

SENATE, No. 3579

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 22, 2021

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Requires certain permanency hearing to be held at least every six months.

CURRENT VERSION OF TEXT

As introduced.



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 months after
27 placement in cases in which the court has determined that efforts to
28 reunify the child with the parent or guardian are required. The
29 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 (4) If the child remains in placement more than 12 months, the
38 court shall conduct a permanency hearing at least every six months
39 commencing from the date of the initial permanency hearing
40 conducted pursuant to subparagraph (2) of this section.

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

43 d. If the parent or person legally responsible for the care of any
44 such child or with whom such child resides receives public
45 assistance and care, any portion of which is attributable to such

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 child, a copy of the order of the court providing for the placement
2 of such child from his home shall be furnished to the appropriate
3 county welfare board, which shall reduce the public assistance and
4 care furnished to such parent or other person by the amount
5 attributable to such child.

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

7
8 2. Section 50 of P.L.1999, c.53 (C.30:4C-61.2) is amended to
9 read as follows:

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

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

15 (2) no later than 12 months after the child has been in
16 placement; or

17 (3) at least every six months commencing from the date of the
18 initial permanency hearing held pursuant to subparagraph (2) of this
19 section if the child remains in placement for more than 12 months.

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

24 (1) the division or agency;

25 (2) the child;

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

28 (4) the temporary caretaker;

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

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

34 (7) the child's resource family parent or relative providing care
35 for the child shall also receive written notice of, and shall have a
36 right to be heard at, the hearing, but the resource family parent or
37 relative shall not be made a party to the hearing solely on the basis
38 of the notice and right to be heard.

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

42 (1) a statement of the goal for the permanent placement or return
43 home of the child and the anticipated date that the goal will be
44 achieved;

45 (2) the intermediate objectives relating to the attainment of the
46 goal;

47 (3) a statement of the duties and responsibilities of the division,
48 the parents or legal guardian and the temporary caretaker, including

1 the services to be provided by the division to the child and to the
2 temporary caretaker;

3 (4) a statement of the services to be provided to the parent or
4 legal guardian or an exception to the requirement to provide
5 reasonable efforts toward family reunification in accordance with
6 section 25 of P.L.1999, c.53 (C.30:4C-11.3). Services to facilitate
7 adoption or an alternative permanent placement may be provided
8 concurrently with services to reunify the child with the parent or
9 guardian;

10 (5) a permanency plan which includes whether and, if
11 applicable, when:

12 (a) the child shall be returned to the parent or guardian, if the
13 child can be returned home without endangering the child's health
14 or safety;

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

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

22 d. If the court approves a permanency plan for the child, the
23 court shall make a specific finding of the reasonable efforts made
24 thus far by the division and the appropriateness of the reasonable
25 efforts to achieve the permanency plan.

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

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28 3. This act shall take effect immediately.

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31 STATEMENT

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33 This bill amends section 34 of P.L.1974, c.119 (C.9:6-8.54) to
34 require a permanency hearing for a child placed in the custody of a
35 relative, other suitable person, or the Division of Child Protection
36 and Permanency (DCPP), after a finding that the DCPP has made
37 reasonable efforts to prevent placement or that reasonable efforts to
38 prevent placement were not required, be held at elast every six
39 months commencing from the date after the initial permanency
40 hearing, if the child remains in placement more than 12 months.
41 Current law requires that permanency hearings take place no later
42 than 12 months after placement in such cases but does not require
43 that subsequent hearing take place every six months if the child
44 remains in placement for more than 12 months.

45 The bill also amends section 50 of P.L.1999, c.53 (C.30:4C-61.2)
46 to require that a permanency hearing providing for court review and
47 approval of a placement plan be held evat least ery six months
48 commencing from the date of the initial permanency hearing if a

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1 child remains in placement for more than 12 months. Current law
2 requires that this hearing be held within 30 days after the
3 determination of an exception to the reasonable effort requirement
4 to reunify the child with the parent or no later than 12 months after
5 the child has been in placement. The law does not require that
6 subsequent hearing take place every six months if the child remains
7 in placement for more than 12 months.