



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	133J	Termination Of Parental Rights	6/17/2008
Subchapter:	2	Requirements For And Exceptions To Termination Of Parental Rights	
Section	1	<b>Involuntary termination of parental rights (N.J.A.C. 10:133J-2.1)</b>	

### §10:133J-2.1 Involuntary termination of parental rights

(a) The Division shall file or join a petition to terminate the parental rights of a child's parents when one or more of the circumstances stated in N.J.S.A. 30:4C-15 is established, but no later than when the child has been in out-of-home placement for 15 of the most recent 22 months, unless the Division has established an exception to the requirement to seek termination of parental rights pursuant to N.J.S.A. 30:4C-15.3.

(b) The Division representative consults with the Deputy Attorney General on situations that may meet the standards stated in N.J.S.A. 30:4C-15 and 15.1.

(c) The Division representative shall advise each parent whose whereabouts are known to the Division and whose parental rights the Division is seeking to involuntarily terminate, that the parent has the right to a trial and to be represented by legal counsel at any involuntary termination of parental rights court proceeding; and, if the parent is unable to afford an attorney, the right of the parent to ask the court to assign an attorney to represent the parent.

(d) When the Division representative makes a determination to pursue termination of parental rights in accordance with N.J.S.A. 30:4C-15 and 15.1, the Division representative shall consider offering the parent an opportunity to surrender his or her parental rights pursuant to N.J.S.A. 30:4C-23. When a parent is offered an opportunity to surrender parental rights, the Division representative shall advise the parent that if the Division pursues legal action to involuntarily terminate parental rights, the parent has those legal rights stated in (c) above.

