

The Children's Bill of Rights (CBPR) articulates that it is a child's right when being placed outside of the home, to be placed with a relative and instructs that the applicable department make the best efforts to effectuate such a placement. N.J.S.A. 9:6B-4b. Per the exact language of the CPBR, the first right enumerated is "[t]o 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..." In re D.C., the Supreme Court held that the rights articulated in the Child Placement Review Board Act are presumed to be in the best interest of the child and must be followed unless the Division rebuts the presumption. 203 N.J. 545, 552 (2010). "[W]hether prior to or after a child's removal, the Division remains legally bound to explore any reasonable measures that may accomplish the twin goals of ensuring child safety and promoting family unity." N.E. for J.V. v. State Dep't of Children & Families, Div. of Youth & Family Servs., 449 N.J. Super. 379, 399 (App. Div. 2017).

If the Division has not provided sufficient assistance to prevent poverty based removals, the Court acting within the purviews of its jurisdiction as granted by N.J.S.A. 9:6-8.22, should determine no reasonable efforts and order the Division to provide assistance that would ensure that a child is reunified with his/her parent. See N.J.S.A. 9:6-8.28; 9:6-8.31. N.J.S.A. 30:4C-15.1 provides four methods by which reasonable efforts may be established for reunification: (1) consultation and cooperation with the parent in developing a plan for appropriate services; (2) providing services that have been agreed upon to the family, in order to further the goal of reunification; (3) informing the parent at appropriate intervals of the child's progress, development, and health; and (4) facilitating appropriate visitation. As a common theme throughout Title 9 & 30, the primary objective for permanency for any Division involved child is prevention of removal and reunification. "The services provided to meet the child's need for permanency and the parent's right to reunification must be 'coordinated' and must have a 'realistic potential' to succeed." New Jersey Div. of Youth & Family Servs. v. L.J.D., 428 N.J. Super. 451, 488 (App. Div. 2012); see also N.J. Div. of Youth & Family Servs. v. J.Y., 352 N.J. Super. 245, 267 (App. Div. 2002).

In 2001, in response to a growing need and in furtherance of the public interest, the Legislature created another, alternative permanent placement option, Kinship Legal Guardianship, which provided an alternative permanency arrangement without requiring the termination of parental rights. N.J.S.A. 3B:12A-1 et. seq. This body of law again emphasizes the import in the law for the preservation of the biological family. The

law is further supported by Division policy. The Division considers placement with relatives the preferred placement when children must be removed from their homes. DCPD Field Operations Casework and Procedure Manual, Section 400 (2013). As part of the Division's commitment to improve safety, permanency, and well-being of children under its care, the Division always considers relatives and family friends as the first resource for a child who needs placement.

When a child is removed from his or her home, relatives can be the most fundamental resource available to meet the child's needs. It can also help the child maintain a sense of identity, continuity, and belonging to his family, while he is separated from his parents. DCPD Field Operations Casework and Procedure Manual, Section 201.1 (2013). Despite DCPD's objection, pursuant to New Jersey Div. of Child Prot. & Permanency v. K.N., 435 N.J. Super. 16, 37 (App. Div. 2014), Your Honor has the power to Order placement with Ms. C. , regardless of the Division's objection to placement, as being in the children's best interest. The K.N. holding states, "...the judge may not order the Division to reach any particular decision in exercising its discretion to grant or deny a license in such situation. In other words, if the Division concludes there is good cause to reject an application for a license based upon a prior substantiated finding of abuse or neglect, the Family Part may not compel the Division to issue the license. However, in ordering a placement, the judge must consider whether the prior substantiated finding of abuse or neglect evidences a continuing risk to the child such that the placement is not in the child's best interests." See K.N. at 37.

Ms. C. has always indicated her desire to be involved in this process and assist her sister in caring for her nieces and nephew and has address the Division, per the attached certification, with how it may be able to further the goal of keeping the family together. However, she has been denied any reasonable assistance with these efforts and there has been little to no support for family continuity in this case. Ms. C. attends court hearings, visitation, and has the full support of her sister in making these representations to the Court. Ms. C. is willing and able to engage in any assessments, make any adjustments to her living arrangements, and is willing to co-parent, become a KLG, or adopt if it would ensure that the children remain with family.

Per K.N. and this court's *parens patriae* jurisdiction, should child welfare's interest remain adverse to the needs of this family, Ms. C. requests a plenary hearing wherein the Court makes a best interest determination of placement with Ms. C. .

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New Jersey

Furthermore, she is committed to engaging in this process by any means that may facilitate a return of the children. Ms. C. looks forward to her family being permanently reunited and this office will assist in any way that would ensure smooth transition of placement. Should you have any questions or concerns, I can be contacted at 973-370-3632.

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