

[First Reprint]

SENATE, No. 1034

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Establishes New Jersey Siblings' Bill of Rights.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on May 12, 2022, with amendments.



1 AN ACT establishing the New Jersey Siblings' Bill of Rights and
2 amending and supplementing 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. (New section) P.L. , c. (C.) (pending before the
8 Legislature as this bill) shall be known and may be cited as the
9 "New Jersey Siblings' Bill of Rights."

10
11 2. (New section) The Legislature finds and declares that:

12 a. In January 2020, the Department of Children and Families
13 established a Youth Council comprising 24 young New Jerseyans
14 with lived experience in the child welfare system.

15 b. In considering ways to improve the child welfare system,
16 members of the youth council emphasized the importance of
17 maintaining sibling relationships by: keeping siblings together in
18 resource family or congregate care settings, when feasible; placing
19 siblings in close proximity with one another when placing siblings
20 together is not an option; and supporting sibling connections while
21 in out-of-home placement.

22 c. The Youth Council's conclusion that maintaining sibling
23 relationships and placing siblings together whenever possible
24 improves child welfare outcomes and counteracts adverse childhood
25 experiences is supported by research and child welfare
26 organizations.

27 d. Siblings should be supported by the Department of Children
28 and Families in their efforts to maintain relationships with siblings
29 who are not in resource family care or who have not been adopted.

30 e. Therefore, it is in the best interests of the State to declare
31 that policies and procedures allowing for all siblings in resource
32 family or congregate care settings to be placed together are
33 generally preferred unless such placements are not in the best
34 interests of one or more of the siblings.

35
36 3. Section 4 of P.L.1991, c.290 (C.9:6B-4) is amended to read
37 as follows:

38 4. A child placed outside his home shall have the following
39 rights, consistent with the health, safety and physical and
40 psychological welfare of the child and as appropriate to the
41 individual circumstances of the child's physical or mental
42 development:

43 a. To placement outside his home only after the applicable
44 department has made every reasonable effort, including the

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 SHH committee amendments adopted May 12, 2022.

- 1 provision or arrangement of financial or other assistance and
2 services as necessary, to enable the child to remain in his home;
- 3 b. To the best efforts of the applicable department, including
4 the provision or arrangement of financial or other assistance and
5 services as necessary, to place the child with a relative;
- 6 c. To the best efforts of the applicable department, including
7 the provision or arrangement of financial or other assistance and
8 services as necessary, to place the child in an appropriate setting in
9 his own community;
- 10 d. To the best efforts of the applicable department to place the
11 child in the same setting with the child's sibling if the sibling is also
12 being placed outside his home;
- 13 e. To visit with the child's parents or legal guardian
14 immediately after the child has been placed outside his home and on
15 a regular basis thereafter, and to otherwise maintain contact with
16 the child's parents or legal guardian, and to receive assistance from
17 the applicable department to facilitate that contact, including the
18 provision or arrangement of transportation as necessary;
- 19 f. To visit with the child's sibling on a regular basis and to
20 otherwise maintain contact with the child's sibling if the child was
21 separated from his sibling upon placement outside his home,
22 including the provision or arrangement of transportation as
23 necessary ¹, and to have access to a phone number or computer that
24 allows for virtual visits in between face-to-face visits or when face-
25 to-face visits are not feasible¹ ;
- 26 g. To placement in the least restrictive setting appropriate to
27 the child's needs and conducive to the health and safety of the child;
- 28 h. To be free from physical or psychological abuse and from
29 repeated changes in placement before the permanent placement or
30 return home of the child;
- 31 i. To have regular contact with any caseworker assigned to the
32 child's case who is employed by the applicable department or any
33 agency or organization with which the applicable department
34 contracts to provide services and the opportunity, as appropriate to
35 the age of the child, to participate in the planning and regular
36 review of the child's case, and to be informed on a timely basis of
37 changes in any placement plan which is prepared pursuant to law or
38 regulation and the reasons therefor in terms and language
39 appropriate to the child's ability to understand;
- 40 j. To have a placement plan, as required by law or regulation,
41 that reflects the child's best interests and is designed to facilitate the
42 permanent placement or return home of the child in a timely manner
43 that is appropriate to the needs of the child;
- 44 k. To services of a high quality that are designed to maintain
45 and advance the child's mental and physical well-being;
- 46 l. To be represented in the planning and regular review of the
47 child's case, including the placement and development of, or
48 revisions to, any placement plan which is required by law or

1 regulation and the provision of services to the child, the child's
 2 parents or legal guardian and the temporary caretaker, by a person
 3 other than the child's parent or legal guardian or temporary
 4 caretaker who will advocate for the best interests of the child and
 5 the enforcement of the rights established pursuant to this act, which
 6 person may be the caseworker, as appropriate, or a person appointed
 7 by the court for this purpose;

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

10 n. To receive adequate, safe and appropriate food, clothing and
 11 housing;

12 o. To receive adequate and appropriate medical care; **[and]**

13 p. To be free from unwarranted physical restraint and
 14 isolation ;

15 q. ¹**[To be placed with siblings when possible and in the best**
 16 interests of all siblings placed together, including placement
 17 together in congregate care settings when possible;

18 **r.]¹ To be placed in the closest proximity possible to other**
 19 siblings who are not in out-of-home placement or if placement
 20 together is not possible, when it is in the best interests of the child;

21 ¹**[s.] r.¹ To be allowed to participate in the permanency**
 22 planning decisions of ¹**[their] the child's¹ siblings, as age and**
 23 developmentally appropriate, and to have ¹**[their] the child's¹**
 24 recommendations and wishes in this regard documented in the case
 25 record, in the words written, or otherwise expressed by the sibling
 26 when possible;

27 ¹**[t.] s.¹ To know or be made aware of expectations for**
 28 continued contact with ¹**[their] the child's¹ siblings after an**
 29 adoption or transfer of permanent physical and legal custody to a
 30 ¹**[relative] caregiver as defined in section 2 of P.L.2001, c.250**
 31 **(C.3B:12A-2)¹ ;**

32 ¹**[u.] t.¹ To be promptly informed about changes in sibling**
 33 placements or ¹**[circumstances] permanency planning goals¹ ;**

34 ¹**u.** To be actively involved in ¹**[their siblings'] the¹ lives ¹of**
 35 the child's siblings¹ , including planning and attending celebrations,
 36 birthdays, holidays, graduations, and other meaningful milestones,
 37 to the greatest extent possible;¹

38 v. ¹**[To be permitted in-person contact with siblings, if in the**
 39 best interest of both siblings, and to be provided necessary
 40 transportation as reasonable, and to have access to a phone or
 41 computer that allows for virtual visits in between or when face-to-
 42 face visits are not feasible;

43 w. To be permitted in-person contact with siblings, if in the best
 44 interest of both siblings, and to be provided necessary transportation
 45 as reasonable, and to have access to a phone or computer that

1 allows for virtual visits in between or when face-to-face visits are
2 not feasible;

3 x.]¹ To not have sibling visits, including phone calls and virtual
4 visits, be denied as a result of behavioral consequences when
5 residing in a resource family home or congregate care setting; and

6 ¹[y.] w.¹ To be provided updated contact information for all
7 siblings at least annually, including a current telephone number,
8 address, and email address, unless not in the best interests of one or
9 more siblings.

10 (cf: P.L.1991, c.290, s.4)

11

12 4. This act shall take effect immediately.