

GLENN A. GRANT, J.A.D.
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TO: Hon. Carmen Messano
Assignment Judges
Family Presiding Judges

FROM: Glenn A. Grant, J.A.D. 

SUBJECT: 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

DATE: June 23, 2017

DIRECTIVE #18-17

[Supersedes Directive #06-12 (and its Supplement) and Directive #10-01]
[Questions or comments may be directed to (609) 815-2900, ext. 55350]

Introduction

This Directive updates and consolidates two previously promulgated Directives, addressing the revised set of Children in Court (CIC) Standards, and addressing the 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. The forms and orders referenced in this Directive are not being revised by this reissued Directive.

Attached is the revised set of Children in Court (CIC) Standards, as approved by the Supreme Court (Attachment 1), promulgated in 2012, which remains unchanged by this Directive. The revisions were necessary to clarify practice and to bring the CIC Standards into full conformance with current statutes, court rules, and Judiciary policies.

1. CIC Standards 1 through 15 and 17, and paragraphs (a), (b), (c), (e), (f) and (g) of Standard 16. Appended are an evidence list form (CN 11554) (Attachment 2) and a revised Judgment of Guardianship form (CN 10265) (Attachment 3), to assist the trial and appellate courts to process termination of parental rights matters effectively.
2. To assist the trial and appellate courts to process termination of parental rights matters effectively, Rules 5:12-4 and 2:4-1(a) were amended, and effective September 1, 2012. Also appended are documents developed to provide notice to litigants and to operationalize the policies set out in this Directive.

- (a) Paragraph (d) of Standard 16 advises of the adoption of a new Acknowledgment of Appeal Rights form (CN 11553) (Attachment 4) and a revised Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317) (Attachment 5). Those documents will be consistent with the amendment to R. 2:4-1(a), set forth below, which becomes effective on September 4, 2012. This rule amendment requires appeals in termination of parental rights (TPR) matters to be filed no later than 21 days after entry of the TPR judgment.
 - (b) The Appellate Division's Administrative Protocol for Termination of Parental Rights Appeals (administrative protocol) (Attachment 6) also has been revised.
3. On June 29, 2012, the Governor signed into law A-3101 (S-2070), which reorganized the Department of Children and Families. Among the provisions of that enactment is the renaming of the Division of Youth and Family Services (DYFS) to the Division of Child Protection and Permanency (DCPP), effective July 2, 2012. The attached CIC Standards and forms, and this Directive, reflect that name change. Conforming court rule amendments also were adopted, effective September 1, 2013, to reflect that name change.

Summary of Revisions to Children in Court Standards

Following is a summary of each of the CIC Standards, including a brief description of the revision, if any, to each standard:

Standard 1 states that CIC cases are a priority. Minor technical amendments were made to this standard.

Standard 2, which describes the establishment and continuing existence of local CIC Advisory Committees and the statewide Children in Court Improvement Committee, was revised to reflect current practice.

Standard 3 states that defendants in CIC matters should receive prompt representation. This standard was revised to clarify the process for appointing legal representation for a defendant.

Standard 4 states that the court must ensure that necessary parties receive notices of all court hearings and also provides for the statutory requirement to provide a copy of the child abuse or neglect complaint to the county prosecutor. This standard now clarifies the notice requirement. The new standard also eliminates the requirement that names and addresses appear in the child abuse or neglect complaint so as to protect the confidentiality of victims in domestic violence situations.

Standard 5 describes the court's duty to make federally required findings when authorizing the removal of a child from home. This standard was revised to clarify the two critical findings that a judge must document when the Division of Child Protection and Permanency (DCPP), in the Department of Children and Families, places a child away from home.

Standard 6 sets forth the procedure and the verbatim advisory notice that must be provided to defendants if they fail to comply with the court's order. The standard now provides the actual procedure to be followed by the court.

Standard 7 sets forth the time goals and the standard of proof for child abuse or neglect fact-finding hearings. This standard was revised to focus on and clarify the practice involving findings of fact.

Standard 8 states that Child Placement Review (CPR) Boards function as an arm of the court. This standard was revised so as to be consistent with Administrative Directive #04-10, "Better Protection for Children -- Improved Oversight of Abused and Neglected Children in Foster Care."

Standard 9 states that the court should process CIC cases so as to ensure continuity for the family. Minor technical amendments were made to this standard.

Standard 10 requires that a permanency hearing must be held at least annually for children in out-of-home placements. This standard was revised to clarify practice.

Standard 11 promotes the establishment of Court Appointed Special Advocate (CASA) programs in every county. This standard is unchanged.

Standard 12 sets a time goal for filing a termination of parental rights complaint and provides that the complaint must be filed no later than 45 days after the permanency hearing. The revision here was to the time goal (revised from 60 days to 45 days) in order to reflect current practice and to further promote the goal of ensuring timely permanency for children in placement.

Standard 13 states that court orders should be completed and distributed to the attorneys and parties before they leave court. The standard also clarifies that approved forms of order should be used at all times.

Standard 14 requires there to be annual training for court staff. Minor technical amendments were made to this standard.

Former Standard 15 was deleted -- This standard called for modifications to FACTS to track children in foster care. Since those changes have been made, this standard was no longer necessary.

Former Standard 16 was renumbered to **Standard 15** – This standard sets out the requirement to develop and maintain the CIC case-processing manual. In addition to being renumbered, minor technical amendments were made to this standard.

Former Standard 17 was renumbered to **Standard 16** – This standard originally called for the development of policies for addressing appeals of CIC matters. Such policies to assist the trial courts and appellate courts in efficiently processing termination of parental rights (TPR) cases have since been developed and approved by the Supreme Court and are now set forth in detail in this revised and renumbered standard.

The policies contained in Standard 16 are in part a response to the federal Child and Family Services Review (CFSR) conducted by the federal Administration for Children and Families Children's Bureau (Children's Bureau). The purpose of the CFSR is to help states improve child welfare services and achieve safety, permanency and well-being for families and children who receive those services. In its February 2009 CFSR Statewide Assessment (Assessment) of New Jersey, the Children's Bureau noted that New Jersey was not effective in achieving permanency for children in DCPP care, in particular in achieving timely adoption of the children who require that type of permanency. The Assessment noted that delay in disposing of TPR matters under N.J.S.A. 30:4C-15.1 and delay in the appeals of those matters was a critical factor preventing New Jersey from achieving the timely adoption of children in DCPP care.

To address that concern and improve New Jersey's effectiveness in these cases, the Supreme Court approved the following policies and procedures:

- a. The attached standard form evidence list (CN 11554) (Attachment 2) shall be used in all TPR matters to document trial exhibits submitted for identification or introduced into evidence.
- b. The trial court must render its decision within 14 days of completing the TPR trial. This reiterates existing policy.
- c. The attached standard form of judgment (CN 10265) (Attachment 3) shall be used by the trial court to document TPR, including trial dates, names of witnesses, dates of testimony, who called the witnesses, and any and all dates on which a parent surrendered parental rights. The judgment must have appended to it a list of all exhibits introduced into evidence and the party who introduced that evidence. The items noted in this standard must be addressed so as to minimize delay in the appeals process.
- d. At the conclusion of the TPR matter, the trial court must advise the parties of their right to appeal the judgment and that the appeal period is 21 days. This procedure includes the use of an appeal rights form (CN 11553) (Attachment 4) and a revised "Advisory Notice to Parents and Counsel When Parental Rights Are

Terminated" (CN 10317) (Attachment 5). In that regard, the Court amended Rule 2:4-1(a), effective as of November 5, 2012, so as to require appeals of TPR final judgments to be filed no later than 21 days following the entry of the judgment.

- e. If a party indicates a desire to appeal the judgment, the trial court must direct trial counsel to file the appeal. This procedure also includes other instructions to the appealing party.
- f. If a party makes a request of the trial court for additional time, the court may adjourn the matter for up to 14 days, shall require trial counsel to continue to represent the party, and shall require the TPR litigation to remain open until a notice of appeal has been filed or until it has been determined that no appeal will be filed. This policy ensures that there is no gap in representation and that the court continues to track the progress of the case. The 14-day adjournment policy, however, will not toll the time for filing the notice of appeal.
- g. Trial counsel is responsible for providing copies of exhibits to appellate counsel. This standard also sets out the policies and procedures regarding the submission and retention of trial exhibits. The standard also notes that a pilot program for the electronic submission of trial exhibits should be established to further improve case processing. In that regard, the Court amended Rule 5:12-4, effective as of November 5, 2012, so as to set out the following policies in TPR matters: (a) DCPD is required to submit to the court before the start of the trial two hard copies of all trial exhibits; (b) DCPD is required to use an evidence list in a form prescribed by the Administrative Director of the Courts; (c) DCPD is permitted to submit trial exhibits electronically; and (d) the trial court is required to retain trial exhibits for a minimum of 90 days after entry of the final judgment or order and until final disposition of the appeal. The text of the amendment to R. 5:12-4 is set forth below.

Standard 17 consists of the policy promulgated by Administrative Directive #04-10 for reviewing children after their parents' rights have been terminated. The policy is unchanged.

Amended Rules of Court to Assist the Trial and Appellate Courts to Process Termination of Parental Rights Matters Effectively

Minimizing any delay in disposing of these time-sensitive matters responds to the deficiency identified by the CFSR. In addition to adopting the set of revised CIC Standards, the Supreme Court also approved other policies and procedures to assist the trial and appellate courts

to process TPR matters more effectively. In 2012, the Court amended Rules 5:12-4 and 2:4-1(a) to operationalize the approved policies and procedures set out in this Directive.

Revisions to the Appellate Division's Administrative Protocol for Termination of Parental Rights Appeals

Also attached is the Appellate Division Administrative Protocol on Termination of Parental Rights Appeals, effective for appeals filed on or after September 4, 2012, which reflects the revised policies and procedures approved by the Supreme Court (Attachment 6). Changes to the administrative protocol include the following:

- (1) Transcripts must be distributed to the party and the clerk of the appellate court no later than 35 days after the filing of the notice of appeal.
- (2) The Appellate Division will file the scheduling order for the matter immediately following receipt of the transcripts.
- (3) The appellant's brief must be filed no later than 45 days after the filing of the transcripts.
- (4) The respondent's brief must be filed no later than 30 days after service of the appellant's brief.
- (5) The oral argument or submission calendar date will be held no later than six weeks after the filing of the last respondent's brief.
- (6) No administrative extensions will be granted. Absent extraordinary circumstances, extensions by motion will not be granted.
- (7) Motions not related to the merits of the appeal will not affect the briefing schedule.
- (8) The appellate court may sanction appellate counsel and their supervisors for failure to comply with court rules, court orders, or Judiciary policies. An order to show cause and imposition of sanctions should be used, for example, if a party, without good cause, repeatedly fails to meet deadlines or to adhere to the Appellate Division's administrative protocol.

EDITOR'S NOTE

*2017 Update - This Superseding Directive updates and consolidates Directives #10-01, #06-12 and the Supplement to Directive #06-12. The subject line 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.

06/14/2017 - Revised Judgment of Guardianship (CN 10265) was promulgated.

09/30/2014 - Revised Judgment of Guardianship (CN 10265) was promulgated.

11/05/2012 - Revised Acknowledgment of Appeal Rights Form (CN 11553) was promulgated. Revised Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317) was promulgated.

07/11/2012 - Directive #06-12 -- Originally issued by Glenn A. Grant, J.A.D., Acting Administrative Director.

06/27/2001 - Directive #10-01 -- Originally issued by Hon. Richard J. Williams, Administrative Director.

Attachments:

1. Children in Court Standards
2. Evidence List (CN 11554)
3. Judgment of Guardianship (CN 10265)
4. Acknowledgment of Appeal Rights (CN 11553)
5. Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317)
6. Administrative Protocol for Termination of Parental Rights Appeals

cc: Chief Justice Stuart Rabner
Hon. Jack M. Sabatino
Hon. Clarkson S. Fisher, Jr.
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of the Court
Trial Court Administrators
Ann Marie Fleury, Special Assistant
Melaney S. Payne, Special Assistant
John K. Grant, App. Div. Deputy Clerk
David Tang, Chief
Family Division Managers
Assistant Family Division Managers

CHILDREN IN COURT STANDARDS

Standard 1: Children in Court cases are a priority

Children in Court cases shall be administered with priority. All family docket types are important, but these cases require much closer monitoring.

Standard 2: Children in Court Advisory Committees

A Children in Court Advisory Committee comprised of key child welfare stakeholders shall be maintained in each county to encourage planning and coordination necessary at the county level. At least quarterly meetings shall be convened and chaired by the lead CIC judge.

A statewide Children in Court Improvement Committee shall be maintained to encourage planning and coordination necessary at the state level.

Standard 3: Prompt representation of defendants in Children in Court cases

Prompt representation of defendants in Children in Court cases is a primary objective. This is accomplished by a defendant, who is not already represented by counsel, completing an application for legal representation, known as a 5A application. An initial determination of indigency shall be made by the judge or court staff. Processing of such 5A applications shall be expedited and coordinated with the Office of the Public Defender. At the earliest possible point in the case but no later than the date of service of the Complaint and Order to Show Cause on the defendant, a 5A application shall be served on the defendant.

Standard 4: Notices for court hearings and notification to county prosecutor

The court must ensure that notices for all court hearings are provided to all necessary parties and interested persons, including resource parents.

Pursuant to N.J.S.A. 9:6-8.25, court staff shall provide a copy of the abuse or neglect complaint to the county prosecutor's office promptly after filing.

Standard 5: Required judicial findings on an initial order of removal

When a child is removed or sought to be removed from the home by the Division of Child Protection and Permanency (DCPP), the judge must make a finding whether it is contrary to the child's welfare to remain in the home and whether DCPP has made

reasonable efforts to prevent placement. If the court finds that reasonable efforts to prevent placement were not required, the court shall make the required findings pursuant to N.J.S.A. 30:4C-11.2. All findings shall be case specific, on the record and memorialized on the approved court order.

Standard 6: Advisory notice to parents of the potential consequences of noncompliance

At each court event, judges should orally advise parents of the potential consequences of noncompliance with the court-ordered plan for services and reunification. These consequences include the possibility that their rights as parents could be terminated and their child(ren) freed for adoption. All court orders in abuse or neglect cases shall include the following advisory notice:

THE FAILURE OF THE DEFENDANT(S) TO COMPLY WITH ANY PROVISION OF THIS ORDER OR THEIR CONTINUING FAILURE TO APPEAR MAY RESULT IN THE FILING OF A COMPLAINT BY DCPP TO TERMINATE THE DEFENDANT(S)' PARENTAL RIGHTS TO THE CHILD(REN) NAMED IN THIS COMPLAINT. A TERMINATION OF PARENTAL RIGHTS WOULD FREE THE CHILD(REN) FOR ADOPTION.

All court orders in termination of parental rights cases shall include the following advisory notice:

THE FAILURE OF THE DEFENDANT(S) TO COMPLY WITH ANY PROVISION OF THIS ORDER OR THEIR CONTINUING FAILURE TO APPEAR MAY RESULT IN A DEFAULT ENTERED BY THE COURT AND TERMINATION OF PARENTAL RIGHTS.

Standard 7: The standard for fact-finding hearings in abuse or neglect cases

Fact-finding hearings shall be resolved in every abuse and/or neglect case within 120 days if the child has been removed from the home and within 180 days if the child remains at home. The standard of proof for abuse or neglect cases is that findings be made by a preponderance of the evidence. However, if the record supports a finding by clear and convincing evidence, the court should so state in its findings.

The fact-finding hearing will be conducted if the litigants have not stipulated to some or all of the allegations in the complaint.

Standard 8: Child Placement Review Boards shall act as an arm of the court

Child Placement Review (CPR) Boards shall act as an arm of the court.

- A. For children in placement through Title 9, Title 30 or FJ or FF proceedings where there is DCPD involvement, CPR boards shall only review their cases once at an "enhanced 45 Day Review." All additional reviews of these children's cases shall be conducted by the court until permanency has been achieved.
- B. For children in voluntary placement through independent living or residential placement agreements, CPR Boards shall conduct regular reviews at the 45th day after placement, at the permanency hearing within 365 days of placement and at least annually thereafter. The court shall enter an order containing required findings under the Adoption and Safe Families Act (ASFA) at the Initial 15 Day Review. A CPR Board's annual reviews shall constitute permanency hearings and shall result in the preparation of permanency orders to be reviewed and signed by the CIC judge. The court shall review CPR Board findings and may schedule summary hearings at its discretion.

Standard 9: Encouragement of Children in Court case processing continuity

To the extent possible throughout the Children in Court case processing, from initial removal to permanent placement or reunification, the same judge shall be assigned to the case providing for quality case management, more informed decisions and continuity for the child. This assignment should be complemented by a case team consisting of Deputy Attorney General, Law Guardian, parents' attorney, the DCPD Local Office case worker, CASA volunteer, if applicable as well as court staff who perform calendar coordination and who will work with the judge's office staff to ensure that all relevant and necessary information is provided to the judge.

Standard 10: Annual permanency hearings

A permanency hearing for all children in out-of-home placements shall be conducted by the court within 365 days of the placement date. CPR boards shall conduct permanency hearings for children in voluntary placements in accordance with Standard 8. Reports to the court and counsel from DCPD shall be written and submitted in advance of the hearing.

Standard 11: Court Appointed Special Advocate programs

The creation, role and function of a Court Appointed Special Advocate (CASA) in each county should be promoted by vicinage Judiciary leaders.

Standard 12: Timely filing of a termination of parental rights complaint

When the court has approved the permanency goal of termination of parental rights, the complaint should be filed within 45 days of the permanency hearing. At the permanency hearing, a return date should be scheduled to ensure that the complaint has been filed, defendants have been served, defendants have completed a 5A application, and the FN litigation has been closed, when appropriate.

Standard 13: Same-day court orders

Court orders should be completed and distributed to the parties and counsel on the same day before they leave court. Approved court orders should be used at all times.

Standard 14: Annual statewide training for Children in Court team staff

Annual statewide training regarding the principles of case management, to be arranged by the AOC, shall be provided for all team leaders and key team members.

Standard 15: Children in Court case processing procedures manual

A case processing procedures manual for handling Children in Court cases should be maintained, regularly updated and distributed to all court staff and judges.

Standard 16: Appeals of termination of parental rights matters

(a) A standard form evidence list (CN 11554) shall be used to document trial exhibits submitted for identification or introduced into evidence.

(b) Absent extraordinary circumstances, the decision by the trial court, whether written or oral, shall be rendered at the conclusion of the termination of parental rights trial, but in no event later than 14 days after the trial concludes. If the decision is not rendered at the conclusion of trial, the trial judge shall advise all parties of the date and time for delivery of the opinion and require their presence. At all hearings following the trial, the court will advise the defendants that they have certain rights, including the right to appeal.

(c) A standard form of judgment or order shall be signed by the judge on the day of the decision and same shall be provided to all parties and counsel. This judgment or order shall include all trial dates, the names of all witnesses who testified, the dates on which they testified and by whom they were called. It shall also include the date(s) on which any parent surrendered his/her parental rights. The judgment or order shall also contain an attachment listing all exhibits introduced into evidence during trial, by party.

(d) After the parties are given a copy of the judgment or order, the court shall immediately thereafter advise the parties of their right to appeal and that, effective September 4, 2012, the appeal must be filed within 21 days of the entry of that judgment or order. The Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317) has been revised to be consistent with this standard and amended R. 2:4-1(a), which will go into effect on September 4, 2012. The trial court shall ensure that the Acknowledgment of Appeal Rights (CN 11553) has been executed. The trial court also shall begin using the revised Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317) and the new Acknowledgment of Appeal Rights (CN 11553) on September 4, 2012.

(e) If any party indicates a desire to appeal a termination of parental rights judgment, the court shall direct that party's trial counsel to file the notice of appeal and to provide the trial court and the parties with a filed copy of same. The notice of appeal shall include a transcript request form and a copy of the order or judgment on appeal, and any other required documents.

(f) If a party or attorney requests additional time, the court may adjourn the matter for up to 14 days and shall direct trial counsel to continue to represent the party until such time as the notice of appeal has been filed or until the party has decided not to appeal the judgment. Until it has been determined that the notice of appeal has been filed or that the party does not wish to appeal, the FG litigation should not be terminated and trial counsel should not be released from the case.

(g) It shall be the obligation of the appellant's trial counsel to provide the appellate counsel/section with copies of all exhibits when filing the notice of appeal. At the time of trial, the Division shall be required to submit two hard copies of all the trial exhibits. The trial court shall maintain the exhibits for a minimum of 90 days after entry of the judgment or order and until the final disposition of the appeal. Technological solutions should be explored to expedite the distribution of trial court exhibits and a pilot program should be implemented to evaluate the feasibility of those solutions.

Standard 17: Procedures to ensure efficient practices following termination of parental rights trials and/or proof hearings

Following the completion of a Termination of Parental Rights case where a Judgment of Guardianship has been issued, the court shall set a return date within 90 days to review the status of each child. When adoption is the goal, the purpose of the

summary hearing is to track the status of the filing of an adoption complaint. Subsequent summary hearings before the court shall be held at least every 90 days, or less frequently in the judge's discretion, until such time as the adoption complaint is filed.

For those children whose case goal is no longer adoption, the court shall schedule a summary hearing within 90 days. The focus of the summary hearing shall be on eliminating barriers to permanency. Subsequent summary hearings before the court shall be held at least every 90 days, or less frequently in the judge's discretion, until such time as permanency has been achieved.

Notice of this hearing shall be provided to the resource parent. The Deputy Attorney General and Law Guardian are required to be present for the hearings. A Court Appointed Special Advocate, if assigned, shall provide a report to the court and counsel at least one week before the hearing and may attend the hearing. The child also may attend the hearings at the court's discretion.

Evidence List

For:

Case Title:

IMO

Docket Number:

[illegible]

Evidence List

[illegible]

**New Jersey Division of Child Protection
and Permanency,**

Plaintiff,

v.

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

In the Matter of:

NJSpirit Participant #:
FC Docket #:

NJSpirit Participant #:
FC Docket #:

**Superior Court of New Jersey
Chancery Division - Family Part
County of _____**

Docket Number: FG - _____

NJSpirit Case #: _____

**Civil Action
Order**

- ☐ **Judgment of Guardianship
Accepting Surrender**
- ☐ **Judgment of Guardianship After
Default and Proof Hearing**
- ☐ **Judgment of Guardianship After
Trial**

This matter having been brought before the Court on _____, 20____, by the Division of Child Protection and Permanency (the Division), Deputy Attorney General _____, appearing, and in the presence of:

the child _____, ☐ appearing / ☐ not appearing represented by
Law Guardian _____, ☐ appearing / ☐ not appearing

the child _____, ☐ appearing / ☐ not appearing represented by
Law Guardian _____, ☐ appearing / ☐ not appearing

Defendant _____ ☐ appearing / ☐ not appearing,
Attorney _____ ☐ noticed / ☐ not noticed, represented by
Attorney _____ ☐ appearing / ☐ not appearing

Defendant _____ ☐ appearing / ☐ not appearing,
Attorney _____ ☐ noticed / ☐ not noticed, represented by
Attorney _____ ☐ appearing / ☐ not appearing

Defendant

_____ ☐ appearing / ☐ not appearing,

Attorney

☐ noticed / ☐ not noticed, represented by

_____ ☐ appearing / ☐ not appearing

Defendant

☐ appearing / ☐ not appearing,

☐ noticed / ☐ not noticed, represented by

Attorney

_____ ☐ appearing / ☐ not appearing

Division Caseworker/Supervisor

☐ appearing / ☐ not appearing

Division Phone number:

_____ ext.: _____

Court Appointed Special Advocate

☐ appearing / ☐ not appearing

Resource Family member [initials only]

☐ appearing / ☐ not appearing

Resource Family member [initials only]

☐ appearing / ☐ not appearing

Other:

☐ appearing / ☐ not appearing

I. Identified Surrender

- ☐ 1. The defendant, _____ having given a knowing and voluntary identified surrender of his/her parental rights to [child(ren)'s name(s)] _____ on _____, 20____, so that _____ and/or _____ can adopt the child(ren), with the understanding that if the named person(s) does not adopt, the surrender is void.
- ☐ 2. The defendant, _____ having given a knowing and voluntary identified surrender of his/her parental rights to [child(ren)'s name(s)] _____ on _____, 20____, so that _____ and/or _____ can adopt the child(ren), with the understanding that if the named person(s) does not adopt, the surrender is void.

II. General Surrender

- ☐ 1. The defendant, _____ having given a knowing and voluntary general surrender of his/her parental rights to [child(ren)'s name(s)] _____ on _____, 20____, so that the child(ren) may be adopted by any person(s) approved by the Division.

- ☐ 2. The defendant, _____ having given a knowing and voluntary general surrender of parental rights to [child(ren)'s name(s)] _____ on _____, 20____, so that the child(ren) may be adopted by any person(s) approved by the Division.

III. Default

The Court, having terminated parental rights of _____ and _____ after a proof hearing, and after having entered a default against said defendants on _____, 20____, and having provided the defendants with notice of the proceedings, ☐ in person / ☐ in court / ☐ by certified mail, at the last known address / ☐ by another method: _____,

IV. Trial

1. The Court heard the matter in a trial on the following date(s), which include:

Trial Date	Witness(es) called at trial	Party calling witness

2. The Court having considered the evidence submitted, and the arguments of counsel, and that the Division has:
- ☐ not proven its case under *N.J.S.A. 30:4C-15.1*, by clear and convincing evidence;
- ☐ proven its case under *N.J.S.A. 30:4C-15.1*, by clear and convincing evidence; and for the reasons set forth in
- ☐ A decision rendered from the bench on this date,
- ☐ A written decision dated _____, 20____,

And for Good Cause Shown;

It Is on This _____ Day of _____, 20____, Ordered:

The case is dismissed and the FN docket is reopened. A _____ [insert hearing] is scheduled for _____.

1. a. The parental rights of defendant(s) _____ and _____ to _____ [child(ren)] _____ are hereby terminated;
- b. The parental rights of defendant(s) _____ and _____ to _____ [child(ren)] _____ are hereby terminated;
- c. The parental rights of defendant(s) _____ and _____ to _____ [child(ren)] _____ are hereby terminated;

- d. The parental rights of defendant(s) _____ and
_____ to
[child(ren)] _____ are hereby terminated;
2. The Division is hereby awarded the Guardianship, of the child(ren), named above, and is permitted to consent to the adoption of said child(ren) and to act fully and completely as Guardian of the person and property of the(se) child(ren);
3. The complaint for adoption must be filed by _____, 20__;
4. A Summary Hearing shall be held before the court in the FC docket on _____, 20__,
at _____, and the Deputy Attorney General and the Law Guardian shall appear.
5. In cases where select home adoption is the goal, the Division shall continue efforts to identify adoptive parents, whether or not an appeal is filed.
6. The parental responsibility for ongoing child support under docket number _____ is:
- ☐ terminated as of _____, 20__.
- ☐ continued until adoption is finalized
- ☐ terminated as of _____, 20__, but may be reinstated retroactively if the adoption is not finalized.

And It Is Further Ordered That:

_____, J.S.C.

☐ Evidence list attached.

New Jersey Division of Child Protection and Permanency,
Plaintiff,

v.

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

In the Matter of:

NJSpirit Participant #:
FC Docket #:

NJSpirit Participant #:
FC Docket #:

Superior Court of New Jersey
Chancery Division - Family Part

County: _____

Docket Number: FG - _____

NJSpirit Case #: _____

Civil Action

**Acknowledgment of
Appeal Rights**

I, _____, hereby certify as follows:

1. I am the defendant in the above referenced case.
2. I am being represented in this litigation by _____, and my attorney has reviewed this appeal rights form with me.
3. **Appeal Rights** -- I understand that:
 - a) An appeal means having my case reviewed by a higher court; and
 - b) I have the right to appeal the termination of my parental rights; and
 - c) I have the right to be represented by counsel for that appeal; and
 - d) If I am unable to afford private counsel for my appeal, the Office of the Public Defender will represent me or arrange for my representation, and
 - e) If I fail to file a notice of appeal with the Appellate Division within 21 days of today's date, I will lose my right to appeal.
4. I am appearing today before Judge _____.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date

Defendant

I have reviewed this Appeal Rights Form with the defendant and I am satisfied that he/she understands the rights it describes.

Date

Attorney for Defendant

(To be filled out by private counsel only)

If defendant decides to appeal and cannot afford to continue to retain private counsel, I will notify the Office of the Public Defender within 21 days of today's date.

Date

Attorney for Defendant

For information on appellate representation by the Office of the Public Defender, please write to:

Office of Parental Representation
Appellate Section
31 Clinton Street, 10th Floor
Newark, New Jersey 07102

(Complete in duplicate: one fully executed copy to be delivered to the trial judge and defendant to retain the remaining copy)

ADVISORY NOTICE FOR PARENTS AND COUNSEL
WHEN PARENTAL RIGHTS ARE TERMINATED

This court has entered an order terminating your parental rights and relationship with your child(ren). **You have 21 days in which to appeal this decision.**

If you wish to appeal and you were represented by the Office of the Public Defender, you will continue to be represented by the Office of the Public Defender, although a new attorney may be assigned for the appeal.

If you were represented by retained counsel in this proceeding -- that is, by an attorney who you paid -- and you cannot afford to pay for an attorney for your appeal, you may apply to the court to see if you qualify for the services of the Public Defender. If the court finds that you are indigent, your case will be referred to the Office of the Public Defender, which will then assign an attorney to represent you in your appeal.

If the Public Defender does assign an attorney to represent you in your appeal, the attorney who represented you at trial must cooperate with the Public Defender to see that all evidence and other relevant materials in your case are transferred to the Public Defender, Office of Parental Representation, P.O. Box 850, Trenton, N.J. 08625-0850 for the preparation of your appeal.

Your attorney will be able to explain in more detail how you can exercise your right to appeal. Please acknowledge on the record that you understand that you have the right to appeal the determination in this matter.

Any post-judgment motions filed with the trial court that are not related to the merits of your appeal will not toll the time for submissions to the Appellate Division.

NOTE TO PARENT'S ATTORNEY(S): If your client did not appear on the date this decision was rendered, the court directs you to provide your client with a copy of the judgment and this notice within five business (5) days of the date of the judgment.

**ADMINISTRATIVE PROTOCOL
FOR
TERMINATION OF PARENTAL RIGHTS APPEALS**

A. Docketing

The termination appeals are identifiable by the trial court docket number and are immediately earmarked for expedition. Pursuant to the April 21, 2016 Supreme Court rule relaxation order, effective July 1, 2016 all Termination of Parental Rights appeals are required to be filed electronically.

B. Appellate Division Clerk's Office

1. **Transcript.** The notice of appeal must be accompanied, as in all appeals, with a transcript request form. The Chief of Reporting Services has advised and will continue to remind transcribers that the transcript must be filed within thirty days of the request so the transcript may be distributed to the parties and the clerk of the appellate court. The Deputy Clerk of Administrative Services is also the person monitoring compliance.

2. **Consolidation.** In the event of separate appeals by each parent, the appeals will be immediately consolidated by the Clerk's Office so that only one set of transcripts, one Attorney General's brief, and one Law Guardian's brief is necessary.

3. **Scheduling.** Immediately upon receipt of the transcripts, the Clerk's Office will issue a scheduling order providing for the following:

- Appellant's brief and appendix shall be filed within 45 days from receipt of transcripts;
- The respondent's answering brief shall be filed within 30 days from the date of filing and service of appellant's brief;
- If the Law Guardian is not the appellant, its brief shall be due when the respondent's brief is due. If the Law Guardian does not take the same position as the co-respondent, the co-respondent shall have seven days in which to reply to the Law Guardian's brief.
- The scheduling order will include a pre-calendared date six weeks from the date the last brief is due. The calendar assignments will be made by the calendaring unit of the Clerk's Office based on its customary criteria. These cases will be pre-calendared for summer calendars as well.

The scheduling order will encourage the parties to file a joint appendix.

4. **Electronic Communication.**

Effective July 1, 2016 all documents relating to Termination of Parental Rights appeals must be filed electronically.

C. Disposition

Each panel is aware the disposition of these cases must be given priority and that in the normal course, the opinion will be transmitted to the Clerk's Office for filing within thirty days after the calendar date.

D. Supervising Judge

A judge of the Appellate Division will be assigned to monitor compliance by the attorneys of all of the foregoing time provisions. The Clerk's Office will provide regular reports to the supervising judge respecting non-compliance with the time requirements for filing briefs and appendices.

E. Motions

1. Motions for extensions will be submitted to the Supervising Judge forthwith upon filing and without answers. If necessary, the Supervising Judge can reach out to the adverse party. Absent extraordinary circumstances, extensions by motion will not be granted.

2. Motions not related to the merits of the appeal will not affect the briefing schedule.

F. Sanctions

The Supreme Court approved the use of sanctions against appellate counsel and their supervisors for failure to comply with court rules, court orders or Judicial policies. Imposition of sanctions would be used, for example, if a party, without good cause, repeatedly fails to meet deadlines or to adhere to the Appellate Division's administrative protocol.