NOTICE: This is not a public document. The information entered on this form will be kept confidential. You therefore must enter all requested information, including any requested personal identifiers, which are your Social Security number, driver’s license number, vehicle plate number, insurance policy number, active financial account number, active credit card number, or military status.

|  |  |
| --- | --- |
| Attorney General of New Jersey |  |
| Attorney for New Jersey Division of Child Protection and Permanency |  |
| By: |   |
|  | Deputy Attorney General |
|  | Division of Law |
|  |   |
|  | Telephone Number:  |   |
|  | Superior Court of New Jersey  |
|  | Chancery Division - Family Part |
| **New Jersey Division of Child Protection and Permanency,** | County of | - Select County -  |  |
| Docket Number: | FN-  |
|  | Plaintiff, | NJSpirit Case Number: |   |
| v. | **Civil Action****Order to Show Cause Pursuant to *N.J.S.A.* 30:4C-12** |
|  |
|   |
| Defendant, |
| NJSpirit Participant Number:  |

|  |  |
| --- | --- |
|   |  |
| Defendant, |  |
| NJSpirit Participant Number:  |  |
|  |  |

|  |  |
| --- | --- |
|   |  |
| Defendant, |  |
| NJSpirit Participant Number:  |  |
|  |  |

|  |  |
| --- | --- |
|   |  |
| Defendant, |  |
| NJSpirit Participant Number:  |  |
|  |  |

|  |  |
| --- | --- |
|   |  |
| Defendant, |  |
| NJSpirit Participant Number:  |  |
|  |  |

|  |  |  |
| --- | --- | --- |
| **In the Matter of:** |  |  |
|   |  |  |
| NJSpirit Participant Number:  |  |  |
| FC Docket Number:  |  |  |

|  |  |
| --- | --- |
|   |  |
| NJSpirit Participant Number:  |  |
| FC Docket Number:  |  |
|  |  |

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

|  |  |  |
| --- | --- | --- |
| the child |   | [ ]  appearing / [ ]  not appearing, [ ]  spoken language interpreter required language:  represented by |
| Law Guardian |   | , [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| the child |   | [ ]  appearing / [ ]  not appearing, [ ]  spoken language interpreter required language:  represented by |
| Law Guardian |   | , [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Defendant |   | [ ]  appearing / [ ]  not appearing, [ ]  notified / [ ]  not notified[ ]  complaint served / [ ]  complaint not served,[ ]  spoken language interpreter required language:  represented by |
| Attorney |   | [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Defendant |   | [ ]  appearing / [ ]  not appearing, [ ]  notified / [ ]  not notified[ ]  complaint served / [ ]  complaint not served,[ ]  spoken language interpreter required language:  represented by |
| Attorney |   | [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Defendant |   | [x]  appearing / [ ]  not appearing, [ ]  notified / [ ]  not notified[ ]  complaint served / [ ]  complaint not served,[ ]  spoken language interpreter required language:  represented by |
| Attorney |   | [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Defendant |   | [ ]  appearing / [ ]  not appearing, [ ]  notified / [ ]  not notified[ ]  complaint served / [ ]  complaint not served,[ ]  spoken language interpreter required language:  represented by |
| Attorney |   | [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Division Caseworker/Supervisor |   | [ ]  appearing / [ ]  not appearing |
| Division Phone number |   | ext.:  |

|  |  |  |
| --- | --- | --- |
| Court Appointed Special Advocate |   | [ ]  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:

[ ]  **Care and Supervision**

**1.** The Division shall have care and supervision of the child(ren) , to provide services to ensure his/her/their health or safety.

**2.** The Division shall have care and supervision of the child(ren), which is necessary because
   .

**OR**

[ ]  **Custody**

**1.** The removal of the child(ren) is necessary to ensure his/her/their health or safety.

**2.** Continuation of residence in the home would be **contrary to the welfare of the Child(ren)** because of allegations that,

   .
and for the other reasons stated on the record.

**3.** [ ]  **a.** Reasonable efforts to prevent placement prior to removal were made, as indicated in paragraphs of the attached complaint;

**OR**

[ ]  **b.** pursuant to *N.J.S.A* 30:4C-11.2, reasonable efforts to prevent placement were not necessary due to risk of harm to the child's health or safety

**AND**:

[ ]  **1.** the removal of the child(ren) was required due to imminent danger to the child(ren)'s life, safety or health, as follows:

**OR,**

[ ]  **2.** the parent(s) has/have subjected the child(ren) to aggravated circumstances of abuse, neglect, cruelty, or abandonment, as follows:

**OR,**

[ ]  **3.** the parent(s) has/have been convicted of a crime specified in *N.J.S.A.* 30:4C-11.2, as indicated in the verified complaint filed today:

[ ]  **a.** murder, aggravated manslaughter or manslaughter of another child of the parent;

[ ]  **b.** aiding or abetting, attempting, conspiring or soliciting to commit murder, aggravated manslaughter or manslaughter of the child or another child of the parent;

[ ]  **c.** committing or attempting to commit an assault that resulted, or could have resulted, in the significant bodily injury to the child or another child of the parent; or

[ ]  **d.** committing a similarly serious criminal act which resulted, or could have resulted, in the death or significant bodily injury to the child or another child of the parent,

**OR,**

[ ]  **4.** the rights of the parent(s) to another of the parent(s)' children have been involuntarily terminated;

**and for good cause shown,****it is on this day of**   **, 20 , Ordered that**

**1.** 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/or in the legal and physical custody of the Division; and,

[ ]  This upcoming hearing shall serve as a summary hearing pursuant to
*N.J.S.A.* 30:4C-12.

**2.** A true copy of the order and supporting documents, if any, 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,

**3.** Any party having legal standing in this matter may move for dissolution or modification of the order upon days notice to the court and all parties.

**4.** The defendant shall have access to the Division's records prior to the summary hearing.

[ ]  **5A.** **Care and Supervision**

The child(ren) be immediately made ward(s) of the court and placed in the immediate care and supervision of the Division with authorization for the Division to consent to routine and emergency surgical or medical treatment necessary to safeguard the life or health of the child(ren).

**OR**

[ ]  **5B.** **Custody**

1. The child(ren) be immediately made ward(s) of the court and placed in the immediate custody, care and supervision of the Division with authorization for the Division to consent to routine and emergency surgical or medical treatment necessary to safeguard the life or health of the child(ren); and
2. The child(ren) is/are placed in the physical custody of a
 [ ]  kin (relatives or friends) / [ ]  non-kin resource home; and
3. If the child(ren) is/are not placed with kin, the defendant(s) are to disclose to the Division any kin who may be available as potential caregivers for the child(ren) on or before the return date of the Order to Show Cause and in the event kin is identified, the Division will make efforts to place child(ren) with kin under presumptive eligibility; and the Division shall make efforts to place the child(ren) in a resource home culturally and/or linguistically similar to that of the child(ren)’s origin; and
4. Should the Division determine that the child(ren) is/are at risk for H.I.V., the Division is authorized to have the child(ren) tested for H.I.V., and the Division further is authorized to release the results of the H.I.V. test to the resource family, school personnel, medical personnel and others when it is necessary for the care, supervision and/or treatment of the child(ren); and
5. **Visitation**

[ ]  **a. Parent 1/Defendant(s)** is/are entitled to the following visitation: [ ]  together [ ]  separately.

i. There is a presumption that parent-child visits will be unsupervised. For this/these parent(s), visits will be
[ ]  unsupervised [ ]  supervised
[ ]  visits suspended until further order.

(a) If supervised, factual basis of need for supervision:

(b) if supervised, the visitation supervisor will be:
[ ]  division approved kin [ ]  the resource parent
[ ]  Division staff
[ ]  other **Location**: .

(c) If supervised, other permitted contact:
[ ]  phone/text communication [ ]  electronic/social media
[ ]  child(ren)’s extracurricular activities
[ ]  other .

(d) If visits suspended, factual basis:

(e) Self-Executing Provision:
If the following conditions are met,
   ,
then without further order of the court, visitation will be increased/changed to

ii. Frequency of visits will be [ ]  as arranged with supervisor
[ ]  times weekly [ ]  weekly [ ]  every other week
Duration:

iii. Visitation [ ]  is [ ]  is not contingent upon 24-hour advance confirmation by defendant.

[ ]  **b. Visits for Parent 2/Other Defendants:**

[ ]  Same terms as Defendant/Parent 1

[ ]  Other

[ ]  **c. Visits for siblings/**kin**:**

[ ]  i. Siblings: [ ]  weekly [ ]  every other week
[ ]  on a basis.

Visits to be arranged by:

[ ]  ii. Kin: [ ]  weekly [ ]  every other week
[ ]  on a basis.

Visits to be arranged by:

[ ]  **d. And it is Further Ordered that:**
   .

**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).

**7.** **Representation**

[ ]  a. The Office of the Public Defender, Office of Law Guardian, is assigned as law guardian for the child(ren). The Division and the Law Guardian are 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. The Law Guardian for the child(ren) is entitled and permitted to have access to and 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, resource family 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 parents, resource family or school personnel without further release.

[ ]  b. 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 completion of the Appointment of Counsel form.

**8.** Verified complaint for care, custody or supervision is hereby dismissed because

   ,

**9. It is Further Ordered that:**
   .

|  |  |
| --- | --- |
|  | s/  |
|  |  , J.S.C.  |

**The Judiciary will provide reasonable accommodations to enable individuals with disabilities to access and participate in court events. For more information or to request an ADA accommodation, contact your** [**local Title II ADA coordinator**](https://www.njcourts.gov/public/directories/court-services/ada-II)**.**

**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 completion of the Appointment of Counsel form.**

**This case, the proceedings, records, reports, and the information contained in them are confidential. The disclosure or sharing of any records, reports, or any confidential information regarding this case is prohibited. This prohibition includes the posting, uploading, or sharing of audio, images, videos, or any other format through electronic communications or posting on any social media platform. Violations of these provisions are subject to the penalties of N.J.S.A. 9:6-8.10b, and further court action including contempt proceedings and sanctions.**

**The Division is responsible for providing reasonable efforts to reunify the child(ren) with their parent(s). The failure of a Defendant 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 a Defendant's parental rights to the child(ren) named in this complaint. A termination of parental rights means the child(ren) may be adopted.**

**Attorneys must review the form of order prior to conclusion of the proceeding. Any changes to this order shall be made pursuant to R. 1:13-1.**

|  |  |
| --- | --- |
| The New Jersey Judiciary also created the *Children in Court Parent's Handbook* to help parents understand the children in court (CIC) case system, and the roles of those in CIC. Scan the QR code or go to the [CIC Parent's Handbook](https://www.njcourts.gov/sites/default/files/forms/12545_CIC_parent_handbook.pdf). | **Qr code  Description automatically generated** |