

## NOTICE TO THE BAR

**CHILD PROTECTION -- PROTOCOL FOR COMPLAINTS THAT CONTAIN BOTH  
ALLEGATIONS OF ABUSE OR NEGLECT AND A REQUEST FOR RELIEF THAT THE  
CHILD BE PLACED IN THE CARE AND SUPERVISION OR CUSTODY OF THE  
DIVISION OF CHILD PROTECTION AND PERMANENCY WITHOUT A CHILD  
ABUSE FINDING; AMENDMENTS TO RULE 5:12-4**

The Supreme Court has amended Rule 5:12-4 (“Case Management Conference, Hearings, Trial, and Termination of Parental Rights Proceedings”) so as to standardize the procedure for certain cases filed by the Division of Child Protection and Permanency (DCP&P). The Court’s January 5, 2024 Order is attached.

The rule amendments affect child protection cases in which DCP&P files a complaint that includes both: (1) allegations that the parent has abused or neglected a child pursuant to N.J.S.A. 9:6-8.21 to -8.70 (Title 9); and (2) a request for relief that the child be placed under the care and supervision or custody of DCP&P without a child abuse finding pursuant to N.J.S.A. 30:4C-11 to -12 (Title 30). Effective February 1, 2024, courts in such cases will be required to first resolve the more serious Title 9 allegations before proceeding with the Title 30 reliefs.

The amendments to Rule 5:12-4 are intended to support consistency for children involved in child protection proceedings and to align with the “legislative disinclination to keep an open-ended abuse and neglect action hanging over a parent’s head.” Div. of Youth and Family Services v. I.S., 214 N.J. 8, 39 (2013).

Questions on the Court’s January 4, 2024 Order should be addressed to the AOC Family Practice Division at 609-815-2900, ext. 55350.

Dated: January 8, 2024

  
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Hon. Glenn A. Grant, J.A.D.  
Administrative Director of the Courts

## SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 5:12-4 (“Case Management Conference, Hearings, Trial, and Termination of Parental Rights Proceedings”) of the Rules Governing the Courts of the State of New Jersey are adopted to be effective February 1, 2024.

For the Court,



Chief Justice

Dated: January 4, 2024

5:12-4. Case Management Conference, Hearings, Trial, and Termination of Parental Rights Proceedings

(a) ...no change

(b) ...no change

(c) ...no change

(d) ...no change

(e) ...no change

(f) ...no change

(g) ...no change

(h) ...no change

(i) ...no change

(j) ...no change

(k) Complaints with Both Title 9 and Title 30 Allegations. When the Division of Child Protection and Permanency (DCP&P) files a complaint that includes allegations in a child protection matter under both Title 9 (N.J.S.A. 9:6-8.21 to -8.70) and Title 30 (N.J.S.A. 30:4C-11 to -12), the court shall conduct a fact-finding hearing and proceed as follows:

(1) If the fact-finding hearing establishes facts sufficient to sustain the Title 9 allegations, the court will enter an order finding that the child is an abused or neglected child and hold a disposition hearing and subsequent reviews. If the fact-finding hearing does not establish facts sufficient to sustain a complaint under Title

9, or if DCP&P withdraws the Title 9 matter, the court shall dismiss the Title 9 allegations.

(2) The court shall next apply the facts established at the fact-finding hearing to the Title 30 allegations and may consider any additional evidence as necessary relating to the Title 30 finding. If facts sufficient to sustain the Title 30 allegations are established, the court will order appropriate relief pursuant to the statute. If facts sufficient to sustain a complaint under Title 30 are not established, the court shall dismiss the Title 30 allegations immediately.

(3) If all Title 9 and Title 30 allegations are dismissed, the entire complaint shall be dismissed immediately.

Note: Source-R. (1969) 5:7A-4. Adopted December 20, 1983, to be effective December 31, 1983; paragraphs (e) and (f) adopted November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (b) amended June 28, 1996 to be effective September 1, 1996; paragraph (g) adopted July 10, 1998 to be effective September 1, 1998; new paragraphs (h) and (i) adopted July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; note that Appendix X-A previously referenced in paragraph (a) also deleted July 28, 2004 to be effective September 1, 2004; paragraph (d) amended, and captions added to paragraphs (e), (f), and (g) June 15, 2007 to be effective September 1, 2007; paragraph (g) amended July 16, 2009 to be effective September 1, 2009; caption amended, new paragraph (j) adopted June 26, 2012 to be effective September 4, 2012; effective date of June 26, 2012 amendments changed to November 5, 2012 by order of August 20, 2012; paragraphs (d), (e), (f) and (j) amended July 9, 2013 to be effective September 1, 2013; paragraph (b)

amended July 27, 2015 to be effective September 1, 2015; new paragraph (k)  
adopted January 4, 2024 to be effective February 1, 2024.