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TO: Hon. Carmen Messano, P.J.A.D.
Assignment Judges
Family Presiding Judges
Children in Court (CIC) Judges

DIRECTIVE #26-21Questions or comments may be directed to
(609) 815-2900, Ext. 55350

FROM: Glenn A. Grant, J.A.D. 

SUBJECT: Family – Children in Court - Safe Haven Protocol

DATE: October 15, 2021

This Directive promulgates for immediate implementation a protocol for processing Safe Haven applications in the Children in Court (CIC) docket (hereinafter "Safe Haven Protocol"). When the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families (DCF) determines that the Safe Haven Act applies to a child, this Safe Haven Protocol is to be followed.

The Safe Haven Act, N.J.S.A. 30:4C-15.5 et seq., permits parents to leave a newborn child in a safe place, such as a police or fire station or hospital, to prevent the child from being abandoned in a potentially dangerous location. The Safe Haven Protocol was developed in consultation with the DCF and the Office of the Attorney General.

After assuming custody, care, and supervision of a child left in a Safe Haven location, DCPP commences an investigation by contacting the New Jersey State Police to determine if the child was reported as missing. No later than the next business day after that contact the State Police are to advise the county prosecutor in the county where the child was found about the child.

Within two court days of taking custody of the child, DCPP is to file a complaint for custody, care, and supervision, using fictitious names in the pleading under the FN docket, with the court to conduct an Order to Show Cause hearing. At the hearing, the court must determine: (1) whether the Safe Haven Act applies to the case and whether reasonable efforts to prevent placement are required; and (2) whether DCPP is not required to make reasonable efforts to reunify the child with a parent pursuant to N.J.S.A. 30:4C-15.8. If the court finds that reasonable efforts to reunify the child with the parent(s) are not required, DCPP must file a complaint for guardianship terminating parental rights under the FG docket in accordance with N.J.S.A. 30:4C-15.1(b)(3) and

N.J.A.C. 3A:18-1.10. A termination of parental rights (TPR) trial or proof hearing will be scheduled within 30 days of DCPD's filing for TPR. The court will render a decision on the date the TPR is heard, if possible, but no later than 14 days after the trial/proof hearing.

If DCPD becomes aware of the identity of the child's parent(s) or relative(s) before parental rights are terminated, DCPD shall consult with the Deputy Attorney General to determine whether to attempt to contact the parent(s) or notify members of the birth family of the existence of the child, to thereby work with the parent(s) or family in developing a permanent plan for the infant, or to pursue another course of action. If, based on the factors set forth in N.J.A.C. 3A:18-1.12, DCPD concludes it is appropriate to do so, DCPD is to locate the relative(s) or parent(s) and immediately arrange for genetic testing. The genetic test results must be submitted in writing to the court and all attorneys within three days of receipt by DCPD.

If a putative biological parent(s) presents themselves to seek reunification with the child, and DCPD receives genetic test results confirming paternity or maternity, DCPD will:

- File a motion amending the complaint to name the parent(s);
- Serve the parent(s) with the amended complaint and a case management hearing will be scheduled within 21 days with notice to the parent(s); and
- Provide to the parent(s) a blank Application for Assignment of Counsel (CN 11727) to complete.

The court shall hold a case management hearing within 21 days with notice to the parent(s).

Any questions regarding this protocol can be directed to Family Practice Assistant Director Joanne M. Dietrich at Joanne.Dietrich@njcourts.gov or 609-815-2900, ext. 55350.

cc: Commissioner Christine Norbut Beyer, DCF
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