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DIRECTIVE #19-17

[Superseded Directive #04-13]

[Questions or comments may be directed to
(609) 815-2900, ext. 55350]

TO: Assignment Judges
Family Presiding Judges

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

SUBJ: Child Placement Review (CPR) Program – Revised Standards

DATE: June 23, 2017

This promulgates the attached revised Child Placement Review (CPR) Standards as approved by the Judicial Council on the recommendation of the Conference of Family Presiding Judges in 2013, and as modified by P.L.2016, c.90. The revised Standards, which are effective immediately, were developed in consultation with the Executive Board of the Child Placement Advisory Council. The Standards include a number of Best Practices.

Any questions regarding the revised CPR Standards may be directed to the Family Division at 609-984-4228.

EDITOR'S NOTE

2017 Update - The 2017 revisions were based on a legislative change wherein the CPR Board Review will now take place at 60 days rather than 45 days.

6/24/2013 - Directive # 04-13 -- Originally issued by Glenn A. Grant, J.A.D., Acting Administrative Director. The 2013 revisions to the Standards include technical changes, such as formatting and reorganization. The previous 16 Standards were restructured by consolidating common topics, and this memorandum now promulgates a total of 13 Standards. The revised Standards describe more clearly the composition of CPR boards, and the recruitment, training and supervision of CPR board volunteers. New Standard XIII sets forth the contents of the CPR manual. The revised set of CPR Standards now includes only two appendices: (1) the Code of Conduct for Judiciary Volunteers; and (2) the Repeated Placement Act (N.J.S.A. 30:4C-53.3). The other eight appendices, consisting of CPR forms and sample orders, are no longer included as attachments to the revised Standards but rather will be posted on the Judiciary's website and on the InfoNet.

Attachments

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Trial Court Administrators
David Tang, Chief, Family Practice
Family Division Managers

CHILD PLACEMENT REVIEW STANDARDS

[As Promulgated June 24, 2013 and updated by Directive #19-17.]

Standard I - PURPOSE

The role of the Child Placement Review (CPR) board shall be advisory in nature and shall be complementary to the judicial review of children placed in foster care by the Division of Child Protection and Permanency (Division) in the Department of Children and Families.

The CPR board shall review a child placed in foster care by the Division in order to provide a range of information to the court regarding the child's placement and any potential barriers to finding a permanent home for the child. In every case where the Division places a child out of home, the CPR board shall review the child at 60 days after placement. The information from the "CPR Board Initial Review," shall be provided to the court so that the court may address each child's specific needs early in the case.

In litigated cases, those cases with a concurrent FN (child protection), FJ (juvenile delinquency), FF (family crisis) or FG (termination of parental rights) docket number, the CPR board shall review the child only at the CPR Board Initial Review. In these litigated cases, the court shall conduct all other reviews.

In voluntary placements, those made pursuant to Independent Living Agreements and Residential Placement Agreements (also known as non-litigated cases), the following reviews will be conducted to ensure the child's health, safety and permanence: The initial 15-Day Review, now known as the "Court Initial FC Review," the CPR Board Initial Review, status reviews and, if required by the law, special reviews.

Best Practice

Child Placement Review procedures shall be uniform statewide.

Standard II - ASSIGNMENT OF MEMBERS

1. Board members shall be appointed by the Assignment Judge or by the Assignment Judge's designee.
2. Board members shall initially be appointed for a provisional term of one year and may be reappointed, at the discretion of the Assignment Judge or designee, for subsequent terms of three years.
3. The Assignment Judge or designee shall annually appoint one of the regular members of the board as the board chairperson.
4. If a board member does not serve satisfactorily, the Assignment Judge or designee shall remove that board member pursuant to standards developed by the judiciary.

Best Practice

The Presiding Family Judge or the lead Children in Court (CIC) judge should be the Assignment Judge's designee for CPR board appointments. CPR volunteers will be expected to work closely with the judge assigned to CIC cases and it is helpful for those judges to be closely involved in the appointment and monitoring of the volunteers.

Standard III - NUMBER OF BOARDS PER COUNTY AND COMPOSITION OF BOARDS

1. Each county shall have a minimum of one board, and at least one board per every 200 reviews held in the prior calendar year.
2. A board shall consist of at least 5 members and 2 alternates; a quorum shall exist if at least 3 members are present.
3. Each board shall, to the maximum extent feasible, represent the socioeconomic, racial and ethnic groups of the community, in which it serves.
4. Each member shall have training, experience or interest in issues concerning child placement or child development.
5. Prospective board members shall be subject to screening, in accordance with the Judiciary's standard background check policy for volunteers. Screening shall include, at a minimum, a written application, an interview, a criminal background check, and a Family Automated Case Tracking System (FACTS) check. The criminal background check shall be completed through fingerprinting by the local Sheriff's Department. If the applicant has a criminal, domestic violence or child abuse/neglect history, the appointing judge will review and evaluate the timing, nature and gravity of the prior history and shall have sole discretion to determine whether the applicant should be appointed to the board.
6. The goal of recruitment is to establish boards that accurately represent their communities. To assist with recruitment, court staff, with the approval of the Family Presiding Judge, shall regularly interface with local colleges and universities, and business and religious communities, and shall utilize local media outlets, including newspapers and local public access cable television channels. Recruitment efforts should include making program information available at the courthouse and at county public libraries.

Comment: Vicinage staff should consider creating an ongoing relationship with local community groups, including but not limited to institutions of higher education and service organizations. In addition, recruitment efforts should include making information available in the courthouse.

Standard IV - ONE FAMILY / ONE BOARD

One family shall be reviewed by the same board, whenever practicable.

Best Practices

- a. All siblings in placement shall be reviewed by the same board.
- b. If a child's child placement case (FC docket) closes and then reopens in the same county, it shall be reviewed by the same board that originally reviewed it.
- c. The boards shall monitor the Division's compliance with the Repeated Placement Act (N.J.S.A. 30:4C-53.3).

Standard V - SUPERVISION OF BOARDS & TRAINING

1. Vicinage professional staff shall train, coordinate and administratively supervise the boards.

Best Practices

- a. The AOC, with advice from the Child Placement Advisory Council, will provide training for vicinage professional staff, CIC judges and board members on at least an annual basis. Training in volunteer management shall be provided to vicinage staff who work with CPR boards.
 - b. Vicinage professional staff shall direct recruitment efforts for board members.
 - c. A vicinage professional staff member shall attend every board meeting to facilitate the review and to ensure that the Standards and Best Practices are implemented.
2. Board members shall complete an initial CPR training before they may participate as board members and an additional 5 hours of continuing education each year thereafter. Both initial and annual CPR training shall be uniform throughout the state.

Best Practices

- a. Training shall be in a form readily available to members and shall utilize current technology such as audiotapes, videotapes, CDs, DVDs, PowerPoint presentations and the Judiciary website.
- b. Board members who cannot attend annual training sessions will be required (1) to review video or audiotapes of those sessions within 60 days of the date of the actual training session and to certify that they have done so or (2) to attend alternate appropriate training sessions.
- c. Volunteers shall receive basic training on: (1) the CPR process (including interviewing all participants, including children), (2) Adoption and Safe Families Act (ASFA) requirements, (3) child development and the psychological effects of separation and bonding on children, and (4) the dynamics of substance abuse and of domestic violence and their effects on the family.

3. CPR board chairs will meet annually with the Presiding Judge or lead CIC judge to discuss systems issues and barriers to permanency for children in placement. This meeting will be coordinated by vicinage professional staff.
4. CPR board chairs will meet annually with the Division's Area Director to discuss systems issues and barriers to permanency for children in placement. This meeting will be coordinated by vicinage professional staff.

Standard VI - CONDUCT OF BOARD MEMBERS

1. In accordance with applicable court rules and statutes, board members shall respect and maintain the confidentiality of all board matters.

Best Practices

- a. Board members will be provided and shall review the Code of Conduct for Volunteers and the Litigation Reporting Policy for Volunteers promulgated by Directive #19-06 and confirm their receipt by submitting the signed acknowledgment of receipt form.
 - b. Board members shall take an Oath of Office and of Confidentiality, which shall be uniform and in the form set forth within the Code of Conduct policy in Appendix A.
 - c. A board member shall recuse himself or herself in any case in which that member has a personal interest in the outcome of the case, is related to any person involved in the case (for example, parents, guardian, child, foster parent, the Division's caseworker, and/or attorney) or has such relationship with someone involved in the case that the member's continued involvement in the case would result in either the appearance of impropriety or an actual conflict of interest.
2. Board members shall treat all individuals with professionalism and respect.

Standard VII - NOTICE OF PLACEMENT/NOTICE OF CHANGE

Pursuant to N.J.S.A. 30:4C-53, the Division shall deliver the Notice of Placement (NOP) to the court in the child's county of supervision within 5 days of the date of placement.

Copies of all Independent Living Agreements and Residential Placement Agreements shall be sent to the court within 10 days of the placement.

Court staff shall conduct a FACTS check against all other family court dockets on the parents, child and caretaker when docketing an FC case to determine whether those parties exist in FACTS to assist in determining available placement options and to prevent the creation of duplicate identification numbers for the parties in FACTS.

Comment: Since the child's original date of placement has considerable importance

in that federal and state ASFA requirements are measured from this date, it is very important that the correct original date of placement is timely furnished by the Division. The Judiciary and the Division have implemented an electronic data exchange to transfer the NOP and NOC information to the court in a timely manner.

Standard VIII - 15 DAY REVIEW

On cases that do not have concurrent litigation, the 15 Day Notice shall be sent by court staff to parents/guardians, caretakers, attorneys and the Division. Parties are able to send information to the court; however, the Court Initial FC Review is an internal CPR review, based solely on the petition and other affidavits and written materials submitted to the court. Parents, guardians and the Division generally do not attend this review.

When there is no concurrent litigated case, it shall be the court staff's responsibility to strictly monitor compliance with ASFA requirements:

1. The Initial 15 Day Order shall indicate specifically why continued residence of the child in the home is contrary to the child's welfare.
2. Whenever possible, the Initial 15 Day Order shall indicate what reasonable efforts were made to prevent placement, based upon documentation provided by the Division within 5 days of placement.

The judge shall review the NOP and attached documentation and shall make a determination as to whether it is contrary to the child's best interest to remain in the home, whether the placement is appropriate and whether reasonable efforts were made to prevent the placement, if required under law.

Standard IX - CPR Board Initial Review

The CPR Board Initial Review procedure will provide a comprehensive, structured and informative session for parents, foster parents, Division caseworkers and other child welfare stakeholders.

At this early stage of the case, the CPR board will be responsible for gathering information regarding the child's placement and any potential barriers to finding a permanent home for the child. Among other things, the CPR board will obtain the following information at the CPR Board Initial Review:

- Whether the Division has placed siblings together in foster care.
- Whether the Division has promoted sufficient visitation between the child and his or her parents and between the child and his or her siblings.
- Whether the Division sought and assessed relatives as placement options.
- Whether the Division assessed the child, parents, and foster parents for services and provided necessary services to them.

- Whether the Division has scheduled a comprehensive medical examination for the child.
- Whether the Division has ensured that the child remains in his or her same school where appropriate when the child is placed in a foster home located in a different school district.

All of these points of focus will help to address concerns raised by the federal government's CFSR (Child and Family Services Review). CPR boards will have meaningful participation in litigated cases because the CPR Board Initial Review will gather a range of information to address the child's needs. Importantly, it will not duplicate the judge's oversight of the child. Division caseworkers or their supervisors will be required to attend the CPR Board Initial Review.

Board members shall:

- a. Read the Division's reports and collateral materials, such as, but not limited to, school, medical, mental health and child study team reports and correspondence;
- b. Provide a forum for the Division, parents, foster parents, relative caretakers, attorneys and the child (when appropriate) to share information regarding the child, the placement and the plan;
- c. Monitor the Division's timely provision of information about a child's case;
- d. Conduct a comprehensive review of all information presented, including the latest court order, if any;
- e. Make recommendations to the court concerning the child's health, safety and permanent plan.

At the CPR Board Initial Review in both litigated and voluntary cases, the CPR Board Initial Review checklist will be completed as well as a Recommendation to the Judge form.

- a. Recommendations by the board shall be complete and comprehensive.
- b. Board recommendations shall reflect that the members considered the latest order of the court. CIC team staff are responsible for alerting board members to results of court hearings held prior to board reviews.

The first page of the recommendation form will be mailed to all interested parties. Court staff must place in the FN (abuse/neglect docket) case file a copy of the checklist and the related Recommendation to the Judge form. The checklist and the remainder of the Recommendation form are internal, confidential documents, not to be distributed. A court order will not be prepared immediately following the CPR Board Initial Review in litigated cases. In litigated cases, the court will review this document at the next court event and enter an order relating to missing information if the court deems it necessary to address this missing information identified by the CPR board.

In voluntary cases, a CPR Board Initial Review/Special Review court order will be prepared for the judge's signature.

Standard X - PERMANENCY HEARING ON VOLUNTARY CASES ONLY

In non-litigated cases, the board shall hold the annual permanency hearing at the eleventh month of placement and annually thereafter. This review shall serve as the annual review required by the CPR Act and as the permanency hearing required by ASFA.

In such cases, the order generated shall be the FC Permanency Order.

Standard XI - INTERIM REVIEWS ON VOLUNTARY CASES ONLY

In non-litigated cases, the CPR boards will conduct other reviews in addition to the new enhanced CPR Board Initial Review. These CPR board reviews may include status reviews and special reviews as required by law.

The purpose of a status review is to monitor one or more aspects of a case. It may be requested at any time. Thus, the CPR board may have requested specific information (for example, the results of psychological evaluations) and the results are reviewed and discussed, from the perspective of keeping the case on track. No notice to parties is required and no recommendation form is completed.

The CPR board may conduct a special review only in limited situations. If the Division proposes to return a child home, even though the return home is either prohibited by the placement plan or contingent on certain conditions in the placement plan that have not been met, the Division must notify the CPR board and the court in writing. The CPR board may then conduct a special review within 15 days to consider and evaluate the reasons for the proposed action and determine whether the action ensures the safety and serves the best interests of the child. The special review is a full CPR board review. All parties are given notice of this review, and the CPR board drafts recommendations and a court order for the judge to consider.

The judge in non-litigated cases will continue to: (1) conduct a file review to determine the appropriateness of the child's placement 15 days after the Division places the child in foster care; (2) review the CPR board's permanency recommendations; and (3) conduct summary hearings as necessary.

A summary hearing in non-litigated cases shall be held in court pursuant to *N.J.S.A. 30:4C-61(b)* and shall result in a Summary Hearing court order.

Standard XII - CLOSING CASE

The court shall close the child's FC case when any of the following has occurred:

- a. The child has been returned to a parent or to the guardian from whom the child had been removed;
- b. The child has been permanently placed in the legal and physical custody with a relative or unrelated third party;
- c. A judgment for kinship legal guardianship has been granted as to the child;
- d. The child has attained the age of 18 years (unless the Division continues to

- provide services to him or her);
- e. The child has been adopted;
 - f. The child is permanently placed under the care of the Division of Developmental Disabilities or a mental health facility;
 - g. The child marries;
 - h. The child dies;
 - i. The child's case is transferred to another county;
 - j. The court enters an order authorizing closure of the court's case.

Standard XIII - CPR MANUAL

The CPR Manual for Board members shall consist of these standards, Directive 04-10 and forms and orders regarding CPR.

Appendix

Appendix A Code of Conduct for Judiciary Volunteers

Appendix B Repeated Placement Act (N.J.S.A. 30:4C-53.3)

B.

REPEATED PLACEMENT ACT OF NEW JERSEY

The following is reprinted from N.J.S.A. 30:4C-53

For purposes of this act, the terms "repeated placement into foster care" and "placed again into foster care" shall apply to a child who has been placed in the custody of the Division of Child protection and Permanency (formerly Division of Youth and Family Services) for placement in foster care by the family part of the Chancery Division of the Superior Court or as a result of a voluntary placement agreement pursuant to P.L. 1974, c. 119 (C. 9:6-8.20 et seq.), released into the custody of his parents or legally responsible guardian at the conclusion of the placement and is once again temporarily removed from his place of residence and placed under the Division's care and supervision.

30:4C-53.3. Revised placement plan; repeated placement plan

- a. The Division shall not treat a child's repeated placement into foster care as an initial placement. The child's revised placement plan, updated at the time of the child's repeated placement, shall summarize the child's prior history with the Division regarding previous placements, the findings of the Child Placement Review Board, as well as a copy of the court order for the removal of the child from the custody of his parents or guardian. The revised placement plan shall be used by the Division when preparing the child's repeated placement plan pursuant to this section.
- b. Whenever a child is placed again into foster care, the Division shall prepare a repeated placement plan which shall ensure the goals of safety and permanency through the safe return of the child to his parents or, if this is not possible, through the state's assumption of guardianship for the purpose of finding the child an adoptive home or, if termination of parental rights is not appropriate, through an alternative permanent placement. The plan shall be prepared within 30 days after the child's repeated placement and submitted to the court. The plan shall be valid for 12 months after the date the child was placed again into foster care.
- c. The repeated placement plan shall include, but not be limited to:
 1. The specific reasons for the repeated placement of the child, including a description of the problems or conditions in the home of the parents or guardian which necessitate the child's removal, and a summary of the efforts made by the Division to prevent the child's repeated placement of the exception to the requirement to make reasonable efforts to prevent placement in accordance with section 24 of P.L. 1999, c. 53 (C.30:4C-11.2);
 2. The specific actions to be taken by the child's parents or guardian to eliminate the identified problems or conditions which were the basis of the child's repeated placement into foster care, which actions shall be taken within a specific time limit agreed upon by the child's caseworker and the parents or guardian.
 3. The social services to be provided to the child and the foster parents during the period the child is in foster care and the social services to be provided to the child's parent or guardian, or the exception to the requirement to make reasonable efforts toward family reunification in accordance with section 25 of P.L. 1999, c. 53 (C.30:4C-11.3), and the goal for the child and anticipated date

for achieving the goal. The purpose of the supportive services shall be to promote the child's best interest and to facilitate his safe return to his home, placement for adoption or an alternative permanent placement. Services to facilitate adoption or an alternative permanent placement may be provided concurrently with services to reunify the child with the parent or guardian;

4. An assessment of the Division ability to obtain a child's birth certificate, locate the child's parents for future contact and have access to the child's extended family, in the event that a plan for adoption or an alternative permanent placement becomes necessary;
5. A stipulation that the child be placed with his prior foster family, if possible and if in the child's best interest, to provide the child with continuity and stability in his living environment; and
6. A permanency plan for the child and the reasonable efforts of the Division to achieve that plan, if; the Division has established an exception to the requirement to provide reasonable efforts toward family reunification in accordance with section 25 of P.L., 1999, c. 53 (C.30:4C-11.3); or the child has, in any period of 22 consecutive months, been in any placement or placements for a total of 12 months.

The permanency plan shall include whether and, if applicable, when:

- (a) the child will be returned to the parent or guardian, if the child can be returned home without endangering the child's health or safety;
- (b) the Division has determined that family reunification is not possible, and the Division shall file a petition for the termination of parental rights for the purpose of adoption; or
- (c) the Division has determined that termination of parental rights is not appropriate in accordance with section 31 of P.L. 1999, c. 53 (C.30:4C-15.3), and the child shall be placed in an alternative permanent placement.

30:4C-53.4 Inability or unwillingness to remedy problems; petition for guardianship.

If the parents or guardian of the child are unwilling or unable to remedy the problems or conditions outlined in the child's repeated placement plan within the specified time limit and despite diligent efforts by the Division, the Division shall file a petition for guardianship with the family part of the Chancery Division of the Superior Court pursuant to section 15 of P.L.1951, c. 138 (C.30:4C-15).

The Court shall set a hearing, with notice to all parties, on the guardianship petition within 45 days from the date the petition was filed.