

GLENN A. GRANT
Administrative Director of the Courts

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DIRECTIVE #04-23

To: **Assignment Judges**
 Family Presiding Judges
 Trial Court Administrators
 Family Division Managers

[Questions may be directed to the
Family Practice Division at
609-815-2900, ext. 55350.]

From: **Glenn A. Grant, Administrative Director**

Subj: **Family – Children in Court (CIC) – Revised Judgment of
Guardianship (CN 10265)**

Date: **February 24, 2023**

This promulgates a revised Judgment of Guardianship (CN 10265) to be used when the court terminates parental rights in matters filed by the Division of Child Protection and Permanency (DCP&P) in the Department of Children and Families. The revised form of judgment, approved by the Judicial Council, provides that notice must be given to all parties of any modifications to visitation ordered in the Judgment of Guardianship.

In some instances, the court may order visitation between a parent and child after the parent's rights are terminated. Those visitation terms are set forth in the Judgment of Guardianship. The following new notice provision in the Judgment of Guardianship addresses those instances where a parent's right to court-ordered post-termination visitation has been changed: "Any modifications to visitation ordered in this judgment must be made on notice to all parties." If DCP&P suspends or modifies the visitation, DCP&P is to contact the other parties to resolve the issue or so that those affected by the change in visitation have the opportunity to seek relief from the court.

Attachment

cc: Chief Justice Stuart Rabner
Commissioner Christine Norbut Beyer, DCF
Assistant Commissioner Laura Jamet, DCP&P
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
David Tang, Chief, Family Practice Division
Jacqueline Augustine, Asst. Chief, Family Practice Division

NJSpirit Case #

Plaintiff,

v.

Defendant.

Defendant.

Defendant.

Defendant.

In the Matter of:

Child

Child

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

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

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 _____.

☐ 2a. 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.

Any modifications to visitation ordered in this judgment must be made on notice to all parties.