

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

www.njcourts.com • Phone: 609-984-0275 • Fax: 609-984-6968

To: Assignment Judges
Family Presiding Judges **Directive # 02-17**

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

Date: March 16, 2017

Re: Family – Children in Court – Court Review of Children in the Custody of the Division of Child Protection and Permanency (FC docket) and the Juvenile Justice Commission (FJ docket)

Introduction

This promulgates for statewide implementation a policy to continue judicial review of children whose placements shift between the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families and the Juvenile Justice Commission (JJC). When a child is placed in a JJC facility in a juvenile (FJ docket) matter, a child placement matter must remain open (FC docket) regardless of any DCPP notice of change (NOC) to the contrary.

Issues related to the co-occurrence of juveniles in placement and involvement with the juvenile justice system are of great concern to the Judiciary. The courts and all child welfare and juvenile stakeholders are mandated by the federal government to view the child's safety and well-being as paramount. Keeping that mandate in mind, children who are at risk and involved with the juvenile justice system as well as with the child welfare system must be monitored by the court. In order to have the best chance at success and overcoming the challenges faced during difficult and unstable periods in a youth's life, judicial oversight of those children in placement is necessary. This policy, adopted by the Judicial Council on the recommendation of the Conference of Family Presiding Judges, formalizes the practice adopted by vicinages throughout the state. It is effective immediately.

Children Completing a JJC Placement were Potentially Vulnerable Under the Policy Being Superseded

Under the prior policy here being superseded, when a youth in the custody of DCPP was placed in a JJC facility, DCPP filed an electronic NOC with the court advising that the DCPP case would be closed. However, after the child was released from that JJC placement, a closed

FC case would have resulted in that juvenile being returned to the parents or guardians who had been abusing the child, without any court oversight or resolution of what might be a dangerous, traumatic, or unstable situation. These children would have been entitled to annual permanency hearings pursuant to the Adoptions and Safe Families Act (ASFA), but for the intervening placement at a JJC facility. That JJC placement should not preclude the court's continuing review of the child to ensure that the child achieves a permanent and stable home, and under this new policy, it will not.

It is imperative that the court continue to oversee these cases in order to prevent juveniles from being returned to a potentially dangerous environment after subsequent release from a JJC placement. Regular court reviews will ensure that the child's well-being and permanency are continuously monitored.

New Policy - Proper Management and Disposition of FC/FJ Co-Occurrence Cases

Under the new policy promulgated by this Directive, the case processing procedures and judicial considerations shall be as follows:

A. Case Processing Procedures

- (1) When court staff receives an NOC from DCPD advising that it will close its case because a youth has been placed in a JJC facility, the court shall reject that NOC and the FC case will remain open for ongoing court reviews.
- (2) Reviews on these FC/FJ cases shall be scheduled before the assigned Children in Court judge.
- (3) If a juvenile is waived into the Criminal Part, resulting in incarceration, the FC case shall nonetheless still remain open for ongoing court reviews.
- (4) If court staff receives an NOC from DCPD advising that it is closing its case based on the youth reaching 21 years of age, that NOC may be accepted and the FC case closed on that same aging out basis.

B. Judicial Considerations

- (1) The court must review these cases on a regular periodic basis. The court shall conduct a review every 60 to 90 days, unless the court, in its discretion, determines a more extended review interval to be appropriate. At each such review, the court will determine whether to keep the 60-90 day review or whether that time period should be shortened.
- (2) When the court is advised of a foster youth's placement in a JJC facility, the court shall issue an order stating that: (a) DCPD was the legal guardian of the youth prior to placement in the JJC facility, and (b) 30 days prior to the

youth's release from JJC facility, the JJC shall advise both the court and DCPD of the youth's impending release from that facility.

- (3) Immediately upon being notified of an impending date of release from a JJC facility, the court will schedule an emergent hearing to determine placement, which may include resuming placement with DCPD.
- (4) The court shall conduct summary hearings under the FC docket and permanency hearings if they are due under the requirements of ASFA, regardless of whether the juvenile is placed in a JJC facility.

Implementation Plans

I am asking that each vicinage submit an implementation plan to me by April 17, 2017. Multicounty vicinages should address each county separately in the implementation plan. In preparing your implementation plan, please ensure that this is discussed at the local Children in Court Advisory Committee (CICAC) meetings and county Juvenile Justice System Improvement meetings. The implementation plans that you submit should include: (1) the date of each county's CICAC meeting with the stakeholders to discuss the procedural steps needed to implement this policy; (2) the details and outcomes of that meeting; and (3) identification of any barriers to implementation and the steps that will be necessary to overcome those barriers. Implementation plans should be emailed to ImplementationReports.Mailbox@judiciary.state.nj.us by the above date.

Implementation of this new policy will require collaboration between the Judiciary, the JJC, and all child welfare stakeholders. Thank you for your leadership in implementing and applying the policy.

Questions concerning this Directive may be directed to the Family Practice Division at 609-984-4228.

cc: Chief Justice Stuart Rabner
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