

a guide for

When Your
Child is in
Foster Care

parents



State of New Jersey
Department of Children and Families
Division of Youth and Family Services
www.nj.gov/dcf



Contact Information

Use this sheet to record important names and contact information.

DYFS Caseworker

NAME _____ CONTACT _____

DYFS Supervisor

NAME _____ CONTACT _____

My Lawyer

NAME _____ CONTACT _____

My Child's Law Guardian

NAME _____ CONTACT _____

Other Social Workers/Treatment Professionals

NAME _____ CONTACT _____

NAME _____ CONTACT _____

NAME _____ CONTACT _____

Hearing Dates and Other Notes

Dear Parent,



This handbook was created by The Department of Children and Families to help families involved with the Division of Youth and Family Services (DYFS) whose children have been placed in foster care. Families need to know why children have been removed from their parents' care, what to expect when this happens, and how and when their children can return home.

Because your child is now in placement, it is critically important for you to understand what will happen next, what you can expect from DYFS and the Family Court, and what they will expect of you.

This handbook was written to answer some of the questions that parents ask. It can help to guide the work we will face together in the coming months so that your children can return home safely. However, reading this handbook should not take the place of paying careful attention to the specific details, timelines, and requirements of your own unique family situation.

As difficult a time as this may be, it helps to know that DYFS' primary goal is to safely return children to their family as quickly as possible. **But time is very important!** By state and federal law, children cannot stay too long in foster care before DYFS is required to make sure they are living in a permanent home. Raising your child is the most important thing you can do. There will be challenges ahead, but you can meet those challenges successfully with help from DYFS and other supports. Take a deep breath, and remember that reading this handbook is a good way to start preparing for the things you need to do to bring your child back home.

There is a lot of information in this handbook. The table of contents on the next page will give you an idea of the kinds of questions answered in the handbook. There is also a page with definitions of some important terms that may not be clear to you. **There is very important resource information at the end of the book, including services, helplines and contact numbers for DYFS offices and Family Courts.** You may want to look over the whole handbook and then carefully re-read sections that apply to your own situation.

Talking with your caseworkers and the other professionals helping your family is very important! If you have questions about information in this handbook, please call your DYFS caseworker or your lawyer. If you cannot reach your caseworker, ask for his or her supervisor.

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Definitions: Understanding What the Words Mean

Some terms in this handbook may be new to you. It is important that you understand the words and actions taken by DYFS and the Family Court. If you have questions or do not understand something, it is very important that you ask your caseworker or lawyer to explain it to you.

The Adoption and Safe Families Act (ASFA) is the name of both the Federal and State Law that limits the time children may spend in foster care. If within the last 22 months your child has been in foster care for 15 of those months, DYFS is required to file a termination of parental rights action so your child can be adopted. ASFA focuses on three primary objectives for all children whose families become involved with the child welfare system: SAFETY, WELL-BEING (for example, health and education) and PERMANENCY (a legal relationship with one family that will raise the child to adulthood).

Concurrent Permanency Planning. In order to meet legal timeframes that limit the time children spend in foster care, DYFS is required to develop a backup or concurrent plan. This process of having a primary goal (return home) and a backup goal (another permanent family) is called Concurrent Planning. DYFS will work to decide a backup plan very early in your child's placement, as a safety net. Having two plans means less moving and disruption for your child if he or she cannot come home.

DYFS stands for the Division of Youth and Family Services. DYFS is New Jersey's public child protection/child welfare agency. DYFS is part of the Department of Children and Families (DCF). DCF was created to serve and safeguard vulnerable children and families in the state. DYFS' efforts are directed towards keeping children safe and making sure they are well cared for.

DYFS Caseworker. Every child and family involved with DYFS is assigned a caseworker. It is the caseworker's job to work with your family to make sure that your child does not remain in foster care. They do this by meeting with you to identify what type of help you and your child need. Caseworkers are responsible both for arranging for the needed services for your family and for checking and reporting your progress to the Family Court. If your child remains in foster care for a year and significant progress in changing your circumstances is not made, it is likely that adoption will be considered for your child.

Definitions: Understanding What the Words Mean (continued)

Foster Care. Children are placed in foster care when they cannot safely live at home. Foster care includes placement with already licensed foster families and/or relative/kin families that will become licensed.

Permanency. Children require stability and consistency of care from at least one person who provides for their emotional and physical needs. Federal law sets a time limit on the amount of time children are to remain in foster care without a permanent family. The law says that if your child has been in foster care for 15 of the last 22 months, DYFS must file court papers to terminate your parental rights and place your children with a family who will adopt them. There are some exceptions that allow DYFS to file to terminate parental rights sooner than 15 months. There are also some situations where DYFS would not act to terminate parent's rights. These exceptions are always made with the child's best interest in mind. (Refer to Pages 13-15 to understand these exceptions.)

Permanency Goal. All children need the security of growing up in a permanent family. The permanency goal defines the plan for how this is to be accomplished. The permanency goal for most children coming into the foster care system is to return home, and every effort must be made both by families and DYFS to make this happen. (Refer to Page 7.) However, it is equally important to have a well thought out backup goal, in case your child cannot return home. When children are in temporary foster care they need to be living with a family who will not only work towards their return home, but who will also be willing to adopt them if they cannot return to their parents' care. Kinship Legal Guardianship (KLG) may also be considered when children are placed with relatives, but only after adoption has been ruled out as the best plan. (Refer to Page 14 for a discussion of KLG.)

Safety. The law states that in most cases, DYFS must try to prevent the removal of your child from your care, and if removal is necessary, help you to resolve the problems that led to your child's placement so he or she can return home. However, the primary and over-riding concern in every case situation is your child's safety.

Well-being. Children's needs - physical health, mental health, developmental and educational - must be taken care of, whether the child is at home or in foster care.

Questions & Answers



Why does DYFS remove children from their homes?

DYFS removes children from their homes **ONLY** when there is serious concern about their safety. All removals are quickly reviewed by the Family Court to make sure that this is the case. When DYFS receives a report of child abuse alleging that a child is not being cared for, and/or that a child is being physically, sexually, or emotionally harmed, or is at imminent (immediate) risk of harm, a caseworker is assigned to look into the situation. If it is determined that the child or children cannot remain at home safely, DYFS must remove the child or children.

By Law DYFS Must:

- ▶ Investigate all reports of alleged abuse or neglect
- ▶ Provide services to try and keep families together safely when possible
- ▶ Remove children from their home only when it is necessary to protect them
- ▶ Provide services to reunify families as soon as possible

How does DYFS remove children from their parent's care?

There are two ways in which DYFS can remove children from their home:

- 1 with an order from the Family Court
- 2 without a court order in situations of immediate (imminent) danger to the child

When DYFS believes your child's safety, health or welfare is threatened, the caseworker must try to arrange a meeting with you, so that together you can work out a solution which does not require your child's removal from home. However, if this cannot be done, DYFS will file legal papers called a Complaint and Order to Show Cause with the Family Court, stating what they believe to be the facts of the situation. The court will quickly schedule a hearing to review both sides, and make the decision whether your child can stay home safely or will need to be placed in foster care. The DYFS caseworker will notify you of the court hearing and must give you copies of the papers filed with the court.

Questions & Answers

If your child was removed from your care on an emergency basis, the DYFS caseworker should have given you (or have left, if you were not home), a Notice of Removal advising you of the date, location and time of a court hearing. This hearing takes place on the second business day following the removal. DYFS must file a complaint with the court stating how your child was neglected and/or abused. DYFS staff will request to meet with you within 72 hours (3 days) of the emergency removal. This meeting might happen at the court hearing, or be scheduled shortly after. The purpose of this meeting is to involve your family in the discussion about what needs to be done for your child to return home safely, to talk about family members who might be able to care for your child, and to set up visits. If only a brief meeting is held at this time, a longer meeting, at which issues can be thoroughly discussed will be scheduled.

Who will care for my child?

You have an important role in helping DYFS decide where to place your child. When possible, your caseworker will try to place your child with a family member or good friend who knows your child and family. You will want to talk to your child's DYFS caseworker about family members or friends who have a close relationship with your child and who might be able to care for him or her. DYFS needs to know information about both parent's families. The caseworker will need the names, addresses and phone numbers of all family members, or friends who can be considered. Safety checks must be completed before your child can be placed with a family you have identified, but this can be done very quickly. Even though you may be embarrassed about your family knowing your situation, it is important to put your child first and consider where they will be most comfortable. Every effort will be made to bring your child home quickly and safely. If for any reason your child cannot come home, you will know that you played a role in choosing the family that will take good care of him or her.

It may not always be possible for your child to be placed with someone he or she knows. If they cannot, your child will most likely be living with a licensed foster family. DYFS is obligated to try hard to place your child in your community so visitation can be frequent and disruptions in your child's life are limited. We try hard to place brothers and sisters together, but this is not always possible.



Questions & Answers

How can I help my child adjust to this new living arrangement?

The most important way you can help your child is by visiting him or her.



Your visiting plan will be decided during your meetings with your caseworker or by a judge in Family Court. **You CAN and SHOULD visit with your child as often as possible according to the plan.** Ask to attend medical appointments, school activities and meetings, and other important events in your child's life. Even though your child is not living with you, you have the right to make important decisions regarding his health and education. The length, location and circumstances of your visits will depend upon both your situation and your child's needs. Try not to let anger or discomfort with these arrangements keep you from visiting your child. If you must miss a visit, call before the scheduled time to explain why you can't make it, and ask to reschedule. Talk to your DYFS caseworker if you have questions or concerns about your visiting plan, or if you would like to make changes to it. If you cannot agree, ask to speak with the supervisor. Also, if you need transportation assistance in order to visit your child, your caseworker can help you get it. Remember that your child wants to see you and know that you care about him or her, so even if it's hard, **KEEP VISITING!**

You can also help your child adjust by SHARING INFORMATION about their needs, likes and dislikes.

It is important that the people caring for your child understand your child's personality, favorite foods, bedtime routine, his or her special needs and likes, or dislikes. This will help them make your child feel more comfortable and secure. Ask if you can talk to them directly either in person or on the phone or write down this information and give it to your caseworker. Foster parents are important not only in caring for your child, but in helping to achieve his or her return home. They have been trained that this is part of their duties as a temporary caregiver for your child.

Questions & Answers

Who will be working with my family?

Now that your child has been placed in foster care, you will begin working with a number of different people. Your main point of contact is your DYFS caseworker. If you cannot reach your worker within a reasonable amount of time always ask for the Supervisor, Casework Supervisor or Local Office Manager. Important contact numbers for DYFS staff can be found at the end of this guide.

It is your DYFS caseworker's responsibility to identify and schedule services that will help you to change the conditions that caused your child to be removed from your care. You and your caseworker will complete a document called the Case Plan. Together, you will list clearly what needs to change, what services are needed to make that happen, what results are expected, and when. Your caseworker arranges your visits with your child or children, and visits your children in their foster home to make sure they are being well cared for. He or she sets up Family Meetings, and discusses your progress towards meeting the goals in your Case Plan, as well as reports your progress to the Family Court.

Other people who may be working with your family include:

- ▶ **Lawyers:** You may hire your own attorney to represent you, or if it is determined that you cannot afford an attorney, a lawyer known as a Public Defender will be appointed to represent you. Your child will have a lawyer looking out for his best interest, called his Law Guardian. Make sure you know the name and phone number of both your lawyer and your child's Law Guardian. (See information pages at the end of the guide.) If you don't, ask your caseworker to get it for you. DYFS also has a lawyer who is called the Deputy Attorney General.
- ▶ **Judges:** The judge from Family Court will be making decisions during court hearings about your child and family. It is essential that you attend all court hearings so that your views can be heard, and you can hear what is being said in court by others.
- ▶ **Other Social Service Agencies:** You may be working with staff members from community social service agencies as part of your Case Plan. Your child's visits with you may be handled by one of these agencies. DYFS has contracts with agencies that help families whose children are in foster care to meet Case Plan goals and to bring their children back home safely. You will find that the staff from these agencies can be a tremendous help in working with you to bring your child home safely.
- ▶ **Court Appointed Special Advocates (CASA):** Some Family Courts have volunteers that also help families to meet the goal of reuniting with their children.
- ▶ **Foster Parents:** Foster parents are people who have been trained and licensed to care for children who have been removed from their family homes. If your child has been placed by DYFS into the care of a relative or family friend, this is called relative/kinship care. All homes in which children are placed by DYFS must be licensed. **Children cannot remain with relatives or family friends that do not or cannot become licensed.** Licensing is based on many conditions, including criminal history and child abuse record checks.

Understanding the Process



The Family Court

All the cases of children removed from their home by DYFS for safety reasons are under the review of the Family Court. You need to go to ALL court hearings because a judge will be making decisions about your family, and you have the right to tell the judge your point-of view.

If you miss a hearing, decisions will still be made about your family, but the judge may only hear from DYFS and the lawyer appointed to represent your child (called a Law Guardian). During the time you are involved with DYFS, you will need to attend several court hearings.

How do I get a lawyer?

If you cannot afford a lawyer you must complete forms at the courthouse to request representation from the Office of the Public Defender's Parental Representation Unit. If you qualify, a lawyer will be assigned to you. If you can afford to hire a lawyer, you can contact your county's Bar Association for the names of lawyers who specialize in family law. (See page 18.)

What will happen at these Family Court hearings?

The following is a quick overview of the hearings you will most likely need to attend and the timeline they will likely follow. This should not replace your careful attention to the specific dates and timelines of your own case. This is a complicated process so if anything is not clear to you, ask either your lawyer or your caseworker to explain. You will be notified by the Family Court of every hearing you need to attend. You must supply your current mailing address to be sure that you are notified of hearings. Your DYFS worker should also tell you when a hearing is scheduled and can help arrange for transportation if you need it. You should plan to attend court hearings on an ongoing basis. You should always know the date of your next hearing, and make sure that you stay in touch with your lawyer, so he or she knows what you want and can represent you well. If it seems you've been waiting a long time to find out about your next hearing, call your lawyer or your DYFS worker. Your lawyer will speak for you at the court hearings, but the judge will listen to you directly as well, and make sure you understand everything that is being said and ordered.

The information presented in this section is designed to help prepare you for your hearings in Family Court.

Understanding the Process

Family Court Hearings



First Court Hearing (Order to Show Cause)

There will be a brief first hearing called the Return of the Order to Show Cause either when DYFS has already removed your child on an emergency basis or when DYFS seeks to remove your child. You will be told about this hearing by the DYFS caseworker. At this hearing the judge will decide whether or not your child needs to remain in out-of-home placement. If you believe your child can be safe in your care, you should present that information to the judge. If the judge decides that your child cannot return home safely at this time, it is very important to suggest relatives and or friends who could safely care for your child.

Discovery

After your first appearance in Family Court, the judge will order that information including assessments and evaluations of your family's situation be provided to the court. This will help the judge decide if you have abused or neglected your children and what would be the best temporary plan for them. Your lawyer is allowed to review the DYFS file, as well as all reports and evaluations.

Fact Finding Hearing

Once all reports have been provided to the court, a formal hearing is held to determine if the allegations (charges) made by DYFS are true. Lawyers for DYFS will present witnesses and documents to support their position, while your lawyer has the right to present your view and defend against what DYFS says. Your child's Law Guardian will also make recommendations during the hearing, based on interviews with your child and an assessment of his or her needs. The judge will consider all the evidence presented and make a decision whether you have abused or neglected your child. If the judge finds that you did abuse or neglect your child, a Dispositional Hearing will be scheduled.

Dispositional Hearing

This hearing often takes place immediately following the Fact Finding Hearing. At this hearing the judge will order both you and DYFS to take certain actions to address the problems that the court believes caused the abuse or neglect of your child. This will likely include DYFS arranging for you to receive services which may include drug or alcohol treatment, family counseling, parenting skills classes or other services to help you resolve identified problems. If either you or DYFS does not agree with what the judge orders, an appeal can be made within 45 days.

Review Hearings

Once a plan for service is established, the judge will review progress in meeting the goals of the plan. This occurs at a Review Hearing. DYFS and the Law Guardian will continue to report to the court both DYFS' and your progress in complying with the judge's orders. **It is important for you to follow up with all of the steps ordered by the court and let the judge know if you are having problems getting services or if these have not been arranged for you.** The judge also may issue new orders at these hearings. When the judge decides that your child can safely return home, he or she will order this. Even after your child is returned home, the court may order that you continue to receive services and supports for an additional period of time to make sure that the changes that have been made are permanent and that you are providing a safe and stable home for your family. In addition to the court review hearings, there are a number of other formal reviews you need to be aware of and participate in.

Understanding the Process



Permanency Hearing

If your child still remains in foster/relative care after one year, the Family Court will hold a Permanency Hearing. This is required by law. Sometimes, based on an earlier case history that shows very serious safety risks, the judge will decide that DYFS should not try to return a child home. In these relatively rare situations, a Permanency Hearing will be held much sooner than a year. At the Permanency Hearing, DYFS will be required to present a plan for your child's permanent living situation, and the judge will decide whether to approve or deny that plan.

DYFS can recommend any of the following:

- ▶ Returning your child to you in the near future
- ▶ Filing in court to terminate your parental rights so your child can be adopted
- ▶ Having your child cared for permanently by the relative they are living with by making the relative the legal guardian of your child. This is known as Kinship Legal Guardianship.

Other Reviews

DYFS Reviews

Although you will be meeting with your DYFS worker regularly, and may be participating in Family Meetings, DYFS holds a formal review at the fifth month of placement. It is important that you attend and participate in this review to make sure things are moving along as they should. Some DYFS offices also hold a similar review at the 10th month of a child's placement. Although there are a lot of meetings to attend, very important decisions regarding recommendations to the court about whether or not your child will return home are made at these reviews, and it is critical that you be a part of this process.

The Child Placement Review Board (CPRB)

The CPRB reviews cases of children in foster care to ensure that they do not remain in temporary care for long periods of time. The CPRB provides recommendations to the Family Court judge. A review will be held by them within 45 days of your child's removal from your home to assure that DYFS did everything it could to prevent your child's placement. This is an important review to attend so the CPRB can meet you and get a sense of your situation and your commitment to bringing your child home. If your child is still in placement at the 11th month, another CPRB review will take place. It is important that you also attend this meeting. The CPRB makes recommendations to the Family Court about your child's permanency.

Tell your DYFS caseworker and your lawyer right away if you move, so you will receive all important letters and documents.

Reunification *bringing my child home*

What is a “permanency goal?”

Every child needs to be raised by a parent who is committed to caring for him or her safely. Having a “permanency goal” helps achieve this for your child placed in foster care. Usually, the permanency goal will be reunification with you, your child’s parents. This means all efforts are directed towards making sure that your child will be returned to a safe and stable life at home. For the sake of a child’s healthy growth and development, this needs to happen as quickly as possible. Children should not stay in foster care for long periods of time. The lack of permanency in your child’s life can hurt his or her chance to grow up to become a secure, happy and confident adult. When a child is removed from home, we must all work together to make your home a safe, permanent place for your child to live, as soon as possible.

If family reunification is not achieved, or if significant progress is not made within the legal timeframes, DYFS will set another permanency goal for your child.



Understanding the Case Plan and Family Meetings

The Case Plan is the plan of action that tells what is needed for your child to be returned safely to your care. It lists the steps that must be taken by you and by DYFS to fix the problem(s) that caused the removal of your child. The plan needs to be created and agreed upon both by you and by DYFS. It allows a clear understanding of what goals must be accomplished, and how soon, so you have a clear understanding of what it will take to bring your child home.

Case Plans are developed in partnership with the family, including the children themselves, if they are old enough to participate. Family Meetings are a good way to ensure that this happens. Talk to your caseworker about your child’s participation. Some DYFS offices have established formalized programs to make sure that Family Meetings occur, while other offices are just starting that process. Ask your caseworker if Family Meetings are available and/or can be arranged. You may want to invite the people who care about and support you to attend the Family Meetings. This may include relatives, neighbors, religious or community leaders and other helping professionals. Who you invite is up to you. This is a time when parents and family members can present their view of their circumstances, what needs to change, and how this can be accomplished. If you did not meet with DYFS staff before your child was placed, a meeting should take place within a few days of your child’s removal from your family.

Reunification *bringing my child home*

The following issues should be covered at the Family Meeting following the placement of a child in foster care:

- ▶ Why did DYFS feel your child could not remain home safely?
- ▶ What will need to change before your child can safely return home?
- ▶ What type of services will be needed to bring this change about?
- ▶ Who are the relatives available to care for your child?
- ▶ What is an appropriate visitation plan in your situation?
- ▶ Does your child have any special needs and how will these be met?
- ▶ Who is your child's doctor, and does he or she have any pressing medical or educational issues that need follow-up?
- ▶ Does the family have a clear understanding of what **Concurrent Planning** means? (See definitions on Page 2.)
- ▶ When will the next Family Meeting be held?

In addition to the DYFS caseworker meeting with you on a regular basis, it is essential that you and those that support you, participate at scheduled Family Meetings. If your worker does not offer this to you, ask if a Family Meeting can be scheduled.

Preparing for your Family Meeting

Remember that you are the most important person at the Family Meeting! Because your participation is so important it is best if you are well prepared. Put some time aside to prepare and try to write down the answers to the following questions.

What are your strengths?

How have you solved problems and gotten through difficult situations before? What parts of your personality can help you now in this situation?

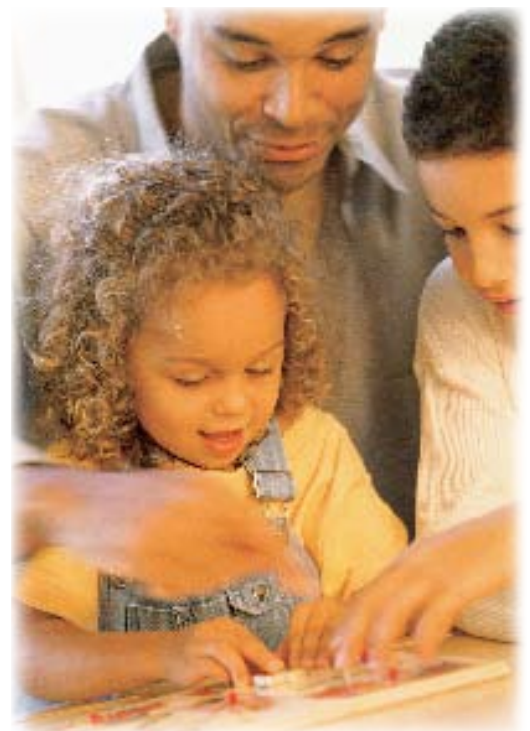
What are your needs?

Think honestly about what type of help you would need to solve the problems you face so that your child can return home safely.

What people form your support network?

Who are the friends and family members that you trust and can rely on? These are the people you will want to have helping you through this difficult time. You may also want to invite them to attend the Family Meetings.

It is essential that the Case Plan developed at the Family Meeting be clear and agreeable to you. It should represent your thoughts and solutions to the agreed upon problems. Both you and your DYFS caseworker will sign this plan. Because it represents a contract between you and DYFS, it is very important that you understand it before you agree to it.



Reunification *bringing my child home*

When will DYFS recommend to the Family Court that my child can come home?

When you have accomplished the goals you and your worker agreed upon in the Case Plan, DYFS should recommend your child's return home. Your child's Law Guardian will also make a recommendation. The judge will make the final decision. When the judge decides a child can safely return home, a court order will be prepared which makes it clear what services are needed when the child comes home.

What if DYFS does not recommend that my child can come home?

The Permanency Hearing - usually held at the 12th month after a child's removal from home - is a critical point in your child's case. The Federal law says that if your child has been in foster care for 15 of the last 22 months, DYFS must file a petition for Termination of Parental Rights. DYFS prepares a report for the court and will make one of the following recommendations:

- ▶ It is safe for the child to return home.
- ▶ You are making significant progress but need a few more months before the child can be returned home safely.
- ▶ An alternative permanency goal such as Adoption, or Kinship Legal Guardianship is needed.

The final decision is made by the Judge who issues a court order specifying what needs to happen next.

What does "permanency" mean for a child who can't return home?

If the Family Court judge decides that your child cannot return home safely within the legal time frame, or shortly thereafter, the court will order DYFS to choose another permanency goal for him or her. Usually this is adoption, or if that is not able to be achieved or in the best interest of your child, Kinship Legal Guardianship. In many situations this plan has already been decided upon, as part of the Concurrent Planning process. (See definitions on Page 3.) It is the backup plan that was established if reunification with you could not be achieved. Our commitment to permanency means we must make sure every child lives with a family who will provide love, support, and stability during childhood and beyond.

When Reunification Cannot Be Achieved

What is the difference between Adoption and Kinship Legal Guardianship (KLG)?

The choice between adoption and KLG as a permanency goal is always based on what appears best for an individual child in his unique family situation.

By law, KLG can only be considered if adoption is ruled out as a reasonable and achievable goal. Adoption is, in most instances, considered the best permanency goal as it provides the child with the most legal, emotional and financial security even when a child is living with relatives. In order for your child to be adopted, your parental rights must be terminated. The decision to file to terminate your legal rights to your child, will be made by DYFS, not the relative caretaker.

Both adoption and KLG are legally permanent living situations where the adoptive parent or KLG caretaker agrees to raise a child to adulthood. Parental rights do not need to be terminated before a relative is granted Kinship Legal Guardianship (KLG). The legal guardian has control over contact with parents, as specified by the court, and assumes full responsibility for keeping the child safe. Unlike an adoption, the parent may go back to the Family Court to try and regain guardianship of their child or change the terms of the KLG agreement regarding visitation.

While both adoption and legal guardianship usually receive similar monthly subsidy payments from DYFS, adoption often provides the availability of social services to the child and family, while KLG is limited to the subsidy and New Jersey Medicaid. One of the most important differences in the two programs is that an adoptive parent may choose another person to raise the child in the event of the adoptive parents' death or disability. This person would continue to receive the monthly subsidy payments while caring for the child. The subsidy payments which a Kinship Legal Guardian receives cannot be transferred or given to another caregiver in the event of the illness or death of the guardian and it is likely that the child will return to foster care. The DYFS caseworker is responsible for making sure you and your child's caregiver understand the differences between adoption and KLG and should give you material explaining these.

How would my legal rights to my child be terminated?

*There are two ways that your legal rights to your child can be terminated
- voluntarily or involuntarily*

Voluntary Termination of Parental Rights

Although it is a tremendously difficult decision, a parent may realize that they will not be able to raise their child and it is best that he or she be adopted by a family that can provide the care their child needs to become a successful adult. This may especially be true if your child is placed with a relative where family contact will be maintained. You may sign a **Surrender of Custody** to allow DYFS to place the child with a licensed adoptive family or you can agree to the child's adoption by their current foster family. In the later case, you can sign an Identified Surrender of Custody to restrict adoption only to that specified family. If for any reason, your child's adoption by that family does not take place, you would then still retain your parental rights. All Surrenders of Custody for children under the review of the Family Court must be approved by the judge.

When Reunification Cannot Be Achieved



Involuntarily Termination of Parental Rights

The involuntary termination of a parent's legal rights to their child is very serious and therefore DYFS must meet a high burden of proof .

The most common basis for a Termination of Parental Rights action by DYFS is under the “best interest of the child” section of the law (N.J.S.A. 30:4C-15, 15.1).

If DYFS brings a Termination of Parental Rights Action against you, they must prove four points:

- ▶ Your child was harmed or was at significant risk of harm while in your care.
- ▶ You were unwilling or not able to change the conditions that caused the harm or risk of harm, although appropriate services were provided to you.
- ▶ There are no other reasonable permanency alternatives to the termination of your parental rights.
- ▶ The termination will benefit your child more than if your rights were not terminated, usually because he or she will be adopted.

Although in most instances, DYFS is required to help you change the conditions that caused your child to be removed from your care, in certain circumstances where you have committed a serious crime against one of your children, or your parental rights to one of your other children had been terminated involuntarily, the judge may decide that DYFS is not required to help you.

Other legal grounds under which DYFS may file a Termination of Parental Rights Action include abandonment of your child for six months or more and your conviction of abuse, abandonment, neglect or cruelty of a child in a criminal case.

What happens once DYFS files a Termination of Parental Rights Complaint?

You will be legally served with the Termination Complaint which lists all of the reasons why DYFS is seeking to terminate your legal rights to your child or children. You also will be served with a summons or an Order to Show Cause which will tell you the date to appear in court to “show cause” or present the reasons why your parental rights should not be terminated. You should already have an attorney representing you and you need to contact your lawyer immediately.

When Reunification Cannot Be Achieved

What hearings will take place?

The type of hearings that take place are very similar to those you already experienced as a result of DYFS removing your child from your care. After the first hearing called the *return date* for the *Order to Show Cause*, a period known as *Discovery* will begin in which the judge will conduct his/her own review to determine if your parental rights should be terminated.

Through the discovery process, the judge will probably order you to have a psychological evaluation and if needed, a psychiatric evaluation, and he or she will review reports from any treatment in which you have participated. A bonding evaluation to see how emotionally attached your child is to you is likely to be arranged. A similar evaluation might be ordered for your child and the foster parents if they are interested in adopting. Your lawyer may want these evaluations done again by someone he or she recommends, so you may need to see several doctors. These experts will testify at the hearing regarding their evaluations.



What happens if the judge terminates my parental rights?

If the judge orders that your parental rights be terminated and you want to appeal his or her decision **you have 45 days to do so**. Contact your lawyer immediately. You will not have to attend more hearings because in the Appellate Court, a panel of judges reviews the full transcripts of the case to assess whether or not the Family Court judge applied the law correctly in making the decision.

What happens if my child is adopted?

Your child will live permanently with his or her adoptive parents and may have a name change. In New Jersey open adoption agreements cannot be legally enforced, but based on your relationship with the adoptive parents, they may be willing to give you information about your child and may even let you visit with him or her. You will always be your child's biological parent and DYFS maintains an Adoption Registry for adopted adults to locate biological relatives. You will be given forms to fill out so if your child at age 18, or his adoptive parents on his behalf before that time, wants to locate you, the information will be made available.

Use Your Resources!

PARENTS' RIGHTS

As the parent of a child in foster or relative care, you have the right to:

- ▶ Know the reasons for your child's placement outside your home.
- ▶ Know and understand what needs to happen to have your child returned home.
- ▶ Know the name and phone numbers of your caseworker, lawyer and any service agency working with you.
- ▶ Receive timely notice of every court hearing and Family Meeting.
- ▶ Request a Family Meeting if you do not understand the Case Plan or feel it needs to be changed.
- ▶ Receive notice whenever a change in your Case Plan is being considered.
- ▶ Receive regular updates from your caseworker on your child's health, development, behavior, and progress in school and any change in his or her circumstances.
- ▶ Visit with your child, and request transportation assistance if you need it to see your child.
- ▶ Consult with your lawyer, and be represented by your lawyer in any Family Court proceedings.
- ▶ Ask questions and receive answers about anything having to do with your family situation.
- ▶ Continue to make important decisions regarding your child's health and educational needs.

HELPFUL HINTS

Because you are involved in court proceedings which may seriously affect you and your child's future, it is a good idea to be organized and keep track of events, conversations, and important documents.

A good way to keep track of all that's going on is to keep a journal. Take any ordinary notebook, and use it to record everything that happens during your involvement with DYFS and Family Court. Bring it to the Family Meetings and Court Hearings. Use it to write down all information that you get from caseworkers and lawyers.

Keep a log with the date and time of every meeting, hearing, and visit you attend, as well as every phone call you make - even if you only leave a message.

Keep a folder handy for important papers. Ask for a photocopy of any document you are asked to sign, and keep it in this folder. This will also be a good place to store any letters and petitions you receive in the mail, either from DYFS or from Family Court.

Make sure that you read and understand anything you are asked to sign. If you have a reading disability, need translation to a different language, or have a hearing impairment, ask your caseworker or service provider for help. They must help you.

If you are unable to reach your lawyer in between hearings, be sure to tell your caseworker and the judge at the next Family Court hearing.

Reach out to friends and family during this difficult time. Although it may be hard to ask for help, people solve problems better when they are supported by others who care about them.

Remember that while lawyers and social workers are available to help you, you often are your own best advocate.

Important Numbers

Child Abuse Hotline
(State Central Registry)
1-877 NJ ABUSE
(1-877-652-2873)
TTY 1-800-835-5510

If anyone has a reasonable cause to believe that a child has been abused or neglected, he or she has a legal responsibility to report it to DYFS, which is mandated by law to investigate all reports of child abuse and neglect.

Family Helpline
1-800- THE KIDS
(1-800-843-5437)

If you are feeling stressed out, call to speak anonymously with a trained volunteer who can listen and help.

Child Behavioral Health Services
1-877-652-7624

Call this number to find out about services for children and teens with emotional and behavioral health care challenges and their families.

Division's Action Line
1-800-331-DYFS
(1-800-331-3937)

This hotline provides easy access and a timely response to questions, concerns, disputes and recommendations regarding services provided by DYFS or by an agency with a license or contract from DYFS.

New Jersey State Bar Association Automated Help-Line
732-249-5000

If you need to find a lawyer, your County Bar Association can help. The State Bar Association can give you the phone number in your area.

Legal Services of New Jersey
1-888-LSNJ-LAW
(1-888-576-5529)

Contact this hotline for free information, advice and referrals for low-income people with civil legal problems.

Child Care Helpline
1-800-332-9227

This number can give you information about child care resources in your area.

Statewide Parent Advocacy Network (SPAN)
1-800-654-SPAN
(1-800-654-7726)

This organization provides support to parents and caregivers to ensure healthy development and education of children and youth and advocates for parents' rights.

Domestic Violence
1-800-572-SAFE
(1-800-572-7233)

Call this number for information and referrals to emergency services for victims of domestic violence.

Addictions Hotline of New Jersey (Substance Abuse)
1-800-238-2333

Call this number for information and treatment referrals for substance abuse.

Work First New Jersey
1-800-792-9773

Call this number for information about New Jersey's welfare program including Temporary Assistance for Needy Families, General Assistance and phone numbers to your local county welfare agency.

Food Stamps
1-800-687-9512

This is a federal benefit program which helps eligible working and non-working low-income individuals and families pay for food.

WIC Program
1-866-44-NJWIC
(1-866-446-5942)

This is a nutrition program which provides nutritious foods to pregnant, breast feeding, or post-partum women, as well as infants and children up to age five

Low Income Home Energy Assistance
1-800-510-3102

This program provides subsidies to help low-income families and individuals pay for heating costs.

New Jersey Family Care
1-800-701-0710

This is a federal and state-funded free or low-cost health insurance program for uninsured children of working parents.

DYFS Local Offices, Courts and Law Guardians by County

Atlantic County

DYFS Atlantic East LO
1601 Atlantic Ave.
Atlantic City, NJ 08401
(800) 392-2655

DYFS Atlantic West LO
5218 Atlantic Avenue
Suite 104
Mays Landing, NJ 08330
(866) 816-9199

**Atlantic County Court
Family Division**
1201 Bacharach Blvd.
Atlantic City, NJ 08401
(609) 345-6700

Atlantic Law Guardian
Citicenter Building
1300 Atlantic Avenue
Mezzanine
Atlantic City, NJ 08401
(609) 441-3773

Bergen County

DYFS Bergen Central LO
240 Frisch Court
2nd Floor
Paramus, NJ 07652
(866) 224-1859

DYFS Bergen South LO
125 State Street
1st & 2nd Floors
Hackensack, NJ 07601
(800) 531-1096

**Bergen County Court
Family Division**
10 Main Street
Hackensack, NJ 07601
(201) 527-2317

Bergen Law Guardian
60 State Street
3rd Floor
Hackensack, NJ 07601
(201) 996-8065

Burlington County

DYFS Burlington East LO
Mount Laurel Corporate
1000 Howard Blvd.
Suite 300
Mount Laurel, NJ 08054
(866) 663-1331

DYFS Burlington West LO
200 Campbell Drive
Suite 200
Willingboro, NJ 08046
(800) 847-1753

**Burlington County Court
Family Division**
Courts Facility and County
Office Building
49 Rancocas Road
Mount Holly, NJ 08060
(609) 518-2645

Burlington Law Guardian
100 High Street
1st Floor, Suite 102
Mount Holly, NJ 08060
(609) 518-3068

Camden County

DYFS Camden Central LO
101 Haddon Avenue
3rd Floor
Camden, NJ 08101
(800) 531-1091

DYFS Camden South LO
4 Echelon Plaza
201 Laurel Road
Voorhees, NJ 08043
(800) 982-7395

**Camden County Court
Family Division**
101 South 5th Street
Camden NJ, 08103
(856) 379-2204

Camden Law Guardian
20 East Clementon Road
Suite 301 North
Gibbsboro, NJ 08026
(856) 346-8008

DYFS Camden North LO
101 Haddon Avenue
3rd Floor
Camden, NJ 08101
(800) 982-7412

DYFS Camden East LO
4 Echelon Plaza
2nd Floor
201 Laurel Road
Voorhees, NJ 08043
(888) 576-9629

DYFS Local Offices, Courts and Law Guardians by County

Cape May County

DYFS Cape May LO
Court House Commons
Building B
601 Route 9 South
Cape May Court House NJ, 08210
(800) 531-1259

**Cape May Court
Family Division**
Cape May Court House
9 North Main Street
Cape May Court House, NJ 08210
(609) 463-6611

Cape May Law Guardian
Citicenter Building
1300 Atlantic Avenue
Mezzanine
Atlantic City, NJ 08401
(609) 441-3773

Cumberland County

DYFS Cumberland East LO
415 Landis Avenue
1st Floor
Vineland, NJ 08360
(866) 816-1105

DYFS Cumberland West LO
40 East Broad Street
Suite 400
Bridgeton, NJ 08302
(800) 531-1228

**Cumberland County Court
Family Division**
Cumberland Courthouse
Broad and Fayette Streets
Bridgeton, NJ 08302
(856) 453-4534

Cumberland Law Guardian
14 East Commerce Street
3rd Floor
Bridgeton, NJ 08302
(856) 459-7350

Essex County

DYFS Newark Center City LO
153 Halsey Street
3rd Floor
Newark, NJ 07101
(800) 392-9532

DYFS Newark Northeast LO
153 Halsey Street
4th Floor
Newark, NJ 07101
(800) 392-9531

DYFS Newark South LO
153 Halsey Street
4th Floor
Newark, NJ 07101
(800) 847-1751

**Essex County Court
Family Division**
Robert N. Wilentz Court
Complex
212 Washington Street
Newark, NJ 07102
(973) 693-6600

**DYFS Western Essex
Central LO**
240 South Harrison Street
East Orange, NJ 07018
(800) 392-9535

**DYFS Western Essex
North LO**
650 Bloomfield Ave.
3rd floor
Bloomfield, NJ 07003
(800) 392-9536

**DYFS Western Essex
South LO**
50-58 Burnett Avenue
Maplewood, NJ 07040
(888) 670-6407

Essex Law Guardian
31 Clinton Street
2nd Floor
PO Box 46007
Newark, NJ 07101
(973) 648-4572

Newark Adoption Office
153 Hasley Street, 3rd Flr
Newark, NJ 07101
(800) 392-2843

Gloucester County

DYFS Gloucester East LO
309 Fries Mill Road
Echo Plaza Unit 10
Sewell, NJ 08080-9283
(866) 753-8124

DYFS Gloucester West LO
215 Crown Point Road
Thorofare, NJ 08086
(800) 847-1741

**Gloucester County Court
Family Division**
2 South Broad Street
Facility, 3rd Floor
Woodbury, NJ 08096
(856) 686-7410

Gloucester Law Guardian
20 East Clementon Road
Suite 301 North
Gibbsboro, NJ 08026
(856) 346-8008

DYFS Local Offices, Courts and Law Guardians by County

Hudson County

DYFS Hudson Central LO
438 Summit Avenue
4th Floor
Jersey City, NJ 07306
(800) 982-7397

DYFS Hudson North LO
Gateway Plaza 4th Floor
1 Harmon Meadow Blvd.
Secaucus, NJ 07094
(800) 982-7401

**Hudson County Court
Family Division**
Administration Building
595 Newark Avenue
Jersey City, NJ 07306
(201) 795-6786

Hudson Law Guardian
60 State Street
3rd Floor
Hackensack, NJ 07601
(201) 996-8065

DYFS Hudson South LO
690 Broadway
4th Floor
Bayonne, NJ 07002
(800) 982-7396

DYFS Hudson West LO
Gateway Plaza 5th Floor
1 Harmon Meadow Blvd.
Secaucus, NJ 07094
(888) 670-6406

Hunterdon County

DYFS Hunterdon LO
84 Park Avenue
1st Floor
Flemington, NJ 08822
(800) 392-2724

**Hunterdon County Court
Family Division**
65 Park Avenue
Flemington, NJ 08822
(908) 237-5880

Hunterdon Law Guardian
840 Bear Tavern Road
2nd Floor
Mountain View Office Park
Ewing, NJ 08628
(609) 530-3623

Mercer County

DYFS Mercer South LO
120 S. Stockton St.
2nd Floor
P.O. Box 717
Trenton, NJ 08625
(800) 392-2721

DYFS Mercer North LO
3131 Princeton Pike
Building 6, Suite 202
Lawrenceville, NJ 08648
(800) 392-2735

**Mercer County Court
Family Division**
175 South Broad Street
2nd Floor
PO Box 8068
Trenton, NJ 08650
(609) 571-4200

Mercer Law Guardian
840 Bear Tavern Road
2nd Floor
Mountain View Office
Ewing, NJ 08628
(609) 530-3623

Middlesex County

DYFS Middlesex Central LO
301 Blair Road, 3rd Floor
Avenel, NJ 07001
(888) 895-2404

DYFS Middlesex West LO
53 Knightsbridge Road
Piscataway, NJ 08854
(800) 531-1258

**Middlesex County Court
Family Division**
120 New Street
PO Box 2691
New Brunswick, NJ 08903
(732) 519-3275

Middlesex Law Guardian
172A New Street
New Brunswick, NJ 08901
(732) 246-5912

DYFS Middlesex Coastal
458 Florida Grove Road
Perth Amboy, NJ 08861
(800) 531-1261

DYFS Local Offices, Courts and Law Guardians by County

Monmouth County

DYFS Monmouth Northern LO
116 Chestnut Street
Suite 102
Red Bank, NJ 07757
(800) 392-9511

DYFS Monmouth Southern LO
630 Bangs Avenue
Asbury Park, NJ 07712
(800) 392-9512

**Monmouth County Court
Family Division**
71 Monument Park
P. O. Box 1266
Freehold, NJ 07728
(732) 677-4348

Monmouth Law Guardian
630 Bangs Avenue
3rd Floor
Asbury Park, NJ 07728
(732) 869-2268

Morris County

DYFS Morris East LO
164 Speedwell Avenue
Morristown, NJ 07960
(800) 688-3890

DYFS Morris West LO
855 Route 10 East
Randolph, NJ 07869
(800) 392-9518

**Morris County Court
Family Division**
Washington & Court Streets
Morristown, NJ 07963
(973) 656-4340

Morris Law Guardian
7 Sussex Avenue
Morristown, NJ 07960
(973) 451-5630

Ocean County

DYFS Ocean North LO
1215 Route 70 West
Lakewood, NJ 08701
(866) 544-9197

DYFS Ocean South LO
1510 Hooper Avenue
Suite 210
Toms River, NJ 08753
(800) 442-6232

**Ocean County Court
Family Division**
Justice Complex
120 Hooper Ave.
2nd floor
Toms River, NJ 08753
(732) 929-2037

Ocean Law Guardian
630 Bangs Avenue
3rd Floor
Asbury Park, NJ 07728
(732) 869-2268

Passaic County

DYFS Passaic Central LO
22 Mill Street, 3rd Floor
Paterson, NJ 07501
(800) 392-2658

DYFS Passaic Northern LO
100 Hamilton Plaza
11th Floor
Paterson, NJ 07505
(800) 847-1743

**Passaic County Court
Family Division**
Administration Building
401 Grand Street
Paterson, NJ 07505
(973) 247-8459

Passaic Law Guardian
66 Hamilton Street
5th Floor
Paterson, NJ 07505
(973) 977-4185

Salem County

DYFS Salem LO
199 East Broadway
2nd Floor
Salem, NJ 08079
(800) 531-1263

**Salem County Court
Family Division**
92 Market Street
Salem, NJ 08079
(856) 935-7510

Salem Law Guardian
20 East Clementon Road
Suite 301 North
Gibbsboro, NJ 08026
(856) 346-8008

DYFS Local Offices, Courts and Law Guardians by County

Somerset County

DYFS Somerset LO

92 East Main Street
Suite 101
Somerville, NJ 08876
(800) 392-2734

**Somerset County Court
Family Division**

20 North Bridge Street
P.O. Box 3000
Somerville, NJ 08876
(908) 231-7000

Somerset Law Guardian

75 Veterans Memorial Drive East
Suite 203
Somerville, NJ 08876
(908) 575-3200

Sussex County

DYFS Sussex LO

20 East Clinton Street
Newton, NJ 07860
(800) 392-2654

**Sussex County Court
Family Division**

43-47 High Street
Newton, NJ 07860
(973) 579-0675

Sussex Law Guardian

20 East Clinton Street
Newton, NJ 07860
(973) 383-5002

Union County

DYFS Union Central LO

570 South Avenue East
Cranford, NJ 07016
(866) 224-1914

DYFS Union West LO

Park Madison Building
200 West 2nd Street
4th floor
Plainfield, NJ 07060
(800) 847-1750

**Union County Court
Family Division**

Courthouse Annex
Elizabethtown Plaza
2 Broad Street
Elizabeth, NJ 07207
(908) 659-5827

Union Law Guardian

1100 E. Jersey Street
Elizabeth, NJ 07201
(908) 820-8971

DYFS Union East LO

80 West Grand Street
Elizabeth, NJ 07202
(800) 847-1738

Warren County

DYFS Warren LO

415 East Washington Avenue
Washington, NJ 07882
(800) 531-1229

**Warren County Court
Family Division**

413 2nd Street
Belvidere, NJ 07823
(908) 475-6150

Warren Law Guardian

20 East Clinton Street
Newton, NJ 07860
(973) 383-5002



State of New Jersey
Department of Children and Families
Division of Youth and Family Services
www.nj.gov/dcf