

[Third Reprint]

ASSEMBLY, No. 3980

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 12, 2022

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

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District 20 (Union)

Senator ANDREW ZWICKER

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Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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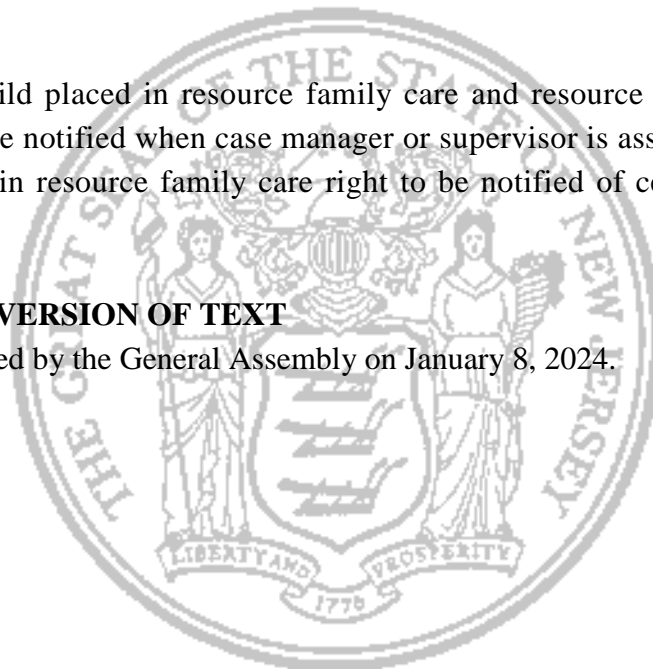
Assemblywomen Reynolds-Jackson, Jasey and Pintor Marin

SYNOPSIS

Grants child placed in resource family care and resource family parents the right to be notified when case manager or supervisor is assigned to child; grants child in resource family care right to be notified of certain property and benefits.

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 8, 2024.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning children in resource family care and amending
2 P.L.1991, c.290.

3

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

6

7 ¹[1. Section 4 of P.L.1991, c.290 (C.9:6B-4) is amended to read
8 as follows:

9 4. A child placed outside his home shall have the following
10 rights, consistent with the health, safety and physical and
11 psychological welfare of the child and as appropriate to the
12 individual circumstances of the child's physical or mental
13 development:

14 a. To placement outside his home only after the applicable
15 department has made every reasonable effort, including the
16 provision or arrangement of financial or other assistance and
17 services as necessary, to enable the child to remain in his home;

18 b. To the best efforts of the applicable department, including
19 the provision or arrangement of financial or other assistance and
20 services as necessary, to place the child with a relative;

21 c. To the best efforts of the applicable department, including
22 the provision or arrangement of financial or other assistance and
23 services as necessary, to place the child in an appropriate setting in
24 his own community;

25 d. To the best efforts of the applicable department to place the
26 child in the same setting with the child's sibling if the sibling is also
27 being placed outside his home;

28 e. To visit with the child's parents or legal guardian
29 immediately after the child has been placed outside his home and on
30 a regular basis thereafter, and to otherwise maintain contact with
31 the child's parents or legal guardian, and to receive assistance from
32 the applicable department to facilitate that contact, including the
33 provision or arrangement of transportation as necessary;

34 f. To visit with the child's sibling on a regular basis and to
35 otherwise maintain contact with the child's sibling if the child was
36 separated from his sibling upon placement outside his home,
37 including the provision or arrangement of transportation as
38 necessary;

39 g. To placement in the least restrictive setting appropriate to
40 the child's needs and conducive to the health and safety of the child;

41 h. To be free from physical or psychological abuse and from
42 repeated changes in placement before the permanent placement or
43 return home of the child;

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:

¹Assembly AWC committee amendments adopted May 11, 2023.

²Senate SHH committee amendments adopted December 14, 2023.

³Assembly floor amendments adopted January 8, 2024.

1 i. To have regular contact with any caseworker assigned to the
2 child's case who is employed by the applicable department or any
3 agency or organization with which the applicable department
4 contracts to provide services and the opportunity, as appropriate to
5 the age of the child, to participate in the planning and regular
6 review of the child's case, and to be informed on a timely basis of
7 changes in any placement plan which is prepared pursuant to law or
8 regulation and the reasons therefor in terms and language
9 appropriate to the child's ability to understand;

10 j. To have a placement plan, as required by law or regulation,
11 that reflects the child's best interests and is designed to facilitate the
12 permanent placement or return home of the child in a timely manner
13 that is appropriate to the needs of the child;

14 k. To services of a high quality that are designed to maintain
15 and advance the child's mental and physical well-being;

16 l. To be represented in the planning and regular review of the
17 child's case, including the placement and development of, or
18 revisions to, any placement plan which is required by law or
19 regulation and the provision of services to the child, the child's
20 parents or legal guardian and the temporary caretaker, by a person
21 other than the child's parent or legal guardian or temporary
22 caretaker who will advocate for the best interests of the child and
23 the enforcement of the rights established pursuant to this act, which
24 person may be the caseworker, as appropriate, or a person appointed
25 by the court for this purpose;

26 m. To receive an educational program which will maximize the
27 child's potential;

28 n. To receive adequate, safe and appropriate food, clothing and
29 housing;

30 o. To receive adequate and appropriate medical care; **and**

31 p. To be free from unwarranted physical restraint and isolation;
32 **¹and¹**

33 q. To be promptly notified when a new caseworker is assigned
34 to the child and to receive the contact information of the new
35 caseworker; ¹and

36 r. To have their resource family be promptly notified when a
37 new caseworker is assigned to the child and to receive the contact
38 information of the new caseworker¹.

39 (cf: P.L.1991, c.290, s.4)**¹**

40
41 ²1. Section 4 of P.L.1991, c.290 (C.9:6B-4) is amended to read
42 as follows:

43 4. A child placed outside his home shall have the following
44 rights, consistent with the health, safety and physical and
45 psychological welfare of the child and as appropriate to the
46 individual circumstances of the child's physical or mental
47 development:

- 1 a. To placement outside his home only after the applicable
2 department has made every reasonable effort, including the
3 provision or arrangement of financial or other assistance and
4 services as necessary, to enable the child to remain in his home;
- 5 b. To the best efforts of the applicable department, including
6 the provision or arrangement of financial or other assistance and
7 services as necessary, to place the child with a relative;
- 8 c. To the best efforts of the applicable department, including
9 the provision or arrangement of financial or other assistance and
10 services as necessary, to place the child in an appropriate setting in
11 his own community;
- 12 d. To the best efforts of the applicable department to place the
13 child in the same setting with the child's sibling if the sibling is also
14 being placed outside his home;
- 15 e. To visit with the child's parents or legal guardian
16 immediately after the child has been placed outside his home and on
17 a regular basis thereafter, and to otherwise maintain contact with
18 the child's parents or legal guardian, and to receive assistance from
19 the applicable department to facilitate that contact, including the
20 provision or arrangement of transportation as necessary;
- 21 f. To visit with the child's sibling on a regular basis and to
22 otherwise maintain contact with the child's sibling if the child was
23 separated from his sibling upon placement outside his home,
24 including the provision or arrangement of transportation as
25 necessary, and to have access to a phone number or computer that
26 allows for virtual visits between face-to-face visits or when face-to-
27 face visits are not feasible;
- 28 g. To placement in the least restrictive setting appropriate to
29 the child's needs and conducive to the health and safety of the child;
- 30 h. To be free from physical or psychological abuse and from
31 repeated changes in placement before the permanent placement or
32 return home of the child;
- 33 i. To have regular contact with any caseworker assigned to the
34 child's case who is employed by the applicable department or any
35 agency or organization with which the applicable department
36 contracts to provide services and the opportunity, as appropriate to
37 the age of the child, to participate in the planning and regular
38 review of the child's case, and to be informed on a timely basis of
39 changes in any placement plan which is prepared pursuant to law or
40 regulation and the reasons therefor in terms and language
41 appropriate to the child's ability to understand;
- 42 j. To have a placement plan, as required by law or regulation,
43 that reflects the child's best interests and is designed to facilitate the
44 permanent placement or return home of the child in a timely manner
45 that is appropriate to the needs of the child;
- 46 k. To services of a high quality that are designed to maintain
47 and advance the child's mental and physical well-being;

- 1 l. To be represented in the planning and regular review of the
2 child's case, including the placement and development of, or
3 revisions to, any placement plan which is required by law or
4 regulation and the provision of services to the child, the child's
5 parents or legal guardian and the temporary caretaker, by a person
6 other than the child's parent or legal guardian or temporary
7 caretaker who will advocate for the best interests of the child and
8 the enforcement of the rights established pursuant to this act, which
9 person may be the caseworker, as appropriate, or a person appointed
10 by the court for this purpose;
- 11 m. To receive an educational program which will maximize the
12 child's potential;
- 13 n. To receive adequate, safe and appropriate food, clothing and
14 housing;
- 15 o. To receive adequate and appropriate medical care;
- 16 p. To be free from unwarranted physical restraint and isolation;
- 17 q. To be placed in the closest proximity possible to other
18 siblings who are not in out-of-home placement or if placement
19 together is not possible, when it is in the best interests of the child;
- 20 r. To be allowed to participate in the permanency planning
21 decisions of the child's siblings, whenever appropriate; to invite any
22 other siblings of the child who is the subject of the permanency
23 planning to participate in the permanency planning decision, which
24 other siblings shall be allowed to participate in the permanency
25 planning decision, whenever appropriate; and to have the
26 recommendations and wishes of the child and of each sibling who
27 participates in the permanency planning decision documented in the
28 case record of the Division of Child Protection and Permanency in
29 the Department of Children and Families and provided to the court,
30 which recommendations and wishes shall be documented in the
31 words written, or otherwise expressed by the child or other sibling,
32 to the extent possible;
- 33 s. To know, or be made aware by the Department of Children
34 and Families, of expectations for continued contact with the child's
35 siblings after an adoption or transfer of permanent physical and
36 legal custody to a caregiver as defined in section 2 of P.L.2001,
37 c.250 (C.3B:12A-2), which continued contact shall be subject to the
38 approval of the adoptive parents or caregiver, as applicable;
- 39 t. To be promptly informed about changes in sibling
40 placements or permanency planning goals;
- 41 u. To be actively involved in the lives of the child's siblings,
42 including planning and attending celebrations, birthdays, holidays,
43 graduations, and other meaningful milestones, to the greatest extent
44 possible;
- 45 v. To not have sibling visits, including phone calls and virtual
46 visits, be denied as a result of behavioral consequences when
47 residing in a resource family home or congregate care setting;
- 48 **[and]**

- 1 w. To be provided updated contact information for all siblings
2 at least annually, including a current telephone number, address,
3 and email address, unless not in the best interests of one or more
4 siblings;
- 5 x. To be promptly notified of the identity and contact
6 information of the child's case manager ³[or] and³ supervisor, and
7 if a new case manager or supervisor is assigned to the child;
- 8 y. To have the child's resource family be promptly notified of
9 the identity and contact information of the child's case manager
10 ³[or] and³ supervisor, and if a new case manager or supervisor is
11 assigned to the child; and
- 12 z. To be ³[promptly]³ notified of property and benefits to
13 which the child is the owner or beneficiary at the time of the child's
14 placement outside of the child's home, ³if known by the
15 Department of Children and Families at the time of the child's
16 placement, or to be promptly notified upon the Department of
17 Children and Families becoming aware of such property and
18 benefits,³ including but not limited to federal Social Security
19 benefits; to be informed of the department's intent to file for federal
20 benefits on the child's behalf; and to have an opportunity to review
21 the contents of any application form for federal benefits filed on the
22 child's behalf prior to submission.²
- 23 (cf: P.L.2023, c.1, s.3)
- 24
- 25 2. This act shall take effect immediately.