

SENATE, No. 4056

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED NOVEMBER 27, 2023

Sponsored by:

Senator RENEE C. BURGESS

District 28 (Essex)

Co-Sponsored by:

Senator Johnson

SYNOPSIS

Clarifies rights of parents with disabilities in child protective proceedings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/27/2023)

1 AN ACT concerning the rights of parents with disabilities and
2 supplementing various parts of the statutory law.

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

6
7 1. a. As used in this section:

8 “Abused or neglected child” has the same meaning as set forth in
9 subsection c. of section 1 of P.L.1974, c. 119 (C.9:6-8.21),

10 “Disability” has the same meaning as set forth in subsection q.
11 of section 5 of P.L.1945, c.169 (C.10:5-5).

12 “Supportive parenting services” means services to help parents
13 or guardians with a disability compensate for those aspects of the
14 disability that affect the parent’s or guardian’s ability to care for the
15 child and that will enable the parent or guardian to discharge their
16 parental responsibilities. The term “supportive parenting services”
17 includes, but is not limited to, specialized or adapted training,
18 evaluations, and assistance with effective use of adaptive
19 equipment, as well as accommodations that allow a parent or
20 guardian with a disability to benefit from other services, such as
21 Braille text or sign language interpreters.

22 b. A parent’s or guardian’s disability shall not be considered a
23 negative factor in a determination concerning the child in any of the
24 proceedings set forth below, absent a specific showing by clear and
25 convincing evidence by the Division of Child Protection and
26 Permanency that there is a nexus between the parent’s or guardian’s
27 disability and alleged harm to the child, and that such alleged harm
28 cannot be prevented or alleviated by accommodations for the
29 disability, including adaptive parenting equipment or supportive
30 parenting services.

31 c. The proceedings referenced in subsection b. of this section
32 include, but are not limited to, determinations of:

33 (1) whether a child is an abused or neglected child as defined in
34 subsection c. of section 1 of P.L.1974, c.119 (C.9:6-8.21);

35 (2) whether a child shall be removed from the place where the
36 child is residing, pursuant to section 7, 8, or 9 of P.L.1974, c.119
37 (C.9:6-8.27, C.9:6-8.28, or C.9:6-8.29);

38 (3) whether the child’s interests require protection pending a
39 final order of disposition, pursuant to section 11 of P.L.1974, c.119
40 (C.9:6-8.31);

41 (4) whether the child shall be returned to the parent or guardian
42 following removal, pursuant to section 12 of P.L.1974, c.119
43 (C.9:6-8.32); and

44 (5) the disposition of the child pursuant to any fact-finding
45 hearing or dispositional hearing set forth in Title 9 of the Revised
46 Statutes.

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48 2. a. A parent’s or guardian’s disability shall not be considered
49 a negative factor in any proceeding to terminate parental rights,

1 absent a specific showing by clear and convincing evidence by the
2 Division of Child Protection and Permanency that there is a nexus
3 between the parent's or guardian's disability and alleged harm to
4 the child, and that such alleged harm cannot be prevented or
5 alleviated by accommodations for the disability, including adaptive
6 parenting equipment or supportive parenting services.

7 b. As used in this section:

8 "Disability" has the meaning set forth in subsection q. of section
9 5 of P.L.1945, c.169 (C.10:5-5).

10 "Supportive parenting services" means services to help parents
11 or guardians with a disability compensate for those aspects of the
12 disability that affect their ability to care for the child and that will
13 enable them to discharge their parental responsibilities. The term
14 includes, but is not limited to, specialized or adapted training,
15 evaluations, and assistance with effective use of adaptive
16 equipment, as well as accommodations that allow a parent or
17 guardian with a disability to benefit from other services, such as
18 Braille text or sign language interpreters.

19
20 3. a. A parent's or guardian's disability shall not be considered
21 a negative factor by the court in any determination whether to
22 appoint a guardian for a minor child, absent a specific showing by
23 clear and convincing evidence that there is a nexus between the
24 parent's or guardian's disability and alleged harm to the child, and
25 that such alleged harm cannot be prevented or alleviated by
26 accommodations for the disability, including adaptive parenting
27 equipment or supportive parenting services.

28 b. As used in this section:

29 "Disability" has the meaning set forth in subsection q. of section
30 5 of P.L.1945, c.169 (C.10:5-5).

31 "Supportive parenting services" means services to help parents
32 or guardians with a disability compensate for those aspects of the
33 disability that affect their ability to care for the child and that will
34 enable them to discharge their parental responsibilities. The term
35 includes, but is not limited to, specialized or adapted training,
36 evaluations, and assistance with effective use of adaptive
37 equipment, as well as accommodations that allow a parent or
38 guardian with a disability to benefit from other services, such as
39 Braille text or sign language interpreters.

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41 4. This act shall take effect on the 90th day following
42 enactment.

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45 STATEMENT

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47 This bill would clarify certain rights of parents with disabilities
48 in child protective proceedings. The bill provides that a parent's or
49 guardian's disability could not be considered a negative factor in a

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1 determination concerning the child in certain child protection
2 proceedings, absent a specific showing by clear and convincing
3 evidence that there is a nexus between the parent's or guardian's
4 disability and alleged harm to the child, and that such alleged harm
5 cannot be prevented or alleviated by accommodations for the
6 disability, including adaptive parenting equipment or supportive
7 parenting services. The proceedings include determinations of child
8 abuse and neglect, removal of the child from the child's home,
9 termination of parental rights, and hearings concerning the
10 disposition of the child as set forth in Title 9 of the Revised
11 Statutes.

12 The provisions of the bill would also apply to a determination by
13 the court as to whether to appoint a guardian for a minor child.

14 The bill defines "disability" as having the same meaning as is
15 set forth in the definition of the term in the Law Against
16 Discrimination, in subsection q. of section 5 of P.L.1945, c.169
17 (C.10:5-5).

18 The bill defines "supportive parenting services" as services to
19 help parents or guardians with a disability compensate for those
20 aspects of the disability that affect their ability to care for the child
21 and that will enable them to discharge their parental
22 responsibilities. The term includes, but is not limited to, specialized
23 or adapted training, evaluations, and assistance with effective use of
24 adaptive equipment, as well as accommodations that allow a parent
25 or guardian with a disability to benefit from other services, such as
26 Braille text or sign language interpreters.