

GLENN A. GRANT, J.A.D.
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TO: Hon. Carmen Messano, P.J.A.D.
Assignment Judges
Family Presiding Judges

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

SUBJECT: Family – Revised Children in Court Standards and Reissuance of Forms and the Appellate Division Protocol

DATE: January 20, 2021

DIRECTIVE #03-21

[Supersedes Directive #18-17]

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

Introduction

This Directive supersedes Directive #18-17 and promulgates a revised set of Children in Court (CIC) Standards as approved by the Supreme Court. The revised CIC Standards, which are effective immediately, are appended here as Attachment 1.

The following four documents that were included as part of Directive #18-17 are reissued without modification by this superseding Directive:

- Evidence list form (CN11554) (Attachment 2);
- Acknowledgement of Appeal Rights form (CN 11553) (Attachment 3);
- Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317) (Attachment 4); and
- Appellate Division’s Administrative Protocol for Termination of Parental Rights Appeals (Administrative Protocol) (Attachment 5).

A fifth document that was part of the earlier directive, the Judgment of Guardianship Order (CN 10265) has been revised to address scenarios in which the court does not terminate parental rights or terminates the rights of only one parent. The Judgment of Guardianship Order (Attachment 6) now also includes the following notices, which are part of all other CIC forms of order:

These proceedings are confidential. The disclosure of any records, reports or information is strictly prohibited and subject to the penalties of N.J.S.A. 9:6-8.10b. All prior orders not vacated or changed by this order shall remain in full force and effect.

Summary of Revisions to the Children in Court Standards

The following summarizes the key revisions to the CIC Standards (Attachment 1):

Standard 1 is supplemented to reflect the focus on strengthening families, preventing removal, and supporting reunification and family engagement. Emphasis is placed on minimizing unnecessary trauma to families and avoiding adjournments that delay timely permanency determinations.

Standard 2 is revised to include the enhanced responsibilities of the local Children in Court Advisory Committees (CICACs) to review data as a routine practice, conduct in-depth file reviews, and implement data-driven solutions to improve timely permanency.

Standard 3 is supplemented to reinforce the Judiciary's commitment to supporting equal access to self-represented litigants.

Standard 4 is revised to prioritize efforts to identify and include unknown parents in CIC procedures and to reinforce the importance of having resource parents in hearings.

Standard 5 is revised to reflect the national and statewide focus on reasonable efforts to keep families together. Courts must ensure that reasonable efforts findings are based on a detailed review of the child welfare agency's actions prior to a child's removal.

Standard 7 is revised to include the requirement for the court to provide adequate notice to the parties if it intends to apply the higher "clear and convincing" standard at the child abuse fact finding hearing.

Standard 8 is revised to reflect L. 2016, c. 90, which provides that the initial review conducted by a Child Placement Review (CPR) Board can be held 60 days rather than 45 days after the Division of Child Protection and Permanency (DCP&P) removes a child from home.

Standard 10 is revised to emphasize the importance of concurrent planning and timely scheduling of permanency hearings. Language is added to encourage youth attendance at permanency hearings.

Standard 11 is revised to encourage the courts to use Court Appointed Special Advocates (CASAs) and the Child Welfare Mediation Program.

Standards 13 and 15 are supplemented to include references to eCourts.

Standard 14 is supplemented to reinforce the Judiciary's commitment to training.

Standard 16(d) is revised to include a statement that the defendant has the right to be represented by an attorney on appeal.

New Standard 18 (“Practices to Ensure General and Identified Surrenders are Voluntary”) has been added to ensure that all surrenders made by parents are voluntary, and that this requirement is reinforced in any child welfare mediation conducted during the guardianship proceeding (FG docket). This Standard also references the "FG Voluntary Surrender of Parental Rights" Form (CN 10983).

Attachments:

1. Children in Court Standards
2. Evidence List (CN 11554)
3. Acknowledgment of Appeal Rights (CN 11553)
4. Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317)
5. Administrative Protocol for Termination of Parental Rights Appeals
6. Judgment of Guardianship (CN 10265)

cc: Chief Justice Stuart Rabner
Hon. Jack M. Sabatino, P.J.A.D., Deputy Presiding Judge for Administration
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Trial Court Administrators
Special Assistants to the Administrative Director
John K. Grant, Deputy Clerk, Appellate Division
David Tang, Chief, Family Practice
Family Division Managers
Jacqueline Augustine, Assistant Chief, Family Practice
Assistant Family Division Managers

CHILDREN IN COURT STANDARDS

Standard 1: Children in Court cases are a priority and should focus on family preservation, individualized needs, and family engagement; safety remains paramount.

Children in Court (CIC) cases shall be administered with priority. The safety of the child will remain paramount. All family docket types are important, but these cases require much closer monitoring due to the lasting impact child welfare matters can have on families. The court shall aim to minimize the instances of family separation and minimize undue trauma. The court shall encourage reunification and timely permanency, with preference for preserving known connections of the child with family and kin where possible including cultural competency considerations. Adjournments of these proceedings are discouraged, as delays in proceedings contribute to delays in obtaining timely permanency for children.

Standard 2: Enhanced stakeholder collaboration guided by data driven solutions through local Children in Court Advisory Committees

A Children in Court Advisory Committee comprised of key child welfare stakeholders shall be maintained in each county to encourage planning and coordination necessary at the county level. At least quarterly meetings shall be convened and chaired by the lead CIC judge. The roles and responsibilities of the local advisory committees are expanded to include the review of data as routine practice towards implementing data-driven solutions that improve timeliness to permanency and race equity.

A statewide Children in Court Improvement Committee shall be maintained to encourage planning and coordination necessary at the state level.

Standard 3: Prompt representation of defendants in Children in Court cases

Prompt representation of defendants in CIC cases is a primary objective. This is accomplished by a defendant, who is not already represented by counsel, completing an application for legal representation, known as a 5A application. An initial determination of indigency shall be made by the judge or court staff. Processing of such 5A applications shall be expedited and coordinated with the Office of the Public Defender. At the earliest possible point in the case, but no later than the date of service of the Complaint and Order to Show Cause on the defendant, a 5A application shall be served on the defendant.

Where litigants choose to represent themselves, court staff must ensure that self-represented litigants are provided access, equity and fairness.

Standard 4: Identification of unknown parents; Notices for court hearings and notification to county prosecutor

The identification and location of unknown parents shall be regularly reviewed to provide the parents an opportunity to be noticed for child welfare proceedings. The court must ensure that notices for all court hearings are provided to all necessary parties and interested persons. Children must be noticed of permanency hearings, in compliance with the Youth Participation in Court Protocol (Administrative Directive # 15-18). Resource parents must also be noticed as required in R. 5:12-4(i). Resource parents also should be provided with the opportunity to participate through the Resource Parent Information Form if they cannot attend a court hearing.

Pursuant to N.J.S.A. 9:6-8.25, court staff shall provide a copy of the abuse or neglect complaint to the county prosecutor's office promptly after filing.

Standard 5: Required judicial findings on an initial order of removal

When a child is removed or sought to be removed from the home by the Division of Child Protection and Permanency (DCPP), the judge must make a finding whether it is contrary to the child's welfare to remain in the home and whether DCPP has made reasonable efforts to prevent placement. If the court finds that reasonable efforts to prevent placement were not required, the court shall make the required findings pursuant to N.J.S.A. 30:4C-11.2. All findings shall be case specific, on the record and memorialized on the approved court order. The court should ensure that the finding of reasonable efforts to prevent placement is supported by an in-depth examination of the evidence of identified as threats to safety and efforts made by DCPP to plan with the family to prevent the removal. The finding shall also ensure that the services offered and provided to the family were appropriate, as reported by DCPP, the family and other experts or witnesses as necessary.

Standard 6: Advisory notice to parents of the potential consequences of noncompliance

At each court event, judges should orally advise parents of the potential consequences of noncompliance with the court-ordered plan for services and reunification. These consequences include the possibility that their rights as parents could be terminated and their child(ren) freed for adoption. All court orders in abuse or neglect cases shall include the following advisory notice:

THE FAILURE OF THE DEFENDANT(S) TO COMPLY WITH ANY
PROVISION OF THIS ORDER OR THEIR CONTINUING FAILURE TO
APPEAR MAY RESULT IN THE FILING OF A COMPLAINT BY DCPP TO

TERMINATE THE DEFENDANT(S)' PARENTAL RIGHTS TO THE CHILD(REN) NAMED IN THIS COMPLAINT. A TERMINATION OF PARENTAL RIGHTS WOULD FREE THE CHILD(REN) FOR ADOPTION.

All court orders in termination of parental rights cases shall include the following advisory notice:

THE FAILURE OF THE DEFENDANT(S) TO COMPLY WITH ANY PROVISION OF THIS ORDER OR THEIR CONTINUING FAILURE TO APPEAR MAY RESULT IN A DEFAULT ENTERED BY THE COURT AND TERMINATION OF PARENTAL RIGHTS.

Standard 7: The standard for fact-finding hearings in abuse or neglect cases

Fact-finding hearings shall be resolved in every abuse and/or neglect case within 120 days if the child has been removed from the home and within 180 days if the child remains at home. The standard of proof for abuse or neglect cases is that findings be made by a preponderance of the evidence. However, if the record supports a finding by clear and convincing evidence, the court should so state in its findings. If the defendant receives adequate notice that a higher, clear and convincing standard is used in a Title 9 case, then the doctrine of collateral estoppel can be used for the required findings in a Title 30 case. New Jersey Div. of Youth and Family Servs. v. R.D., 207 N.J. 88 (2011).

The fact-finding hearing will be conducted if the litigants have not stipulated to some or all of the allegations in the complaint.

Standard 8: Child Placement Review Boards shall act as an arm of the court

Child Placement Review (CPR) Boards shall act as an arm of the court.

- A. For children in placement through Title 9, Title 30 or FJ or FF proceedings where there is DCPD involvement, CPR boards shall only review their cases once at a "CPR Board Initial Review." All additional reviews of these children's cases shall be conducted by the court until permanency has been achieved.
- B. For children in voluntary placement through independent living or residential placement agreements, CPR Boards shall conduct regular reviews at 60 days after placement, at the permanency hearing within 365 days of placement and at least annually thereafter. The court shall enter an order containing required findings under the Adoption and Safe Families Act (ASFA) at the Initial 15 Day Review. A CPR Board's annual reviews shall constitute permanency hearings and shall result in the preparation

of permanency orders to be reviewed and signed by the CIC judge. The court shall review CPR Board findings and may schedule summary hearings at its discretion.

Standard 9: Encouragement of Children in Court case processing continuity

To the extent possible throughout the Children in Court case processing, from initial removal to permanent placement or reunification, the same judge shall be assigned to the case providing for quality case management, more informed decisions and continuity for the child. This assignment should be complemented by a case team consisting of Deputy Attorney General, Law Guardian, parents' attorney, the DCPD Local Office case worker, CASA volunteer, if applicable, as well as court staff who perform calendar coordination and who will work with the judge's office staff to ensure that all relevant and necessary information is provided to the judge.

Standard 10: Concurrent planning and annual permanency hearings

From the time of placement and at every hearing thereafter, the court shall review the concurrent plan, ensuring that it is attainable in a timely manner, appropriate for the unique needs of the child(ren), connects children with relatives and kin whenever possible and that necessary logistics are addressed to implement the concurrent plan.

A permanency hearing for all children in out-of-home placements shall be conducted by the court within 365 days of the placement date and every year thereafter until the child obtains permanency. CPR boards shall conduct permanency hearings for children in voluntary placements in accordance with Standard 8. Children and youth shall be encouraged to attend their permanency hearings as set forth in the Youth Participation in Court Protocol (Administrative Directive # 15-18). Reports to the court and counsel from DCPD shall be written and submitted in advance of the hearing.

Standard 11: Court Appointed Special Advocate Programs and Child Welfare Mediation Programs

The creation, role and function of a Court Appointed Special Advocate (CASA) in each county should be promoted by vicinage Judiciary leaders. Judicial leaders are encouraged to appoint CASA volunteers to cases where CASA's advocacy skills and resources can be beneficial to the well-being of children in placement. The court will ensure that CASA receives all reports associated with the case.

Judicial leaders in each county should facilitate the use of established non-adversarial methods to resolve child welfare issues by referring families to participate in the Child Welfare Mediation program, where appropriate. CIC judges are encouraged to order mediation during the child protection litigation (FN docket) following the fact-

finding to further engage the family, resolve conflicts that may be delaying progress in achieving case goals, and to save court time and resources.

Standard 12: Timely filing of a termination of parental rights complaint

When the court has approved the permanency goal of termination of parental rights, the complaint should be filed within 45 days of the permanency hearing. At the permanency hearing, a return date should be scheduled to ensure that the complaint has been filed, defendants have been served, defendants have completed an application for assignment of counsel (5A form), and the FN litigation has been closed, when appropriate.

Standard 13: Same-day court orders

Court orders should be completed and distributed to the parties on the day of the hearing before they leave court. The order shall include the next court date. Attorneys will receive court orders through the eCourts system. Approved court orders should be used at all times.

Standard 14: Annual statewide training

Annual statewide training regarding the principles of case management, relevant child welfare practices and data-driven solutions, to be arranged by the AOC, shall be provided for CIC judges, all team leaders and key stakeholders to enhance knowledge and improve practice.

Standard 15: Children in Court case processing procedures manual and eCourts as the Official Record

A case processing procedures manual for handling Children in Court cases should be maintained, regularly updated and distributed to all court staff and judges.

Children in Court case files shall be maintained in eCourts. Documents within eCourts shall be the court's official record.

Standard 16: Appeals of termination of parental rights matters

(a) A standard form evidence list (CN 11554) shall be used to document trial exhibits submitted for identification or introduced into evidence.

(b) Absent extraordinary circumstances, the decision by the trial court, whether written or oral, shall be rendered at the conclusion of the termination of parental rights trial, but in no event later than 14 days after the trial concludes. If the decision is

not rendered at the conclusion of trial, the trial judge shall advise all parties of the date and time for delivery of the opinion and require their presence. At all hearings following the trial, the court will advise the defendants that they have certain rights, including the right to appeal.

(c) The standard form of judgment (FG Judgment of Guardianship, CN 10265) shall be signed by the judge on the day of the decision and shall be provided to all parties and counsel. This judgment shall include all trial dates, the names of all witnesses who testified, the dates on which they testified and by whom they were called. It shall also include the date(s) on which any parent surrendered his/her parental rights. The judgment shall also contain an attachment listing all exhibits introduced into evidence during trial, by party.

(d) After the parties are given a copy of the judgment, the court shall immediately thereafter advise the parties of their right to appeal, the right to be represented by an attorney for the appeal, and the appeal must be filed within 21 days of the entry of that judgment. The Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317) has been revised to be consistent with this standard and R. 2:4-1(a). The trial court shall ensure that the Acknowledgment of Appeal Rights (CN 11553) has been executed. The trial court also must use the revised Advisory Notice to Parents and Counsel When Parental Rights Are Terminated (CN 10317) and the Acknowledgment of Appeal Rights (CN 11553).

(e) If any party indicates a desire to appeal a termination of parental rights judgment, the court shall direct that party's trial counsel to file the notice of appeal and to provide the trial court and the parties with a filed copy of same. The notice of appeal shall include a transcript request form and a copy of the judgment on appeal, and any other required documents.

(f) If a party or attorney requests additional time, the court may adjourn the matter for up to 14 days and shall direct trial counsel to continue to represent the party until such time as the notice of appeal has been filed or until the party has decided not to appeal the judgment. Until it has been determined that the notice of appeal has been filed or that the party does not wish to appeal, the FG litigation should not be terminated and trial counsel should not be released from the case.

(g) It shall be the obligation of the appellant's trial counsel to provide the appellate counsel/section with copies of all exhibits when filing the notice of appeal. At the time of trial, the Division shall be required to submit two hard copies of all the trial exhibits. The trial court shall maintain the exhibits for a minimum of 90 days after entry of the judgment or order and until the final disposition of the appeal. Technological solutions should be explored to expedite the distribution of trial court exhibits and a pilot program should be implemented to evaluate the feasibility of those solutions.

Standard 17: Procedures to ensure efficient practices following termination of parental rights trials and/or proof hearings

Following the completion of a Termination of Parental Rights case where a Judgment of Guardianship has been issued, the court shall set a return date within 90 days to review the status of each child. When adoption is the goal, the purpose of the summary hearing is to track the status of the filing of an adoption complaint. Subsequent summary hearings before the court shall be held at least every 90 days, or less frequently in the judge's discretion, until the adoption is finalized.

For those children whose case goal is no longer adoption, the court shall schedule a summary hearing within 90 days. The focus of the summary hearing shall be on eliminating barriers to permanency. Subsequent summary hearings before the court shall be held at least every 90 days, or less frequently in the judge's discretion, until such time as permanency has been achieved.

Notice of this hearing shall be provided to the resource parent. The Deputy Attorney General and Law Guardian are required to be present for the hearings. A Court Appointed Special Advocate, if assigned, shall provide a report to the court and counsel at least one week before the hearing and may attend the hearing. If the Care Management Organization (CMO) is assigned to the case, the CMO should be notified and appear at the hearing if required by the court. The child also may attend the hearings at the court's discretion.

Standard 18: Ensure General and Identified Surrenders are voluntary

The court should ensure that all surrenders made by parents are voluntary. A parent may participate in child welfare mediation to ensure that they are informed of their rights. The surrender is memorialized by the court using the "FG Voluntary Surrender of Parental Rights" Form (CN 10983). A parent may surrender to more than one individual. The parent should specify whether both individuals must adopt or whether each can adopt individually. If the parent approves adoption by only individual if the other is unable or unwilling to adopt, this can be done by inserting "and/or" between the individuals' names on the surrender.

New Jersey Division of Child Protection and Permanency,
Plaintiff,

v.

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

(NJSpirit Participant #: _____) Defendant,

In the Matter of:

NJSpirit Participant #:
FC Docket #:

NJSpirit Participant #:
FC Docket #:

Superior Court of New Jersey
Chancery Division - Family Part
County: _____
Docket Number: FG - _____
NJSpirit Case #: _____

Civil Action
Acknowledgment of
Appeal Rights

I, _____, hereby certify as follows:

1. I am the defendant in the above referenced case.
2. I am being represented in this litigation by _____, and my attorney has reviewed this appeal rights form with me.
3. **Appeal Rights** -- I understand that:
 - a) An appeal means having my case reviewed by a higher court; and
 - b) I have the right to appeal the termination of my parental rights; and
 - c) I have the right to be represented by counsel for that appeal; and
 - d) If I am unable to afford private counsel for my appeal, the Office of the Public Defender will represent me or arrange for my representation, and
 - e) If I fail to file a notice of appeal with the Appellate Division within 21 days of today's date, I will lose my right to appeal.
4. I am appearing today before Judge _____.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date

Defendant

I have reviewed this Appeal Rights Form with the defendant and I am satisfied that he/she understands the rights it describes.

Date

Attorney for Defendant

(To be filled out by private counsel only)

If defendant decides to appeal and cannot afford to continue to retain private counsel, I will notify the Office of the Public Defender within 21 days of today's date.

Date

Attorney for Defendant

For information on appellate representation by the Office of the Public Defender, please write to:

Office of Parental Representation
Appellate Section
31 Clinton Street, 10th Floor
Newark, New Jersey 07102

(Complete in duplicate: one fully executed copy to be delivered to the trial judge and defendant to retain the remaining copy)

ADVISORY NOTICE FOR PARENTS AND COUNSEL
WHEN PARENTAL RIGHTS ARE TERMINATED

This court has entered an order terminating your parental rights and relationship with your child(ren). **You have 21 days in which to appeal this decision.**

If you wish to appeal and you were represented by the Office of the Public Defender, you will continue to be represented by the Office of the Public Defender, although a new attorney may be assigned for the appeal.

If you were represented by retained counsel in this proceeding -- that is, by an attorney who you paid -- and you cannot afford to pay for an attorney for your appeal, you may apply to the court to see if you qualify for the services of the Public Defender. If the court finds that you are indigent, your case will be referred to the Office of the Public Defender, which will then assign an attorney to represent you in your appeal.

If the Public Defender does assign an attorney to represent you in your appeal, the attorney who represented you at trial must cooperate with the Public Defender to see that all evidence and other relevant materials in your case are transferred to the Public Defender, Office of Parental Representation, P.O. Box 850, Trenton, N.J. 08625-0850 for the preparation of your appeal.

Your attorney will be able to explain in more detail how you can exercise your right to appeal. Please acknowledge on the record that you understand that you have the right to appeal the determination in this matter.

Any post-judgment motions filed with the trial court that are not related to the merits of your appeal will not toll the time for submissions to the Appellate Division.

NOTE TO PARENT'S ATTORNEY(S): If your client did not appear on the date this decision was rendered, the court directs you to provide your client with a copy of the judgment and this notice within five business (5) days of the date of the judgment.

**ADMINISTRATIVE PROTOCOL
FOR
TERMINATION OF PARENTAL RIGHTS APPEALS**

A. Docketing

The termination appeals are identifiable by the trial court docket number and are immediately earmarked for expedition. Pursuant to the April 21, 2016 Supreme Court rule relaxation order, effective July 1, 2016 all Termination of Parental Rights appeals are required to be filed electronically.

B. Appellate Division Clerk's Office

1. **Transcript.** The notice of appeal must be accompanied, as in all appeals, with a transcript request form. The Chief of Reporting Services has advised and will continue to remind transcribers that the transcript must be filed within thirty days of the request so the transcript may be distributed to the parties and the clerk of the appellate court. The Deputy Clerk of Administrative Services is also the person monitoring compliance.

2. **Consolidation.** In the event of separate appeals by each parent, the appeals will be immediately consolidated by the Clerk's Office so that only one set of transcripts, one Attorney General's brief, and one Law Guardian's brief is necessary.

3. **Scheduling.** Immediately upon receipt of the transcripts, the Clerk's Office will issue a scheduling order providing for the following:

- Appellant's brief and appendix shall be filed within 45 days from receipt of transcripts;
- The respondent's answering brief shall be filed within 30 days from the date of filing and service of appellant's brief;
- If the Law Guardian is not the appellant, its brief shall be due when the respondent's brief is due. If the Law Guardian does not take the same position as the co-respondent, the co-respondent shall have seven days in which to reply to the Law Guardian's brief.
- The scheduling order will include a pre-calendared date six weeks from the date the last brief is due. The calendar assignments will be made by the calendaring unit of the Clerk's Office based on its customary criteria. These cases will be pre-calendared for summer calendars as well.

The scheduling order will encourage the parties to file a joint appendix.

4. **Electronic Communication.**

Effective July 1, 2016 all documents relating to Termination of Parental Rights appeals must be filed electronically.

C. Disposition

Each panel is aware the disposition of these cases must be given priority and that in the normal course, the opinion will be transmitted to the Clerk's Office for filing within thirty days after the calendar date.

D. Supervising Judge

A judge of the Appellate Division will be assigned to monitor compliance by the attorneys of all of the foregoing time provisions. The Clerk's Office will provide regular reports to the supervising judge respecting non-compliance with the time requirements for filing briefs and appendices.

E. Motions

1. Motions for extensions will be submitted to the Supervising Judge forthwith upon filing and without answers. If necessary, the Supervising Judge can reach out to the adverse party. Absent extraordinary circumstances, extensions by motion will not be granted.

2. Motions not related to the merits of the appeal will not affect the briefing schedule.

F. Sanctions

The Supreme Court approved the use of sanctions against appellate counsel and their supervisors for failure to comply with court rules, court orders or Judicial policies. Imposition of sanctions would be used, for example, if a party, without good cause, repeatedly fails to meet deadlines or to adhere to the Appellate Division's administrative protocol.

**New Jersey Division of Child Protection
and Permanency,**

Plaintiff,

v.

(NJ Spirit Participant #: _____) Defendant,

(NJ Spirit Participant #: _____) Defendant,

(NJ Spirit Participant #: _____) Defendant,

(NJ Spirit Participant #: _____) Defendant,

In the Matter of:

(NJ Spirit Participant #: _____)
FC Docket #: _____

(NJ Spirit Participant #: _____)
FC Docket #: _____

**Superior Court of New Jersey
Chancery Division - Family Part**

County of Select County

Docket Number: FG - _____

NJ Spirit Case #: _____

**Civil Action
Order**

- Judgment of Guardianship
Accepting Surrender**
- Judgment of Guardianship After
Default and Proof Hearing**
- Judgment of Guardianship After
Trial**
- Denying Termination of
Parental Rights**

This matter having been brought before the Court on _____, 20____, by the Division of Child Protection and Permanency (the Division), Deputy Attorney General _____, appearing, and in the presence of:

the child _____, appearing / not appearing represented by
Law Guardian _____, appearing / not appearing

the child _____, appearing / not appearing represented by
Law Guardian _____, appearing / not appearing

Defendant _____ appearing / not appearing,
 noticed / not noticed, represented by
Attorney _____ appearing / not appearing

Defendant _____ appearing / not appearing,
 noticed / not noticed, represented by
Attorney _____ appearing / not appearing

Defendant

appearing / not appearing,

noticed / not noticed, represented by

Attorney

appearing / not appearing

Defendant

appearing / not appearing,

noticed / not noticed, represented by

Attorney

appearing / not appearing

Division Caseworker/Supervisor _____

appearing / not appearing

Division Phone number: _____ ext.: _____

Court Appointed Special Advocate _____

appearing / not appearing

Resource Family member [initials only] _____

appearing / not appearing

Resource Family member [initials only] _____

appearing / not appearing

Other: _____

appearing / not appearing

I. Identified Surrender

1. The defendant, _____ having given a knowing and voluntary identified surrender of his/her parental rights to (child(ren)'s name(s)) _____ on _____, 20____, so that _____ and/or _____ can adopt the child(ren), with the understanding that if the named person(s) does not adopt, the surrender is void.

2. The defendant, _____ having given a knowing and voluntary identified surrender of his/her parental rights to (child(ren)'s name(s)) _____ on _____, 20____, so that _____ and/or _____ can adopt the child(ren), with the understanding that if the named person(s) does not adopt, the surrender is void.

II. General Surrender

1. The defendant, _____ having given a knowing and voluntary general surrender of his/her parental rights to (child(ren)'s name(s)) _____ on _____, 20____, so that the child(ren) may be adopted by any person(s) approved by the Division.

2. The defendant, _____ having given a knowing and voluntary general surrender of parental rights to (child(ren)'s name(s)) _____ on _____, 20____, so that the child(ren) may be adopted by any person(s) approved by the Division.

III. Default

The Court, having terminated parental rights of _____ and _____ after a proof hearing, and after having entered a default against said defendants on _____, 20__, and having provided the defendants with notice of the proceedings,

in person / in court / by certified mail, at the last known address / by another method:

IV. Trial

1. The Court heard the matter in a trial on the following date(s), which include:

Trial Date	Witness(es) called at trial	Party calling witness

2. The Court having considered the evidence submitted, and the arguments of counsel, and that the Division has:

- not proven its case under *N.J.S.A.* 30:4C-15.1, by clear and convincing evidence;
- proven its case under *N.J.S.A.* 30:4C-15.1, by clear and convincing evidence; and for the reasons set forth in
 - A decision rendered from the bench on this date,
 - A written decision dated _____, 20__.

And for Good Cause Shown;

It Is on This _____ Day of _____, 20__, Ordered:

- 1. The case regarding (name(s)) _____ is dismissed and the FN docket is reopened. A (insert hearing) _____ is scheduled for _____.
- 2. a. The parental rights of defendant(s) _____ and _____ to (child(ren)) _____ are hereby terminated;
- b. The parental rights of defendant(s) _____ and _____ to (child(ren)) _____ are hereby terminated;
- c. The parental rights of defendant(s) _____ and _____ to (child(ren)) _____ are hereby terminated;
- d. The parental rights of defendant(s) _____ and _____ to (child(ren)) _____ are hereby terminated;
- 3. The Division is hereby awarded the Guardianship, of the child(ren), named above, and is permitted to consent to the adoption of said child(ren) and to act fully and completely as Guardian of the person and property of the(se) child(ren);

- 4. The complaint for adoption must be filed by _____, 20__;
- 5. A Summary Hearing shall be held before the court in the FC docket on _____, 20__, at _____, and the Deputy Attorney General and the Law Guardian shall appear.
- 6. In cases where select home adoption is the goal, the Division shall continue efforts to identify adoptive parents, whether or not an appeal is filed.
- 7. The parental responsibility for ongoing child support under docket number (FD, FM, or FV) _____ is:
 - terminated as of _____, 20__.
 - continued until adoption is finalized.
 - terminated as of _____, 20__, but may be reinstated retroactively if the adoption is not finalized.

And It Is Further Ordered That:

_____, J.S.C.

- Evidence list attached.

These proceedings are confidential. The disclosure of any records, reports or information is strictly prohibited and subject to the penalties of N.J.S.A. 9:6-8.10b.

All prior orders not vacated or changed by this order shall remain in full force and effect.

Attorneys must review the form of order prior to exiting the courtroom. Failure to do so waives any objections.