

[First Reprint]

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 amended by the Senate on June 21, 2021.



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
8 read 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
17 period of 12 months and the court, in its discretion, may at the
18 expiration of that period, upon a hearing make successive
19 extensions for additional periods of up to one year each. The court
20 on its own motion may, at the conclusion of any period of
21 placement, hold a hearing concerning the need for continuing the
22 placement.

23 (2) The court shall conduct a permanency hearing for the child
24 no later than 30 days after placement in cases in which the court has
25 determined that reasonable efforts to reunify the child with the
26 parent or guardian are not required pursuant to section 25 of
27 P.L.1999, c.53 (C.30:4C-11.3), or no later than 12 months after
28 placement in cases in which the court has determined that efforts to
29 reunify the child with the parent or guardian are required. The
30 hearing shall include, but not necessarily be limited to,
31 consideration and evaluation of information provided by the
32 division and other interested parties regarding such matters as those
33 listed in subsection c. of section 50 of P.L.1999, c.53 (C.30:4C-
34 61.2).

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

38 (4) ¹["If the child remains in placement more than 12 months,
39 the court shall conduct a permanency hearing at least every six
40 months commencing from the date of the initial permanency
41 hearing conducted pursuant to subparagraph (2) of this section.]"¹
42 The court shall conduct a review hearing at least every three
43 months. At this quarterly review hearing, the court may, upon
44 notice in accordance with the court rules, review the permanency
45 plan and any other issues related to the health and well-being of the
46 child as the court deems appropriate¹.

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:

¹Senate floor amendments adopted June 21, 2021.

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

3 d. If the parent or person legally responsible for the care of any
4 such child or with whom such child resides receives public
5 assistance and care, any portion of which is attributable to such
6 child, a copy of the order of the court providing for the placement
7 of such child from his home shall be furnished to the appropriate
8 county welfare board, which shall reduce the public assistance and
9 care furnished to such parent or other person by the amount
10 attributable to such child.

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

12
13 2. Section 50 of P.L.1999, c.53 (C.30:4C-61.2) is amended to
14 read as follows:

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

17 (1) within 30 days after the determination of an exception to the
18 reasonable effort requirement to reunify the child with the parent in
19 accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); **[or]**
20 **¹; or¹**

21 (2) no later than 12 months after the child has been in
22 placement¹ **[; or**

23 (3) at least every six months commencing from the date of the
24 initial permanency hearing held pursuant to subparagraph (2) of this
25 section if the child remains in placement for more than 12
26 months]¹.

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

31 (1) the division or agency;

32 (2) the child;

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

35 (4) the temporary caretaker;

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

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

41 (7) the child's resource family parent or relative providing care
42 for the child shall also receive written notice of, and shall have a
43 right to be heard at, the hearing, but the resource family parent or
44 relative shall not be made a party to the hearing solely on the basis
45 of the notice and right to be heard.

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

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

4 (2) the intermediate objectives relating to the attainment of the
5 goal;

6 (3) a statement of the duties and responsibilities of the division,
7 the parents or legal guardian and the temporary caretaker, including
8 the services to be provided by the division to the child and to the
9 temporary caretaker;

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

17 (5) a permanency plan which includes whether and, if
18 applicable, when:

19 (a) the child shall be returned to the parent or guardian, if the
20 child can be returned home without endangering the child's health
21 or safety;

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

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

29 d. If the court approves a permanency plan for the child, the
30 court shall make a specific finding of the reasonable efforts made
31 thus far by the division and the appropriateness of the reasonable
32 efforts to achieve the permanency plan.

33 ¹e. At a hearing conducted at least every three months pursuant
34 to section 34 of P.L.1974, c.119 (C.9:6-8.54), the court may, upon
35 notice in accordance with the rules of court, review the permanency
36 plan and any other issues regarding the health and well-being of the
37 child as the court deems appropriate.¹

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

39

40 3. This act shall take effect immediately.