

AN ACT concerning adoption and placement in resource family homes and amending P.L.1977, c.367, P.L.1974, c.119, and P.L.1951, c.138.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 4 of P.L.1977, c.367 (C.9:3-40) is amended to read as follows:

4. The Commissioner of Children and Families shall promulgate rules and regulations relating to the qualification of agencies for approval to make placements for adoption in New Jersey. The rules and regulations shall include, but shall not be limited to, standards of professional training and experience of staff, requirements relating to responsibilities and the character of trustees, officers or other persons supervising or conducting the placement for adoption program, adequacy of facilities, maintenance and confidentiality of casework records and furnishing of reports. The requirements relating to the character of trustees, officers or other persons supervising or conducting the placement for adoption program at the agency shall include a prohibition on engaging in, or the permitting of, any conduct that is deemed inappropriate to the purposes of the agency.

In the selection of adoptive parents the standard shall be the best interests of the child; and an approved agency shall not discriminate with regard to the selection of adoptive parents for any child on the basis of age, sex, race, national origin, religion or marital status provided, however, that these factors may be considered in determining whether the best interests of a child would be served by a particular placement for adoption or adoption. An agency shall, to the maximum extent practicable, place a child in an adoptive home of the same religious faith as the child, except at the written request of the child's birth parent or legal guardian.

If a child is placed in a home of a different religious faith as the child, the agency shall prepare a statement of the facts which impelled the placement to be made contrary to the religious faith of the child, and this statement shall be subject to inspection by the division. In such an instance, provisions shall be made for the child to attend services conducted in the child's own religious faith, receive instruction in the child's faith, and freely observe the child's faith, unless the child's birth parent or legal guardian expressly requests otherwise in writing. An agency shall include in its policy manual a policy on matters pertaining to religious observance, instruction, and training.

(cf: P.L.2006, c.47, s.35)

2. Section 34 of P.L.1974, c.119 (C.9:6-8.54) is amended to read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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34. a. For the purpose of section 31 of P.L.1974, c.119 (C.9:6-8.51), the court may place the child in the custody of a relative or other suitable person or the division for the placement of a child after a finding that the division has made reasonable efforts to prevent placement or that reasonable efforts to prevent placement were not required in accordance with section 24 of P.L.1999, c.53 (C.30:4C-11.2). Whenever a court places a child in accordance with this section to a person other than a brother, sister, aunt, uncle, grandparent, birth father, or stepparent, the placement shall be made, to the maximum extent practicable, to the custody of a person or persons of the same religious faith as that of the child, except at the written request of the child's birth parent.

If a child is placed in a home of a different religious faith as the child, the court shall prepare a statement of the facts which impelled the placement to be made contrary to the religious faith of the child. This statement shall be a part of the minutes of the proceeding, and subject to inspection by the division. In such an instance, provisions shall be made for the child to attend services conducted in the child's own religious faith, receive instruction in the child's faith, and freely observe the child's faith, unless the child's birth parent or legal guardian expressly requests otherwise in writing.

b. (1) Placements under this section may be for an initial period of 12 months and the court, in its discretion, may at the expiration of that period, upon a hearing make successive extensions for additional periods of up to one year each. The court on its own motion may, at the conclusion of any period of placement, hold a hearing concerning the need for continuing the placement.

(2) The court shall conduct a permanency hearing for the child no later than 30 days after placement in cases in which the court has determined that reasonable efforts to reunify the child with the parent or guardian are not required pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3), or no later than 12 months after placement in cases in which the court has determined that efforts to reunify the child with the parent or guardian are required. The hearing shall include, but not necessarily be limited to, consideration and evaluation of information provided by the division and other interested parties regarding such matters as those listed in subsection c. of section 50 of P.L.1999, c.53 (C.30:4C-61.2).

(3) The court shall review the permanency plan for the child periodically, as deemed appropriate by the court, to ensure that the permanency plan is achieved.

c. No placement may be made or continued under this section beyond the child's eighteenth birthday without [his] the child's consent.

d. If the parent or person legally responsible for the care of any such child or with whom such child resides receives public assistance and care, any portion of which is attributable to such child, a copy of the order of the court providing for the placement

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of such child from [his] the child's home shall be furnished to the appropriate county welfare board, which shall reduce the public assistance and care furnished to such parent or other person by the amount attributable to such child.

(cf: P.L.1999, c.213, s.2)

3. Section 26 of P.L.1951, c.138 (C.30:4C-26) is amended to read as follows:

26. a. Whenever the circumstances of a child are such that [his] the child's needs cannot be adequately met in [his] the child's own home, the division may effect [his] the child's placement in a resource family home, with or without payment of board, in a group home, or in an appropriate institution if such care is deemed essential for [him] the child. The division shall [make every reasonable effort to] , to the maximum extent practicable, select a resource family home, a group home or an institution of the same religious faith as the [parent or parents of such] child , except at the written request of the child's birth parent or legal guardian.

If the child is placed in a resource family home, group home, or an institution of a different religious faith as the child, the division shall prepare a statement of the facts which impelled the placement to be made contrary to the religious faith of the child, and this statement shall be incorporated with the placement plan for the child required by section 6 of P.L.1977, c.424 (C.30:4C-55). In such an instance, provisions shall be made for the child to attend services conducted in the child's own religious faith, receive instruction in the child's faith, and freely observe the child's faith, unless the child's birth parent or legal guardian expressly requests otherwise in writing. The division shall include in its policy manual a policy on matters pertaining to religious observance, instruction, and training.

b. Whenever the division places any child, as provided by this section, in any municipality and county of this State, the child shall be deemed a resident of such municipality and county for all purposes except school funding, and [he] the child shall be entitled to the use and benefit of all health, recreational, vocational and other facilities of such municipality and county in the same manner and extent as any other child living in such municipality and county.

c. Whenever the division shall place any child, as provided by this section, in any school district, the child shall be entitled to the educational benefits of the district determined pursuant to section 3 of P.L.2010, c.69 (C.30:4C-26b); provided, however, that the district of residence, as determined by the Commissioner of Education pursuant to law, shall be responsible for paying, as applicable, tuition and transportation costs for such child to the district in which [he] the child is placed.

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d. No municipality shall enact a planning or zoning ordinance governing the use of land by, or for, single family dwellings which shall, by any of its terms or provisions or by any rule or regulation adopted in accordance therewith, discriminate between children who are members of such single families by reason of their relationship by blood, marriage or adoption, children placed with such families in such dwellings by the division or other entity designated by the Commissioner of Children and Families, and children placed pursuant to law with families in single family dwellings known as group homes.

Any planning or zoning ordinance, heretofore or hereafter enacted by a municipality, which violates the provisions of this section, shall be invalid and inoperative.

(cf: P.L.2010, c.69, s.2)

4. This act shall take effect immediately.

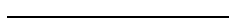
STATEMENT

This bill requires that a private adoption agency, a court, or the Division of Youth and Family Services maintain the continuity of a child’s religious upbringing when placing a child in the custody of a guardian, into foster care, or into an adoptive home, so far as maintaining the continuity of the child’s religious upbringing is possible.

The bill permits agencies and courts to place a child in a setting of a different religion only in the case of a written statement from the child’s birth parent or legal guardian, or in the case that such a placement is not feasible or not in the child’s best interest, in which case a written statement is required that explains the placement decision. In such cases, the bill requires that provisions be made for the child to continue the his religious observance, education, and training in the new setting.

A child’s religious and cultural backgrounds are significant aspects of determining the best interests of the child. The placement of a child into foster care or into the adoption process should be consistent with the child’s religious and cultural backgrounds unless it is proven by clear and convincing evidence that such placement is not in keeping with the analysis of the best interests of the child. The religion of a child should not be changed irrespective of the placement into foster care or into the adoption process. Reasonable, but tangible, effort should be made by an agency or court placing a child in an adoptive home, a resource family home, or the custody of any person or institution to ensure the continuity of the child’s religious upbringing.

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Requires child's religion not be changed due to foster care or adoption.

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