

NOTICE TO THE BAR

FAMILY – DIRECTIVES WITH TECHNICAL REVISIONS

This is a follow up to the December 20, 2016 Notice to the Bar regarding the Judiciary's review of its Administrative Directives affecting the Family Division, which set forth a list of rescinded Administrative Directives. In the ongoing effort to maintain current and relevant policies and procedures, the Judiciary continues its review of the Administrative Directives affecting the Family Division. As a result of that continuing review, the Family-related Directives have been categorized as follows:

- (a) Directives Requiring No Revision and remaining in effect as issued;
- (b) Rescinded Directives;
- (c) Directives with Technical Revisions;
- (d) Directives Containing Substantive Changes proposed by the Conferences of Family Presiding Judges and Family Division Managers; and
- (e) Directives Pending Revisions (these directives will require further updates to be developed and issued at a later time).

This Notice addresses the third category referenced above, that is, those Family-related Directives that have undergone technical revisions. These Directives are now being reissued as Superseding Directives as noted below. The Directives referenced in this Notice are located at: <http://www.judiciary.state.nj.us/attorneys/directives.html>.

Superseding Directive # 05-17

#03-71 *Counsel Fees*

This Superseding Directive adds a subsequent case reference as an editor's note. In Spoto v. McCarroll, 250 N.J. Super. 66 (App. Div. 1991), the court found that the trial judge had the authority and discretion to award fees against the defendant in a custody action, notwithstanding the fact that the plaintiff's attorney was employed by legal services. The court remanded for the trial court's reconsideration of fees with the awareness that fees could be awarded to a publicly funded agency.

Superseding Directive # 06-17

#05-80/#02-81 *Admission of Juveniles into Custody Detention and Shelter Care Facilities*

The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

Superseding Directive # 07-17

#16-83/#14-83 *Docketing, Uniform Docket Numbers & Statistics for Family Division*

This Superseding Directive includes technical revisions such as updated docket number examples, the deletion of historical references to obsolete terms (e.g., "Child Placement Review Profile") and the deletion of obsolete AOC reference numbers.

Superseding Directive # 08-17

#12-89 *Effective Date of Support Order*

This Superseding Directive includes a technical revision that changes a reference from the former automated child support system, "ASCES," to the current automated child support system, "NJKiDS."

Superseding Directive # 09-17

#14-89 *Change of Beneficiary of Child Support Orders - Foster Care Cases*

The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

Superseding Directive # 10-17

#11-90 *Disclosure of Identity of Child Victims in Sexual Assault, Endangering the Welfare, or Child Abuse/Neglect Cases*

The second paragraph was modified to delete all references to the Proposed Child Victim Committee Report, which had been attached to the original issuance of Directive #11-90 so as to elicit comments. In numbered paragraph 5, the reported citation for D.Y.F.S. v. J.B., 120 N.J. 112 (1990), was added. The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

Superseding Directive # 11-17

#08-04 *Entering Dispositions with Respect to Juveniles Held in a Detention Center*

The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

Superseding Directive # 12-17

#03-05 *Intercounty Child Support Case Management Policy*

This Superseding Directive deleted references from the former automated child support system, "ASCES," to the current automated child support system, "NJKiDS."

Any references to superseded Directives have been removed. Because this Directive was promulgated in 2005, references to implementation plans have been removed.

Superseding Directive # 13-17

#05-07 *Family/Juvenile – Functional Equivalent to Juvenile Pre-Disposition Report (PDR) – Standardization Form*

The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency. The reference to Youth Case Management (YCM) under Miscellaneous Information of the Functional Equivalent to the PDR form was removed because YCM no longer exists. Those YCM cases are now handled by the Care Management Organization. Acronyms also are now spelled out on the Functional Equivalent to the PDR form.

Superseding Directive # 14-17

#03-09 *Co-Occurring Child Abuse and Domestic Violence – Operational Guidance*

The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

The originally issued Directive requested implementation plans from all vicinages and listed future training dates. Because the policy outlined in this Directive was implemented in 2009, references to implementation plans and training have been removed.

Superseding Directive # 15-17

#11-09 *Child Welfare Mediation Program Procedures Manual – Statewide Implementation*

The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

The originally issued Directive requested implementation plans from all vicinages and listed future training dates. Because the policy outlined in this Directive was implemented in 2009, references to implementation plans and training have been removed.

Superseding Directive # 16-17

#04-10 *Family – Children in Court – Better Protection for Children -- Improved Oversight of Abused and Neglected Children in Foster Care*

References to the 45 Day Review were updated to reflect a legislative amendment, P.L.2016, c.90, which provides that a CPR Board Review takes place at 60 days after a child's placement in foster care rather than 45 days.

The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

Because this Directive was promulgated in 2010, references to implementation plans have been removed.

Superseding Directive # 17-17

This Superseding Directive will be entitled "Family -- Court Policies on Termination of Parental Rights and Adoption Matters"

#17-79 *Juvenile - Adoption Information*

#07-06/#17-06 *Adoptions –*

- (1) *Agency Investigations in Stepparent Adoptions;*
- (2) *Timing of Background Checks in All Adoptions*

#06-11 *Court Policies on Termination of Parental Rights and Adoption Matters*

This Superseding Directive updates and consolidates Directives #17-79, #17-06, and #06-11.

The subject was revised to accurately reflect the subject matter addressed in this Directive, superseding Directives #17-79, #07-06/#17-06 and #06-11. Any references to these superseded Directives have been removed.

The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

The originally issued Directive #06-11 requested implementation plans from all vicinages to ensure compliance with the Directive. Because the directive was implemented in 2011, references to implementation plans have been removed.

The originally issued Directive #06-11 projected implementation of the adoption case management system to be 2012. Because this system has been implemented, references to R. 5:10A (which required backloading of all open pending adoptions within 180 days) and Attachment B to the Directive, a sample court order regarding unsealing adoption cases so they can be uploaded, have been removed.

The originally issued Directive #06-11 recited a number of court rule amendments and superseding court rules relating to adoption matters effective September 1, 2011. The rule recitations have been removed.

The originally issued Directive #17-06 requested an implementation plan from each vicinage by October 1, 2006. Because the Directive was implemented in 2006, references to implementation plans have been removed.

Superseding Directive # 18-17

This Superseding Directive will be entitled "Family – Revised Children-in-Court Standards; Amended Rules of Court and Revised Appellate Division Administrative Protocol to Assist the Trial and Appellate Courts to Process Termination of Parental Rights Matters Effectively"

#10-01 *Termination of Parental Rights Cases - Advisory Notice Regarding Public Defender Representation at the Conclusion of the Proceeding/Appeal (N.J.S.A. 30:4C-15.4; R. 2:7-2)*

#06-12 *Family – Revised Children-in-Court Standards; Amended Rules of Court and Revised Appellate Division Administrative Protocol to Assist the Trial and Appellate Courts to Process Termination of Parental Rights Matters Effectively*

This Superseding Directive updates and consolidates Directives #10-01 and #06-12. The subject was revised to accurately reflect the subject matter addressed in this Directive, superseding Directives #10-01 and #06-12. Any references to these superseded Directives have been removed.

The Administrative Protocol for Termination of Parental Rights Appeals was revised to conform to an April 21, 2016 Supreme Court rule relaxation order, effective July 1, 2016, which requires all Termination of Parental Rights appeals and related documents to be filed electronically.

Superseding Directive # 19-17

#04-13 *Child Placement Review (CPR) Program – Revised Standards*

References to the 45 Day Review were updated to reflect a legislative amendment, P.L.2016, c.90, which provides that a CPR Board Review takes place at 60 days after a child's placement in foster care rather than 45 days.

Notice to the Bar
Family – Directives with Technical Amendments

Questions regarding these Directives may be directed to the Family Practice Division of the Administrative Office of the Courts at PO Box 983, Trenton, NJ 08625- 0983.



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Acting Administrative Director of the Courts

Dated: June 23, 2017