

**Attorney General of New Jersey
Attorney for New Jersey Division of Child Protection and Permanency**

By:
**Deputy Attorney General
Division of Law**

Telephone Number:

**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 _____

Docket Number: FN - _____

NJ Spirit Case #: _____

**Civil Action
Order to Show Cause for
Care and Supervision**

This matter, having been brought before the Court on _____, 20__, by the New Jersey Division of Child Protection and Permanency (the Division), pursuant to *N.J.S.A. 9:6-8:21, et seq.*, and *N.J.S.A. 30:4C-12 and R. 5:12-1, et seq.*, by Deputy Attorney General _____, appearing, and in the presence of:

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

Order to Show Cause for Care and Supervision

Docket Number: _____

Division Caseworker/Supervisor _____

appearing / not appearing

Division Phone number: _____ ext.: _____

Resource Family member [initials only] _____

appearing / not appearing

Resource Family member [initials only] _____

appearing / not appearing

Other: _____

appearing / not appearing

the Court having read the verified complaint, affidavits and other supporting documents, and having heard the testimony of _____ and _____, the Court determines that the Division having care and supervision of the child(ren) _____ is necessary to avoid an ongoing risk to the life, safety or health of the child(ren) because:

And the Court has determined that

- a. and the Division, having made a prima facie showing (i.e., a legally sufficient showing) that the minor children are abused or neglected within the meaning of N.J.S.A. 9:6-8.21, et seq.,

OR

- b. Verified complaint for care and supervision is hereby dismissed because:

And for Good Cause Shown, It Is on This _____ Day of _____, 20__, Ordered That:

1. The child(ren) is a ward [are wards] of the court and placed in the immediate care and supervision of the Division; and,
2. The defendants show cause before this court on _____, 20__, at _____, why an order should not be entered continuing the child(ren) under the care and supervision of the Division; and,
3. **Representation** pursuant to *N.J.S.A. 9:6-8.23* and *9:6-8.21(e)*
 - a. The Office of the Public Defender, Office of Law Guardian be assigned as law guardian for the child(ren); and
 - b. The Division and the Law Guardian shall be entitled to immediate access to and copies of all educational or early intervention program information and records pertaining to the child(ren) who are the subject of this order without further release; and
 - c. The Law Guardian for the child(ren) shall be entitled and permitted to have access to obtain copies of all records, including but not limited to, medical, mental health, school, drug or alcohol treatment and other records and/or information concerning his/her client, and shall have access to the children at their home, school or day care center or treatment facility, and shall be entitled to speak to the children and/or service providers, privately, outside the presence of any third party, including parents or school personnel without further release; and

- d. The defendant(s) shall have a right to be represented by counsel of their own choosing, or if they are unable to afford counsel, then to make application to the Court for appointment of counsel through the Office of the Public Defender by completing a Form 5A; and
- 4. A true copy of this order and supporting documents, if any, shall be served upon the defendant(s), by the sheriff or such other person as the Division shall designate within ____ days of entry of the order in accordance with R. 4:4-4; and,
- 5. Any party having legal standing in this matter may move for dissolution or modification of this order upon ____ days notice to the court and all parties.
- 6. The court has made a determination regarding the federal Indian Child Welfare Act as follows:
 - The child, _____, (birth date) _____ is not a Native American child subject to the Indian Child Welfare Act of 1978 in that the following facts are known
_____.
 - The child, _____, (birth date) _____ is or may be a Native American child subject to the Indian Child Welfare Act of 1978 (see attached Supplemental Order).

It Is Further Ordered That:

_____, J.S.C.

The defendant shall have the right to be represented by counsel.

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.

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 the division 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.

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