



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	132A	Legal Guardianship	10/31/2008
Subchapter:	3	Division Responsibilities Under The Law	
Section	5	The Division's responsibility when the court is considering whether to vacate a kinship legal ... (N.J.A.C. 10:132A-3.5)	

§10:132A-3.5 The Division's responsibility when the court is considering whether to vacate a kinship legal guardianship order

(a) The Division representative prepares a parenting assessment of a child's parent when the court is determining whether the kinship legal guardianship order should be vacated and the child returned to his or her parent and one of the following occurs:

1. The court requests the parenting assessment because the Division was originally involved in petitioning the court to grant kinship legal guardianship in accordance with N.J.A.C. 10:132A-3.3(a) and (b); or
2. There is prima facie evidence to support vacating the kinship legal guardianship order and the Division wants to take a position on the parent's motion to vacate the kinship legal guardianship order.

(b) The Division determines whether to take a position on the motion after evaluating the factors listed in N.J.A.C. 10:132A-3.6.

(c) When preparing a parenting assessment, the Division representative shall review the Division's computerized records. If further information is needed, the Division representative shall review the child's and the guardian's case files. If the Division representative finds it necessary, a Division representative may conduct a home visit or obtain an evaluation of the parent undertaken by a consultant.

(d) If the Division prepares a parenting assessment, the Division representative shall include information about whether the parent's incapacity and inability to care for and support the child have been remediated.

