ASSEMBLY, No. 5361

STATE OF NEW JERSEY

222nd LEGISLATURE

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Sponsored by:
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SYNOPSIS

Requires DCF to develop child welfare emergency response plan for DCPP caseworkers.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the development of a child welfare emergency response plan for DCPP caseworkers and supplementing Title 30 of the Revised Statutes.

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

1. a. The Governor shall declare a child welfare emergency in response to the detention of children in federal immigration detention. In declaring the child welfare emergency, the Governor shall issue an order:

(1) specifying the conditions that brought about the child welfare emergency and the necessary actions that must be taken by the federal government to terminate the emergency; and

(2) requiring the Department of Children and Families to develop and oversee the implementation of a child welfare emergency response plan for Division of Child Protection and Permanency caseworkers and other child welfare services providers to address the circumstances that led to the declaration of the emergency.

b. At a minimum, the child welfare emergency response plan developed by the Department of Children and Families pursuant to paragraph (2) of subsection a. of this section shall:

(1) establish guidelines and best practices for the general and specific operations, activities, and procedures that are to be undertaken or implemented by the child welfare system during the child welfare emergency, including, but not limited to:

(a) developing standards requiring that Division of Child Protection and Permanency caseworkers make unannounced visits to, and interview children in, federal immigration detention facilities to assess the health, safety, and well-being of the children;

(b) authorizing the unannounced inspection of federal immigration detention facilities housing children which shall include a site visit and any other means, as established by the division, to evaluate the detention facility;

(c) guaranteeing that the operation of the Department of Children and Families' State Central Registry ensures that allegations of child abuse or neglect in federal immigration detention facilities are received by the department's field offices in a timely manner and investigations are commenced within 48 hours of receipt of the allegations;

(d) creating policies and procedures to take a child who has been detained in a federal immigration detention facility into protective custody when that child has suffered serious physical injury or injuries, and the most probable inference from the medical and factual information supplied as part of an investigation conducted pursuant to section 3 of P.L.1973, c.147 (C.9:6-8.18), is that the injury or injuries were inflicted upon the child by another person by other than accidental means; and

(e) at the time of a child’s detention in a federal immigration detention facility, automatically appointing a guardian ad litem for the child to represent the child's interests while in detention; and

(2) to the extent feasible, coordinate the activities of State departments, State, county, and municipal agencies, family courts, and community-based social services organizations to protect children detained in federal immigration detention through collaborative interventions and supports.

c. The department shall:

(1) prepare the child welfare emergency response plan, as required by this section, within 60 days after enactment of this act;

(2) review and revise the child welfare emergency response plan on an annual basis after the plan's initial development under paragraph (2) of subsection a. of this section; and

(3) post, at a publicly accessible location on the department's Internet website, the initial response plan developed under paragraph (2) of this subsection a. of this section and any revised response plan developed under paragraph (2) of this subsection.

2. This act shall take effect immediately.

STATEMENT

This bill mandates the Governor to declare a child welfare emergency in response to the detention of children in federal immigration detention. In declaring the child welfare emergency, the Governor is to issue an order: (1) specifying the conditions that brought about the child welfare emergency and the necessary actions that must be taken by the federal government to terminate the emergency; and (2) requiring the Department of Children and Families (DCF) to develop and oversee the implementation of a child welfare emergency response plan for Division of Child Protection and Permanency caseworkers and other child welfare services providers to address the circumstances that led to the declaration of the emergency.

At a minimum the child welfare emergency response plan developed by the DCF is to: establish guidelines and best practices for the general and specific operations, activities, and procedures that are to be undertaken or implemented by the child welfare system during the emergency; and coordinate the activities of State departments, State, county, and municipal agencies, family courts, and community-based social services organizations to protect children detained in federal immigration detention through collaborative interventions and supports.

The bill requires the DCF to: 1) prepare the child welfare emergency response plan within 60 days after enactment of the bill; (2) review and revise the child welfare emergency response plan on

an annual basis after the plan's initial development; and 3) post, at a publicly accessible location on the DCF’s Internet website, the initial response plan and any revised response plan developed under the bill.