

Governor Phil Murphy

# Governor Murphy Signs Legislation Setting the Stage for NJ's Child Welfare System to Make Long-Awaited Exit from Federal Oversight

12/20/2022

*Reforms Made Over Past 20 Years Have Made NJ a National Model for Child Welfare*

**TRENTON** – Governor Phil Murphy today signed A-3707/S-2395 as a key part of the effort to fulfill New Jersey's commitment to implement the necessary accountability measures to exit from federal oversight of child protective services administered under the New Jersey Department of Children and Families (NJ DCF). This legislation represents an important step in the State's ongoing process of exiting from this arrangement following the progress New Jersey has made in reforming its child welfare system over the past 20 years.

The legislation signed today ensures independent review of the Department's child protection work will continue once federal oversight ends, while also codifying child protection caseload load limits for child protection caseworkers to ensure that each child's case receives the necessary amount of attention and care.

"My administration remains committed to advancing and expanding upon the efforts of our predecessors to make New Jersey's child welfare system one that can serve as a national model for the protection of every child in our care," said **Governor Murphy**. "Today's legislation recognizes the significant progress our state has made in reforming our child welfare system to ensure no child falls through the cracks and every case is treated with the time and attention it needs."

"With today's signing – and final legislative approval yesterday – we're delivering on a key element of our negotiated exit agreement with the federal court, the monitor, and the Plaintiff's attorney to establish New Jersey as a data driven, self-monitoring leader in child welfare," said **NJ DCF Commissioner Christine Norbut Beyer**. "This is a watershed moment for New Jersey, made possible through Governor Murphy's and legislative leaders' commitment to a dynamic, well-resourced child welfare system, the cumulative work of past and current leaders, and the hard work and dedication of DCF's 6,600-member workforce. Our pending exit from federal oversight recognizes that we have all worked together, in big ways and small, to transform our system for the better, and that we stand today as a national leader in child welfare practice and outcomes."

"One of government's most important responsibilities is to protect the health and safety of children," said **Senate President Nicholas Scutari**. "This law will help prevent abuse and neglect, and facilitate the intervention of protective services when it is needed to safeguard children."

"Children deserve every opportunity to thrive and succeed in life," said **Assembly Speaker Craig J. Coughlin**. "By implementing this thoughtful framework that finds its foundation in keeping children safe and families together, we create a system that's responsive to child well-being and capable of serving New Jersey families of all shapes and sizes well into the future."

After nearly twenty years of court-appointed federal oversight of New Jersey's child welfare system, established under a consent decree via the 1999 *Charlie and Nadine H. v. Whitman* class action lawsuit, New Jersey negotiated a plan of action in March 2022 to exit from this federal oversight. Under the terms of the exit agreement – as approved by a federal judge and agreed to by the court-appointed monitor and the plaintiffs' attorney – New Jersey was required to implement a statutory mechanism for the child welfare system to ensure continued transparency and accountability in regard to key performance metrics.

Today's legislation empowers and expands the role of the existing Staffing and Oversight Review Subcommittee (SORS) of the New Jersey Task Force on Child Abuse and Neglect (<https://www.nj.gov/dcf/providers/boards/njtfcan/>) to serve in this review capacity. SORS will have access to NJ DCF data regarding staffing and case outcomes in order to review critical benchmarks for the success of the child welfare system and report this information annually to both the Legislature and the general public.

Additionally, the legislation establishes a statutory cap of no more than 15 cases per NJ DCF caseworker to ensure employees have the capacity they need to fulfill the critical responsibilities of their role. It was not uncommon for one employee to have nearly triple that number of cases back when the *Charlie and Nadine H. v. Whitman* lawsuit was initiated, which charged the State with improperly caring for the children involved in New Jersey's child welfare system. Under this new law, a corrective plan of action will be activated if any SORS review ever finds that NJ DCF has exceeded the average daily limit of 15 cases per worker for two consecutive months.

NJ DCF has already worked to significantly reduce the number of cases each worker is assigned under metrics established through federal oversight, which has decreased staff turnover and helped the State retain caseworkers even during the pandemic.

"New Jersey has made a lot of progress in improving protective services for children who have suffered abuse or neglect," said **Senate Majority Leader M. Teresa Ruiz**. "But, continued oversight and accountability are essential. We need to ensure that families are given the help and support they need to provide safe and healthy conditions for young people."

"Nothing is more important than the safety and well-being of our children," said **Assemblywoman Angelica Jimenez**. "With this new law, we will empower the New Jersey Child Abuse and Neglect Task Force to better protect children across the State."

"The New Jersey Child Abuse and Neglect Task Force does important work safeguarding children in New Jersey from harm," said **Assemblyman Reginald Atkins**. "Key changes made by this law will ensure the Task Force is able to continue improving protective services in order to meet the State's child protection responsibilities."

Since federal oversight was established in 2003, New Jersey has worked to make critical improvements to its child welfare system and has established itself as a national model for achieving positive outcomes on behalf of the children in its care.

In a recent report to Congress (<https://www.acf.hhs.gov/cb/report/cwo-2019>) by the federal Department of Health and Human Services, highlighted the progress New Jersey has made, noting the state now has the lowest out-of-home placement rate in the country (1.4 per 1,000, compared to 3.4 per 1,000 nationally) and the fourth lowest

maltreatment rate in the country (2.6 per 1,000, compared to 8.9 per 1,000 nationally). New Jersey also ranked seventh among states for the lowest number of moves children experience while in foster care.

With today's bill signing, New Jersey can now take the next step in the exit process by scheduling a "fairness hearing," with the federal court, with the State's final exit estimated to occur in late spring or early summer of 2023. The final exit date will be scheduled during New Jersey's fairness hearing.

## Governor Phil Murphy

## Statewide

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Office of Governor PO Box 001  
Trenton, NJ 08625  
609-292-6000

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