

ASSEMBLY, No. 3707

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 21, 2022

Sponsored by:

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District 19 (Middlesex)

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SYNOPSIS

Makes various changes to New Jersey Task Force on Child Abuse and Neglect; establishes child protection worker caseload standards.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2022)

1 AN ACT concerning child welfare, amending P.L.1994, c.119, and
2 supplementing Chapter 4C of Title 30.

3

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

6

7 1. Section 2 of P.L.1994, C.119 (C.9:6-8.75) is amended to read
8 as follows:

9 2. There is established the "New Jersey Task Force on Child
10 Abuse and Neglect." For the purpose of complying with the
11 provisions of Article V, Section IV, paragraph 1 of the New Jersey
12 Constitution, the New Jersey Task Force on Child Abuse and Neglect
13 is allocated within the Department of Children and Families, but,
14 notwithstanding this allocation, the task force shall be independent
15 of any supervision or control by the department or by any officer or
16 employee thereof.

17 a. The purpose of the task force is to study and develop
18 recommendations regarding the most effective means of improving
19 the quality and scope of child protective and preventative services
20 provided or supported by State government, including a review of the
21 practices and policies utilized by the Division of Child Protection and
22 Permanency and the Division of Family and Community Partnerships
23 in the Department of Children and Families in order to:

24 (1) optimize coordination of child abuse-related services and
25 investigations;

26 (2) promote the safety of children at risk of abuse or neglect;

27 (3) ensure a timely determination with regard to reports of alleged
28 child abuse;

29 (4) educate the public about the problems of, and coordinate
30 activities relating to, child abuse and neglect;

31 (5) develop a Statewide plan to prevent child abuse and neglect
32 and mechanisms to facilitate child abuse and neglect prevention
33 strategies in coordination with the Division of Family and
34 Community Partnerships;

35 (6) mobilize citizens and community agencies in a proactive effort
36 to prevent and treat child abuse and neglect; and

37 (7) foster cooperative working relationships between State and
38 local agencies responsible for providing services to victims of child
39 abuse and neglect and their families.

40 b. The task force shall receive, evaluate, and approve
41 applications of public and private agencies and organizations for
42 grants from moneys annually appropriated from the "Children's Trust
43 Fund" established pursuant to section 2 of P.L.1985, c.197 (C.54A:9-
44 25.4). Any portion of the moneys actually appropriated which are
45 remaining at the end of a fiscal year shall lapse to the "Children's
46 Trust Fund."

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 Grants shall be awarded to public and private agencies for the
2 purposes of planning and establishing or improving programs and
3 services for the prevention of child abuse and neglect, including
4 activities which:

5 (1) Provide Statewide educational and public informational
6 seminars for the purpose of developing appropriate public awareness
7 regarding the problems of child abuse and neglect;

8 (2) Encourage professional persons and groups to recognize and
9 deal with problems of child abuse and neglect;

10 (3) Make information about the problems of child abuse and
11 neglect available to the public and organizations and agencies which
12 deal with problems of child abuse and neglect; and

13 (4) Encourage the development of community prevention
14 programs, including:

15 (a) community-based educational programs on parenting, prenatal
16 care, prenatal bonding, child development, basic child care, care of
17 children with special needs, coping with family stress, personal
18 safety and sexual abuse prevention training for children, and self-care
19 training for latchkey children; and

20 (b) community-based programs relating to crisis care, aid to
21 parents, child abuse counseling, peer support groups for abusive or
22 potentially abusive parents and their children, lay health visitors,
23 respite of crisis child care, and early identification of families where
24 the potential for child abuse and neglect exists.

25 The task force shall, in awarding grants, establish such priorities
26 respecting the programs or services to be funded and the amounts of
27 funding to be provided as it deems appropriate, except that the task
28 force shall place particular emphasis on community-based programs
29 and services which are designed to develop and demonstrate
30 strategies for the early identification, intervention, and assistance of
31 families and children at risk in order to prevent child abuse and
32 neglect.

33 The task force shall adopt such rules and regulations pursuant to
34 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.) to govern the awarding of grants pursuant to this subsection as
36 may be necessary to establish adequate reporting requirements on the
37 use of grant funds by recipient agencies and organizations and to
38 permit the task force to evaluate the programs and services for which
39 grants are awarded.

40 c. (1) The task force shall establish a Staffing and Oversight
41 Review Subcommittee to review the performance and staffing levels
42 of the Division of Child Protection and Permanency in order to
43 develop recommendations regarding the department's performance,
44 staffing levels, and the most effective methods of recruiting, hiring,
45 and retaining staff within the division. **【In addition,】** The
46 subcommittee shall also review, analyze, and make recommendations
47 regarding the department's performance in:

1 (a) maintaining a case management information and data
2 collection system that allows for the assessment, tracking, posting or
3 web-based publishing, and utilization of key data indicators with
4 consistent definitions and methodology, along with ensuring the
5 accuracy of published data;

6 (b) implementing and sustaining a case practice model comprising
7 a continuous set of activities that emphasizes quality investigation
8 and assessment, which model shall include: performing safety and
9 risk assessments; engaging with youth and families; working with
10 family teams; providing individualized planning and relevant
11 services; performing continuous review and adaptation; and ensuring
12 safe and sustained transition from the department;

13 (c) guaranteeing that the operation of the department's State
14 Central Registry ensures that allegations of child abuse and neglect
15 are received by the department's field offices in a timely manner and
16 investigations are commenced within the required response time
17 identified by the State Central Registry;

18 (d) providing the most appropriate and least restrictive placements
19 when out-of-home placement is necessary, and in so doing allowing:
20 children to remain in their own communities, be placed with or
21 maintain contact with siblings and relatives, and have their
22 educational needs met; precluding children under age 13 from being
23 placed in shelters; precluding children from being placed in out-of-
24 State behavioral health facilities without written approval from the
25 Assistant Commissioner for the Children's System of Care; and
26 maintaining an adequate number and array of family-based
27 placements to appropriately place children in family settings;

28 (e) providing comprehensive, culturally responsive services to
29 address the identified needs of the children, youth, and families the
30 department serves, including but not limited to: services for youth
31 age 18 to 21; services for LGBTQI+ youth; mental health, and
32 domestic violence services for birth parents whose families are
33 involved with the child welfare system; preventive home visitation
34 programs; trauma-informed care; and an adequate Statewide network
35 of Family Success Centers;

36 (f) providing medical care to children and youth residing in
37 resource family care, including: appropriate medical assessment and
38 treatment, pre-placement, and entry medical assessments under Early
39 and Periodic Screening, Diagnosis, and Treatment (EPSDT);
40 guidelines, dental examinations; up-to-date immunizations; follow-
41 up care and treatment and mental health assessment and treatment,
42 where appropriate; behavioral health treatment provided in the least
43 restrictive setting for children and youth; and evaluating the
44 sufficiency of funding for these medical services;

45 (g) maintaining a comprehensive training program for child
46 welfare staff and supervisors, including specialized training for
47 investigators which training shall include pre-service training
48 covering the case practice model and permanency planning, adoption

1 training, and training on case management systems, and mechanisms
2 for staff completing training to demonstrate competency on required
3 areas of training;

4 (h) making flexible funds available for use by caseworkers in
5 crafting individualized service plans for children, youth, and families
6 to: meet the needs of children and families; facilitate family
7 preservation and reunification where appropriate; ensure that
8 families are able to provide appropriate care for children; and avoid
9 the disruption of otherwise stable and appropriate placements;

10 (i) adjusting support rates for resource family care, adoption
11 assistance, and independent living to ensure alignment with the
12 United States Department of Agriculture estimates for the cost of
13 raising a child or adolescent in the urban Northeast, the U.S.
14 Department Housing and Urban Development Fair Market Value for
15 average rent in New Jersey, the Internal Revenue Service estimates
16 for monthly food and household expenses, and other appropriate
17 State and national benchmarks identified by the subcommittee;

18 (j) strengthening and sustaining appropriate permanency and
19 adoption practices for the children and youth the department serves,
20 recognizing that the department's permanency work begins at intake
21 and encompasses the elements of the case practice model; and

22 (k) generally beginning the process of preparing a child for
23 adoption and seeking and securing an adoptive placement as soon as
24 the child's permanency goal becomes adoption, but in no case later
25 than as required by federal law; conducting five-month and 10-month
26 placement reviews for children in custody; commencing the adoption
27 process as soon as a diligent search process has been completed and
28 has failed to identify the location of both parents or a suitable family
29 placement; and developing a child-specific recruitment plan for all
30 children with a permanency goal of adoption needing the recruitment
31 of an adoptive family, as well as evaluating the sufficiency of funding
32 for such processes.

33 (2) No later than the first day of the 12th month next following the
34 date of enactment of P.L. , c. (C.)(pending before the legislature
35 as this bill), and annually thereafter, the subcommittee shall review
36 the [division's] department's performance in the [achievement of
37 management and client outcomes] areas identified in this paragraph
38 (1) of subsection c. of this section, and shall issue a [preliminary]
39 report with its findings and recommendations [no later than January
40 1, 2007, and subsequent reports annually thereafter with the first full
41 report due no later than July 1, 2007. The subcommittee shall directly
42 issue its reports] to the Governor and, pursuant to section 2 of
43 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

44 (3) The Legislature shall annually appropriate to the Department
45 of Children and Families sufficient funding for the task force to
46 permit the subcommittee to hire independent contracted staff or

1 obtain other resources needed to carry out the responsibilities set
2 forth in this paragraph.

3 (4) (a) The task force shall appoint at least 15 members to the
4 subcommittee consisting of:

5 (i) the Assistant Commissioner of the Division of Child Protection
6 and Permanency and the Commissioner of Children and Families, or
7 their designees, who shall serve ex-officio; and

8 (ii) at least 13 public members, including: one representative of a
9 State-based child advocacy organization; one attorney regularly
10 engaged in the representation of parents in child protection matters;
11 at least one attorney regularly engaged in the representation of the
12 indigent; one attorney regularly engaged in the representation of
13 children in out of home placement; one county human services
14 director; one parent who has previously had involvement with the
15 Division of Child Protection and Permanency; one alumni of the
16 State's resource family care system; one resource family parent who
17 is currently licensed by the State; and one representative of a State-
18 based child abuse prevention focused organization.

19 (b) The members of the subcommittee shall serve for a term of
20 three years or until the appointment of a successor, with the exception
21 that the terms of the original membership of the subcommittee shall
22 be constituted as to provide that seven of the public members shall
23 serve for a term one year, four of the public members shall serve for
24 two years, and two of the public members shall serve for a term three
25 years.

26 (c) Members of the subcommittee shall be appointed and hold their
27 initial organizational meeting within 45 days after the effective date
28 of P.L. , c. (C.)(pending before the legislature as this bill).

29 (d) The subcommittee shall designate a chairperson and vice
30 chairperson from among its members, except that the commissioner's
31 designee and the assistant commissioner of the Division of Child
32 Protection and Permanency shall not serve as the chairperson or vice
33 chairperson of the subcommittee.

34 (e) The subcommittee shall be entitled to call to its assistance and
35 avail itself of the services of employees of the department and seek
36 the advice of experts as required and as may be available for the
37 purposes of conducting the reviews required by this subsection.

38 (5) The Commissioner of Children and Families shall ensure the
39 subcommittee is provided with information necessary for the
40 subcommittee to fulfill its obligations under this subsection, and the
41 subcommittee shall be entitled to review such information as part of
42 the subcommittee's examination of the department's performance
43 and the development of recommendations.

44 (6) The task force may adopt rules and regulations pursuant to the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.) necessary to effectuate the purposes of this subsection.

47 (cf: P.L.2012, c.16, s.36)

1 2. (New section) a. The Commissioner of Children and Families
2 shall ensure that no child protection worker is concurrently
3 responsible for more than 15 cases at any time, unless the
4 commissioner determines that assignment of cases in excess of this
5 limit is temporarily necessary to ensure the life and safety of any
6 child under the care and supervision of the Department of Children
7 and Families.

8 b. If the average daily caseload of child protection workers
9 exceeds 15 cases per worker for two consecutive months, the
10 department shall be considered non-compliant with caseload
11 standards established pursuant to this section. In such circumstances,
12 the department shall:

13 (1) within 14 days of initial non-compliance under this subsection,
14 deliver to the Governor, the Staffing and Oversight Review
15 Subcommittee of the New Jersey Task Force on Child Abuse and
16 Neglect established pursuant to subsection c. of section 2 of
17 P.L.1994, C.119 (C.9:6-8.75), and, pursuant to section 2 of P.L.1991,
18 c.164 (C.52:14-19.1), the Legislature, notice of the non-compliance
19 and a summary of emergent efforts being made to rectify the non-
20 compliance; and

21 (2) post, on a monthly basis, on the department's Internet website,
22 the average daily Statewide caseload of child protection workers,
23 until such time as the average daily caseload has been maintained at
24 15 or fewer cases per worker for 30 days.

25 c. As used in this section, "child protection worker" means an
26 employee of the Division of Child Protection and Permanency or the
27 Institutional Abuse Investigation Unit in the Department of Children
28 and Families, or any other agency or successor agency conducting
29 child abuse investigations pursuant to section 4 of P.L.1971, c.437
30 (C.9:6-8.11) or providing child protective services pursuant to
31 P.L.1951, c.138 (C.30:4C-1 et seq.).

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33 3. This act shall take effect immediately.

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STATEMENT

37

38 This bill makes various changes to the New Jersey Child Abuse
39 and Neglect Task Force.

40 Specifically, the bill amends section 2 of P.L.1994, C.119 (C.9:6-
41 8.75) to allocate the task force in, but not, of, the Department of
42 Children and Families (DCF). Notwithstanding its allocation in the
43 DCF, the task force will be independent of any supervision or control
44 by the DCF. Currently, the task force is not allocated to any
45 department and functions as a separate entity outside of the purview
46 of any department.

47 The bill also amends section 2 of P.L.1994, C.119 (C.9:6-8.75) to
48 expand the purview of the Staffing and Oversight Review

1 Subcommittee (subcommittee) to: (1) include the review and
2 development of recommendations regarding the performance of the
3 Division of Child Protection and Permanency (DCPP); and (2)
4 review, analyze, and make recommendations regarding the DCF's
5 performance in providing child welfare services to children and
6 families as outlined in the bill. No later than 12 months after the
7 bill's enactment and annually thereafter, the subcommittee will be
8 required to report its findings and recommendations to the Governor
9 and Legislature. Current law requires the subcommittee to only
10 review and develop recommendations regarding the staffing levels of
11 the division and does not specify the types of services provided by
12 the DCF or when the review is to be completed.

13 The bill further amends section 2 of P.L.1994, C.119 (C.9:6-8.75)
14 to require the: (1) Legislature to annually appropriate to the DCF
15 sufficient funding to permit the subcommittee to hire independent
16 contracted staff or obtain other resources needed to carry out the
17 responsibilities set forth in the bill; and (2) task force to appoint at
18 least 15 members to the subcommittee to review the department's
19 performance and develop recommendations. Currently, the task
20 force does not provide funding to the subcommittee to review,
21 analyze, and make recommendations regarding the DCF's
22 performance, nor does current law require that the task force appoint
23 members to the subcommittee to conduct the review and develop the
24 recommendations required pursuant to the provisions of the bill.

25 The bill also requires the Commissioner of Children and Families
26 to ensure that no child protection worker is concurrently responsible
27 for more than 15 cases at any time, unless the commissioner
28 determines that assignment of cases in excess of this limit is
29 temporarily necessary to ensure the life and safety of any child under
30 the care and supervision of the DCF.

31 If the average daily caseload of child protection workers exceeds
32 15 cases per worker for two consecutive months, the department is to
33 be considered non-compliant with caseload standards established
34 pursuant to bill and is to: (1) within 14 days of initial non-
35 compliance, deliver to the Governor, the Legislature, and the
36 subcommittee, notice of the non-compliance and a summary of
37 emergent efforts being made to rectify the non-compliance; and (2)
38 post, on a monthly basis, on the DCF's Internet website, the average
39 daily Statewide caseload of child protection workers until the average
40 daily caseload has been maintained at 15 or fewer cases per worker
41 for 30 days.