20 temporary care, but does not include a resource family home.

21 b. The division shall cause a complaint to be filed under this act  
22 within two court days after such removal takes place.

23 c. Whenever a child has been removed pursuant to section 7 or 9  
24 of P.L.1974, c.119 (C.9:6-8.27 or 9:6-8.29), the division shall  
25 arrange for immediate medical screening of the child and shall have  
26 legal authority to consent to such screening. If necessary to  
27 safeguard the child's health or life, the division also is authorized to  
28 arrange for and consent to medical care or treatment of the child.  
29 Consent by the division pursuant to this subsection shall be deemed  
30 legal and valid for all purposes with respect to any person, hospital,  
31 or other health care facility screening, examining or providing care  
32 or treatment to a child in accordance with and in reliance upon such  
33 consent. Medical reports resulting from such screening,  
34 examination or care or treatment shall be released to the division for  
35 the purpose of aiding in the determination of whether the child has  
36 been abused or neglected. Any person or health care facility acting  
37 in good faith in the screening of, examination of or provision of  
38 care and treatment to a child or in the release of medical records  
39 shall have immunity from any liability, civil or criminal, that might  
40 otherwise be incurred or imposed as a result of such act.

41 (cf: P.L.2006, c.47, s.49)

42

43 **'[5.] 6.'** Section 11 P.L.1974, c.119 (C.9:6-8.31) is amended to  
44 read as follows:

45 11. a. In any case where the child has been removed without  
46 court order, except where action has been taken pursuant to  
47 P.L.1973, c.147 (C.9:6-8.16 et seq.) the Superior Court, Chancery  
48 Division, Family Part shall hold a hearing on the next court day,

1 whereby the safety of the child shall be of paramount concern, to  
2 determine whether the child's interests require protection pending a  
3 final order of disposition. In any other case under P.L.1974, c.119  
4 (C.9:6-8.21 et seq.), any person who may originate a proceeding  
5 may apply for, or the court, on its own motion, may order a hearing  
6 at any time after the complaint is filed to determine, with the safety  
7 of the child of paramount concern, whether the child's interests  
8 require protection pending a final order of disposition.

9 b. Upon such hearing, if the court finds that continued removal  
10 is necessary to avoid an ongoing risk to the child's life, safety, or  
11 health, it shall affirm the removal of the child to an appropriate  
12 place or place him in the custody of a suitable person.

13 The court shall also 'first' consider placement of the child with a  
14 suitable relative or person who has a kinship relationship as defined  
15 in section 2 of P.L.2001, c.250 (C.3B:12A-2), when considering if  
16 the child should be placed in the custody of a suitable person.

17 If the court determines that removal of the child by a physician,  
18 police officer, designated employee of the Probation Division, or  
19 designated employee of the Division of Child Protection and  
20 Permanency was necessary due to imminent danger to the child's  
21 life, safety, or health, the court shall find that the Division of Child  
22 Protection and Permanency was not required to provide reasonable  
23 efforts to prevent placement of the child in accordance with section  
24 24 of P.L.1999, c.53 (C.30:4C-11.2).

25 c. Upon such hearing the court may, for good cause shown,  
26 issue a preliminary order of protection which may contain any of  
27 the provisions authorized on the making of an order of protection  
28 under section 35 of P.L.1974, c.119 (C.9:6-8.55).

29 d. Upon such hearing, the court may, for good cause shown,  
30 release the child to the custody of his parent or guardian from  
31 whose custody or care the child was removed, pending a final order  
32 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-  
33 8.53).

34 e. Upon such hearing, the court may authorize a physician or  
35 hospital to provide medical or surgical procedures if such  
36 procedures are necessary to safeguard the child's life or health.

37 f. If the court grants or denies a preliminary order requested  
38 pursuant to this section, it shall state the grounds for such decision.

39 g. In all cases involving abuse or neglect the court shall order an  
40 examination of the child by a physician appointed or designated for  
41 the purpose by the division. As part of such examination, the  
42 physician shall arrange to have color photographs taken as soon as  
43 practical of any areas of trauma visible on such child and may if  
44 indicated, arrange to have a radiological examination performed on  
45 the child. The physician, on the completion of such examination,  
46 shall forward the results thereof together with the color photographs  
47 to the court ordering such examination.

48 (cf: P.L.2012, c.16, s.33)

1       **1[6.] 7.**<sup>1</sup> Section 34 of P.L.1974, c. 119 (C.9:6-8.54) is amended  
2 to read as follows:

3       34. a. For the purpose of section 31 of P.L.1974, c.119 (C.9:6-  
4 8.51), the court may place the child in the custody of a relative or  
5 other suitable person or the division for the placement of a child  
6 after a finding that the division has made reasonable efforts to  
7 prevent placement or that reasonable efforts to prevent placement  
8 were not required in accordance with section 24 of P.L.1999, c.53  
9 (C.30:4C-11.2). The court shall also **1first** consider placement of  
10 the child with a suitable relative or person who has a kinship  
11 relationship as defined in section 2 of P.L.2001, c.250 (C.3B:12A-  
12 2), when considering if the child should be placed in the custody of  
13 another suitable person.

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

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

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

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

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

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

46  
47       **1[7.] 8.**<sup>1</sup> Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is  
48 amended to read as follows:

1       6. a. In any case in which the Department of Children and  
2 Families accepts a child in its care or custody, including placement,  
3 the department shall consider placement of the child with a suitable  
4 relative or person who has a kinship relationship as defined in  
5 section 2 of P.L.2001, c.250 (C.3B:12A-2). **【the】** The department  
6 shall initiate a search for relatives or persons with a kinship  
7 relationship with the child who may be willing and able to provide  
8 the care and support required by the child. The search shall be  
9 initiated within 30 days of the department's acceptance of the child  
10 in its care or custody. The search will be completed when all  
11 sources contacted have either responded to the inquiry or failed to  
12 respond within 45 days. The department shall complete an  
13 assessment of each interested relative's or person's ability to  
14 provide the care and support, including placement, required by the  
15 child.

16       b. If the department determines that the relative or person who  
17 has a kinship relationship with the child is unwilling or unable to  
18 assume the care of the child, the department shall not be required to  
19 re-evaluate the relative. The department shall inform the relative or  
20 person in writing of:

21       (1) the reasons for the department's determination;

22       (2) the responsibility of the relative or person to inform the  
23 department if there is a change in the circumstances upon which the  
24 determination was made;

25       (3) the possibility that termination of parental rights may occur if  
26 the child remains in resource family care for more than six months;  
27 and

28       (4) the right to seek review by the department of such  
29 determination.

30       c. The department may decide to pursue the termination of  
31 parental rights if the department determines that termination of  
32 parental rights is in the child's best interests.

33 (cf: P.L.2006, c.47, s.123)  
34

35       <sup>1</sup>**【8.】** 9.<sup>1</sup> Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is  
36 amended to read as follows:

37       7. a. The division shall initiate a petition to terminate parental  
38 rights on the grounds of the "best interests of the child" pursuant to  
39 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the  
40 following standards are met:

41       (1) The child's safety, health, or development has been or will  
42 continue to be endangered by the parental relationship;

43       (2) The parent is unwilling or unable to eliminate the harm  
44 facing the child or is unable or unwilling to provide a safe and  
45 stable home for the child and the delay of permanent placement will  
46 add to the harm. **【Such harm may include evidence that separating**  
47 **the child from his resource family parents would cause serious and**  
48 **enduring emotional or psychological harm to the child】;**

1 (3) The division has made reasonable efforts to provide services  
2 to help the parent correct the circumstances which led to the child's  
3 placement outside the home and the court has considered  
4 alternatives to termination of parental rights; and

5 (4) Termination of parental rights will not do more harm than  
6 good.

7 b. The division shall initiate a petition to terminate parental  
8 rights on the ground that the "parent has abandoned the child"  
9 pursuant to subsection (e) of section 15 of P.L.1951, c.138  
10 (C.30:4C-15) if the following standards are met:

11 (1) a court finds that for a period of six or more months:

12 (a) the parent, although able to have contact, has had no contact  
13 with the child, the child's resource family parent or the division;  
14 and

15 (b) the parent's whereabouts are unknown, notwithstanding the  
16 division's reasonable efforts to locate the parent; or

17 (2) where the identities of the parents are unknown and the  
18 division has exhausted all reasonable methods of attempting  
19 identification, the division may immediately file for termination of  
20 parental rights upon the completion of the law enforcement  
21 investigation; or

22 (3) where the parent voluntarily delivered the child to and left  
23 the child with an adult employee, or voluntarily arranged for  
24 another person to deliver the child to and leave the child with an  
25 adult employee, at a State, county or municipal police station, a fire  
26 station of a municipal, county, fire district, or volunteer fire  
27 department, the premises of a public or private ambulance, first aid,  
28 or rescue squad; or voluntarily delivered the child to and left the  
29 child at an emergency department of a licensed general hospital in  
30 this State when the child is or appears to be no more than 30 days  
31 old, without expressing an intent to return for the child, as provided  
32 in section 4 of P.L.2000, c.58 (C.30:4C-15.7), the division shall file  
33 for termination of parental rights no later than 21 days after the day  
34 the division assumed care, custody and control of the child.

35 c. As used in this section and in section 15 of P.L.1951, c.138  
36 (C.30:4C-15) "reasonable efforts" mean attempts by an agency  
37 authorized by the division to assist the parents in remedying the  
38 circumstances and conditions that led to the placement of the child  
39 and in reinforcing the family structure, including, but not limited to:

40 (1) consultation and cooperation with the parent in developing a  
41 plan for appropriate services;

42 (2) providing services that have been agreed upon, to the family,  
43 in order to further the goal of family reunification;

44 (3) informing the parent at appropriate intervals of the child's  
45 progress, development, and health; and

46 (4) facilitating appropriate visitation.

47 d. The division shall not be required to provide "reasonable  
48 efforts" as defined in subsection c. of this section prior to filing a

1 petition for the termination of parental rights if an exception to the  
2 requirement to provide reasonable efforts to reunify the family has  
3 been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-  
4 11.3).

5 (cf: P.L.2015, c.82, s.3)

6

7 <sup>1</sup>**[9.]** 10.<sup>1</sup> This act shall take effect immediately.