

**RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
PART V. RULES GOVERNING PRACTICE IN THE CHANCERY DIVISION,
FAMILY PART
CHAPTER II. SPECIFIC CIVIL ACTIONS
RULE 5:13. PROCEEDINGS UNDER THE CHILD PLACEMENT REVIEW ACT**

Rule 5:13-1. Definitions

The definitions contained in the Child Placement Review Act (N.J.S. 30:4C-50 et al.) apply to this rule. The term "act" as used in this rule means the Child Placement Review Act. The term "board" as used in this rule means a child placement review board established under the act. The term "court" as used in this rule means the Superior Court, Chancery Division, Family Part in the child's county of supervision. The term "Division" as used in this rule means the Division of Child Protection and Permanency of the Department of Children and Families.

Note: Source-R. (1969) 5:7B(a). Adopted December 20, 1983, to be effective December 31, 1983; amended November 5, 1986 to be effective January 1, 1987; amended July 16, 2009 to be effective September 1, 2009; amended July 9, 2013 to be effective September 1, 2013.

Rule 5:13-2. Forms

All notices provided for in this rule shall be in a form prescribed by the Administrative Director of the Courts. In accordance with R. 5:12-4(i), notice shall be provided of all Child Placement Review Board proceedings to the foster parent or other temporary caregiver with whom each child is placed informing such person of the schedule for the next hearing and of the right to be heard.

Note: Source-R. (1969) 5:7B(b). Adopted December 20, 1983, to be effective December 31, 1983; amended July 5, 2000 to be effective September 5, 2000.

Rule 5:13-3. Commencement of Proceedings

(a) Notice of Placement. The Division shall file with the court a notice of placement pursuant to: (1) a voluntary agreement in the manner prescribed by the act; or (2) an involuntary placement. The notice shall be captioned "In the matter of _____, a minor" and shall include, but not be limited to, the information set forth in R. 5:12-1(a). The notice shall be signed by the Attorney General or a designee or by the Director of the Division or a designee.

(b) No Requirement of Written Answer. No written answer to the notice need be filed.

Note: Source-R. (1969) 5:7B(c). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (a) amended July 9, 2013 to be effective September 1, 2013.

Rule 5:13-4. Voluntary Placement: Initial Court Determination

The court, within 15 days following receipt of the notice of the initial placement pursuant to a voluntary agreement, shall make a determination in the manner prescribed by the act including a determination as to whether or not reasonable efforts have been made to prevent the placement, which determination shall be entered as an order in a form prescribed by the Administrative Director of the Courts. The court shall give a copy of the

order to the Division, the child, the parents or legal guardian and such other persons or agencies that the court determines have an interest in or information relating to the welfare of the child, which may include the temporary caretaker. If the court schedules a hearing it shall provide written notice thereof in the manner prescribed by the act.

Note: Source-R. (1969) 5:7B(d). Adopted December 20, 1983, to be effective December 31, 1983; amended July 13, 1994 to be effective September 1, 1994; amended July 16, 2009 to be effective September 1, 2009; caption and text amended July 9, 2013 to be effective September 1, 2013.

Rule 5:13-5. Reviews of Children in Placement; Court Orders; Submission of Placement Plan

(a) Enhanced Initial Reviews. In all cases involving a child placed by the Division of Child Protection and Permanency ("Division"), the child placement review board shall act on the court's behalf by conducting an enhanced review initiated 60 days after placement, which includes the collection of information to be entered on a form prescribed by the Administrative Director of the Courts. Upon completion of the enhanced 60-day review, the board shall make its recommendations to the court on a form prescribed by the Administrative Director of the Courts.

(b) Court Orders; Placement Plans. All orders entered by the court prior to the enhanced 60-day review by the child placement review board placing a child in the custody of the Division pursuant to N.J.S. 9:6-8.54, N.J.S. 30:4C-12, N.J.S. 2A:4A-43 or N.J.S. 2A:4A-46 shall be provided by the court to the board. The Division shall submit a placement plan to the court within 30 days of the date of placement. In any case in which the placement is the result of a court order, the notice of the enhanced 60-day child placement review shall be made available to all counsel or parties appearing pro se who have related matters pending before the Family Part of Superior Court. In addition, counsel or parties appearing pro se shall receive timely notice of all subsequent proceedings and orders under the Child Placement Review Act relating to that litigation.

Note: Source-R. (1969) 5:7B(e). Adopted December 20, 1983, to be effective December 31, 1983; amended November 5, 1986 to be effective January 1, 1987; caption amended, text amended and designated as paragraph (b), paragraph (b) caption adopted, and new paragraph (a) caption and text adopted July 9, 2013 to be effective September 1, 2013; paragraph (a) caption and text amended and paragraph (b) amended July 28, 2017 to be effective September 1, 2017.

Rule 5:13-6. Board Recommendations

The board shall provide written notice of its review and make recommendations in the manner prescribed by the act.

Note: Source-R. (1969) 5:7B(f). Adopted December 20, 1983, to be effective December 31, 1983; caption and text amended July 9, 2013 to be effective September 1, 2013.

Rule 5:13-7. Court Determination Following Board Review

(a) Copies of Board Report. Unless the court finds that to do so would not be in the interests of the child, the court upon receipt of the report from the board shall provide copies thereof to the child, the parents or legal guardian and any other persons or agencies which the court determines have an interest in or information relating to the welfare of the child, which may include the temporary caretaker.

(b) **Court Determination.** The court shall provide written notice of its review and make a determination in the manner prescribed by the act. The notice shall inform the recipient of the right to request a court hearing. The determination shall be made within 21 calendar days of the court's receipt of the board's report unless the court schedules a hearing.

Note: Source-R. (1969) 5:7B(g). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b) amended July 13, 1994 to be effective September 1, 1994.

Rule 5:13-8. Confidentiality

(a) **Confidentiality of Proceedings, Records and Reports.** Every proceeding before the board and the court shall be conducted in private with only such persons in attendance as have a direct involvement in the proceeding; provided, however, that the court may permit the attendance at any board or court proceeding of any person who has an interest in the work of the board or of the court so long as such person shall agree not to record, disclose or publish the names, photographs or other identifying data with respect to any of the participants in the proceeding except as expressly authorized by the court. All records and reports of the board and of the court shall be strictly safeguarded from public inspection; provided, however, that the court may for good cause permit inspection of such records or reports.

(b) **Compliance by Board Members.** The Assignment Judge or other designated judge shall administer to each board member an oath requiring compliance with the confidentiality requirements set forth in this rule.

Note: Source-R. (1969) 5:7B(h). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b) amended July 13, 1994 to be effective September 1, 1994.