



New Jersey Siblings' Bill of Rights Law Summary

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On January 12, 2023, Governor Murphy signed the New Jersey Siblings' Bill of Rights, which amended the Child Placement Bill of Rights Act and took effect immediately. The bill was drafted and advocated for by DCF's Youth Council, in the Office of Family Voice. The new law guarantees that children placed outside their home by the Division of Child Protection & Permanency have rights related to maintaining sibling relationships, including the right to remain actively involved in the lives of their siblings, and, where appropriate, to have their voice heard in permanency planning for their siblings.

Statute Revised

N.J.S.A. 9:6B-4. (Bolded text has been added to the law)

Child's rights. A child placed outside his home shall have the following rights, consistent with the health, safety and physical and psychological welfare of the child and as appropriate to the individual circumstances of the child's physical or mental development:

- a. To placement outside his home only after the applicable department has made every reasonable effort, including the provision or arrangement of financial or other assistance and services as necessary, to enable the child to remain in his home;
- b. To the best efforts of the applicable department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child with a relative;
- c. To the best efforts of the applicable department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child in an appropriate setting in his own community;
- d. To the best efforts of the applicable department to place the child in the same setting with the child's sibling if the sibling is also being placed outside his home;
- e. To visit with the child's parents or legal guardian immediately after the child has been placed outside his home and on a regular basis thereafter, and to otherwise maintain contact with the child's parents or legal guardian, and to receive assistance from the applicable department to facilitate that contact, including the provision or arrangement of transportation as necessary;
- f. To visit with the child's sibling on a regular basis and to otherwise maintain contact with the child's sibling if the child was separated from his sibling upon placement outside his home, including the provision or arrangement of transportation as necessary, **and to have access to a phone number or computer that allows for virtual visits between face-to-face visits or when face-to-face visits are not feasible;**

g. To placement in the least restrictive setting appropriate to the child's needs and conducive to the health and safety of the child;

h. To be free from physical or psychological abuse and from repeated changes in placement before the permanent placement or return home of the child;

i. To have regular contact with any caseworker assigned to the child's case who is employed by the applicable department or any agency or organization with which the applicable department contracts to provide services and the opportunity, as appropriate to the age of the child, to participate in the planning and regular review of the child's case, and to be informed on a timely basis of changes in any placement plan which is prepared pursuant to law or regulation and the reasons therefor in terms and language appropriate to the child's ability to understand;

j. To have a placement plan, as required by law or regulation, that reflects the child's best interests and is designed to facilitate the permanent placement or return home of the child in a timely manner that is appropriate to the needs of the child; Page 2 of 7 N.J. Stat. § 9:6B-4

k. To services of a high quality that are designed to maintain and advance the child's mental and physical well-being;

l. To be represented in the planning and regular review of the child's case, including the placement and development of, or revisions to, any placement plan which is required by law or regulation and the provision of services to the child, the child's parents or legal guardian and the temporary caretaker, by a person other than the child's parent or legal guardian or temporary caretaker who will advocate for the best interests of the child and the enforcement of the rights established pursuant to this act, which person may be the caseworker, as appropriate, or a person appointed by the court for this purpose;

m. To receive an educational program which will maximize the child's potential;

n. To receive adequate, safe and appropriate food, clothing and housing;

o. To receive adequate and appropriate medical care;

p. To be free from unwarranted physical restraint and isolation;

q. To be placed in the closest proximity possible to other siblings who are not in out-of-home placement or if placement together is not possible, when it is in the best interests of the child;

r. To be allowed to participate in the permanency planning decisions of the child's siblings, whenever appropriate; to invite any other siblings of the child who is the subject of the permanency planning to participate in the permanency planning decision, which other siblings shall be allowed to participate in the permanency planning decision, whenever appropriate; and to have the recommendations and wishes of the child and of each sibling who participates in the permanency planning decision documented in the case record of the Division of Child Protection and Permanency in the Department of Children and Families and provided to the court, which recommendations and wishes shall be documented in the words written, or otherwise expressed by the child or other sibling, to the extent possible;

s. To know, or be made aware by the Department of Children and Families, of expectations for continued contact with the child’s siblings after an adoption or transfer of permanent physical and legal custody to a caregiver as defined in section 2 of P.L.2001, c.250 (C.3B:12A-2), which continued contact shall be subject to the approval of the adoptive parents or caregiver, as applicable;

t. To be promptly informed about changes in sibling placements or permanency planning goals;

u. To be actively involved in the lives of the child’s siblings, including planning and attending celebrations, birthdays, holidays, graduations, and other meaningful milestones, to the greatest extent possible;

v. To not have sibling visits, including phone calls and virtual visits, be denied as a result of behavioral consequences when residing in a resource family home or congregate care setting; and

w. To be provided updated contact information for all siblings at least annually, including a current telephone number, address, and email address, unless not in the best interests of one or more siblings.

Practical Considerations

- The law took effect immediately on January 12, 2023 and has an immediate impact on CP&P OOH cases.
- CP&P policies will be revised to be consistent with the law.
- CP&P Form 5-44 Youth Bill of Rights will be revised to incorporate the new rights granted to children in placement.
- Resource Parents will need to be educated about the new law and provided with ongoing guidance about their role in supporting the rights of children in their care.
- A child’s age, maturity and developmental level will need to be considered for several provisions of the law.
- When appropriate, siblings may be invited to participate in meetings already designed to host conversations about permanency planning, such as the 10 Month Family Discussion. Siblings may express their wishes through other ways such as writing a letter, texting, video recording etc.
- Siblings’ permanency recommendations and wishes will need to be documented in the case record. Some examples of case record documentation include NJSPIRIT contact notes, filing a siblings’ letter in the physical record, including information in the family’s case plan, etc.
- Siblings’ permanency recommendations and wishes will also need to be provided to the court. This can be done through the court report, attachments of documents, etc.
- For CP&P/CSOC dually involved children placed in OOH Treatment Programs or in need of OOH Treatment, factors that may impact the ability to place children in the “*same setting*,” in “*close proximity*,” or in their “*own community*,” include geographic location of programs, bed availability, sibling ages, Medicaid’s medical necessity rules, and each sibling’s individual clinical needs.
- Congregate Care Providers will need to be educated about the new law, particularly the provision regarding the prohibition for the denial of sibling visits as a behavioral consequence.
- Please consult with your Deputy Attorney General should you have questions about how this law may impact your current cases.