



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

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Overview 5-10-2010

N.J.S.A. 30:4C-1 declares it is the public policy of the State of New Jersey “that the preservation and strengthening of family life is a matter of public concern as being in the interests of the general welfare, but the health and safety of the child shall be the State’s paramount concern when making a decision on whether or not it is in the child’s best interest to preserve the family unit” (emphasis added).

It is CP&P policy that the decision to remove a child be made when there is imminent danger to the child, or risk of injury or death if the child remains in the home, under the care of the parent, legal guardian or legal custodian, and that danger/risk cannot be alleviated by any resources currently available to CP&P or the family.

When the safety and protection of children and the preservation and improvement of family life are in conflict with each other, public policy makes clear that protection of the child must take precedence until such time as it is determined that the family situation has improved sufficiently to assure the child’s safety within the home.

When developing a Safety Protection Plan with the parent(s) to prevent the child’s removal, in which the plan will limit a parent’s right to access his or her child, family, and/or home, such a plan can only be viewed as a short term alternative to court action. Consult the Casework Supervisor and the Deputy Attorney General under these circumstances. See [CP&P-III-B-6-600](#), Use of the Safety Protection Plan Requiring Special Protocol.

When domestic violence co-occurs with child abuse and or neglect, see [CP&P-VIII-B-1-100](#), Domestic Violence, and the [DCF Domestic Violence Protocol](#), for additional considerations regarding removals and out-of-home placement.

The removal of a child marks the beginning of a placement episode. See [CP&P-IV-A-9-100](#), Placement Episode.

Authority 7-28-2008

- N.J.S.A. 2A:4A, Code of Juvenile Justice
- N.J.S.A. 9:6-8.16 et seq., Child Taken to Physician or Hospital for Treatment of Serious Physical Injury; Protective Custody
- N.J.S.A. 9:6-8.27, Temporary Removal With Consent
- N.J.S.A. 9:6-8.28, Preliminary Orders of Court Before Preliminary Hearing Held
- N.J.S.A. 9:6-8.29, Emergency Removal Without Court Order
- N.J.S.A. 9:6-8.30, Action by the Division Upon Emergency Removal
- N.J.S.A. 30:4C-1, Public Policy
- N.J.S.A. 30:4C-11, Application for Care or Custody; Verification and Investigation; Acceptance of Care or Custody
- N.J.S.A. 30:4C-11.2, Reasonable Efforts Not Required; Criteria
- N.J.S.A. 30:4C-12, Complaint; Investigation; Hearing; Order Making Child Ward of Court; Duration of Order; Extension
- N.J.S.A. 30:4C-15; Guardianship; Petition

Situations When Removal Should Be Considered 9-26-2011

Consider removing a child in the following situations, upon conducting a child protective services investigation or at any other point in time during agency intervention:

- child has been injured in the past (especially if the injuries were serious, life-threatening, chronic, or of an unusual or suspicious nature).
- In the past, the child's sibling, or another child, was killed or seriously injured by the parent, legal guardian, or legal custodian, or by another member of the immediate household.
- The parent, legal guardian, legal custodian, or other adult in the home has little control over his or her own behavior, which impacts on the condition of the child.
- The relationship between the parent, legal guardian, legal custodian, or another household member and the child is one of ambivalence and negativism resulting in hostility, indifference, rejection, alienation, or

aggression toward the child, which is, or is likely to be, characterized by violence and/or extreme emotional abuse or neglect. (This situation may be one in which the child is an active participant in provoking and/or continuing the destructive relationship.)

- The family is experiencing serious disruptions which consume all parental energies and the parent, legal guardian, or legal custodian has no personal resources to devote to the child (particularly a young child or a child with a disability) until the crisis is resolved.
- Attempts by CP&P to utilize all available resources have failed to correct the family situation, and the child continues to be in imminent danger, or at risk of serious or substantial abuse or neglect.
- The child has suffered serious and/or unusual or unexplained injuries, and CP&P is unable to gather enough consistent information to determine whether the child is in danger or at potential risk. (Placement should occur while more diagnostic work is done, additional collateral contacts are made, and a detailed review and analysis of all available information is completed by CP&P and medical and/or mental health consultants.)
- There is sound reason to believe that physical or sexual abuse or neglect is occurring, and the parent, legal guardian, or legal custodian is unwilling or unable to take sufficient corrective action to protect the child and assure the child's health and safety. Examples: A parent demonstrates an unwillingness or inability to protect a child from danger posed by an older sibling, the parent's paramour, or another individual with access to the child; or a child is in need of medical or psychiatric treatment to save his or her life or physical or emotional health and well-being, and the parent, legal guardian, or legal custodian refuses to provide, permit, or arrange for the needed treatment.
- A child's behavior is dangerous to him or herself or others, and the parent, legal guardian, or legal custodian is unwilling or unable to control that behavior.
- The parent, legal guardian, or legal custodian appears indifferent to the child's immediate safety, injuries, health, mental health status, and/or other conditions that merit immediate attention and concern.
- Physical conditions in the home are hazardous or grossly inadequate and pose serious or immediate danger to the child's health, well-being, and safety.
- The parent, legal guardian, or legal custodian refuses CP&P access to a child who is suspected of being injured or in danger.

- There is reason to believe that a family under investigation is about to flee or hide a child from CP&P.
- A child, age 7 years old or younger, or a child with an emotional, developmental, and/or a physical illness or a disability, is left home alone, and the Division is unable to locate or contact the child's parent or caregiver.
- If more than one child, or a group of children, is found alone, the Division assesses the abilities and judgment of the oldest child to care for him or herself, maintain order in the home between the children, and supervise the other children (particularly in case of an emergency, such as a fire or power blackout) during the interim period when adult supervision is unavailable.
- A child has been abandoned or is inadequately supervised.
- The Division has reason to believe that a child, recently added to a family by birth or by some other means, may be at risk of maltreatment because the parent(s), legal guardian, legal custodian, or another adult household member has been known to the Division or another state's CPS agency in the past, and the court has substantiated that children under his or her care and supervision have been abused or neglected, and the Division has reason to believe that the conditions or circumstances leading to the abuse or neglect in the past have not changed, or the Division is unable to determine whether or not those conditions or circumstances have changed. Note: This may include situations whereby an adoptive parent has died or is living apart from the child, and a parent, whose legal rights to the child were terminated (TPR) due to abuse/neglect, is now residing with the child.

In some physical or sexual abuse investigations or investigations that involve the co-occurrence of child abuse and or/neglect and domestic violence, when it has been determined that family members must be separated, at least temporarily, to ensure the safety of the child, serious consideration should be given as to whether the perpetrator - rather than the child - should leave the home. See [CP&P-III-B-6-600](#), Use of Safety Protection Plan Requiring Special Protocol and [CP&P-VIII-B-1-100](#), Domestic Violence.

Family Engagement

5-10-2010

If a child is found to be in danger (i.e., not safe) when CP&P conducts a child safety assessment (see [CP&P-III-B-6-600](#)), the assigned Worker considers whether a **Safety Protection Plan** can be developed with the parent, guardian, or legal custodian, to avoid unnecessary separation of a child from his or her family, while keeping the child

safely at home. See CP&P Form [22-22](#), Safety Assessment (In-Home Cases). See [CP&P-III-B-6-600](#) , Child Safety Assessment (In-Home).

When it appears that placement may be warranted, CP&P meets with the family, whenever possible, to engage family members and their supports **before** the child is placed, to enable extended family members, professionals involved with the family, and others, to come together, to 1) discuss family dynamics and the presenting situation; and 2) develop a plan to best serve the needs and interests of the child and family. See Family Engagement, [CP&P-III-B-5-500](#); for a description of the FTM process, see CP&P Form [22-47](#), Family Team Meeting Brochure.

When domestic violence co-occurs with child abuse and or neglect, see [CP&P-VIII-B-1-100](#) or when to hold separate family team meetings, and additional considerations on out-of-home placement.

If no services or resources can be identified which are sufficient to keep the family together while keeping the child safe, removal must be considered.

If the family cannot meet before the child is placed, CP&P convenes the meeting within 72 hours of placement.

Least Restrictive Setting 7-28-2008

When removal and placement cannot be avoided, the disruption that the child may experience is minimized, and emotional trauma may be reduced, by placing the child in the most familiar, least restrictive setting.

The first alternative considered is placement with a relative or a close friend (often referred to as a “family friend”), to offer the child some degree of familiarity and continuity.

A relative or family friend may be identified during family engagement. He or she must be willing and able to:

- Assure the child’s ongoing care and safety;
- Protect the child from further abuse or neglect by the parent or other caregiver;
- Support the Division’s case plan;
- Actively participate in the CP&P home study process and the Office of Licensing resource family licensing process, and, ultimately, meet New Jersey licensing standards for resource family care; and

- Make both a short term and a long term commitment to the child, if necessary, if the child's reunification with his or her family of origin is not possible. See [CP&P-IV-A-11-100](#), Making the Resource Placement Decision - Adoption and KLG (Kinship Legal Guardianship).

If more than one child must be placed, CP&P is committed to placing the siblings together, whenever possible.

In addition, when possible and safe, CP&P places the child in his or her home neighborhood. The Worker attempts to arrange for the child to continue to attend the same school, making special transportation arrangements, when necessary.

When placement with a relative or a family friend is not possible, the least restrictive placement of choice is placement in a licensed resource family home. In order for this to be an appropriate placement, the child must be able to:

- Participate in family life; and
- Live in the community without presenting a danger to him or herself or others.

If such placement is not appropriate for the child, alternative types of placement are considered, such as group or residential care, or, for an adolescent, independent living (see [CP&P-VI-A-1-101](#)).

Consult Supervisor in Removal Decision 5-10-2010

The Worker conferences the case with his or her Supervisor (or a covering Supervisor or the Casework Supervisor; the SPRU Supervisor is contacted by the SPRU Worker when needed after hours) **prior to** removing the child from the home. Discuss:

- Whether a Safety Protection Plan can be developed, to keep the child safely at home. See [CP&P-III-B-6-600](#) . The Worker or Supervisor consults the Casework Supervisor as well, if the plan will limit a parent's rights to access his or her child, family, or home. See [CP&P-III-B-6-600](#).
- Alternatives to placement. See "Reasonable Efforts," [CP&P-III-B-2-200](#).
- Authority for removal and placement; whether to file court papers to authorize the placement or make an emergency removal without a court order.
- Family engagement; identify who should attend the meeting with the family (whether the meeting is to be held before placement -- preferred, when possible -- or within 72 hours of the child's placement).

- Whether to seek police assistance, or Human Services Police assistance, when conducting the removal. See [CP&P-II-C-4-100](#), and [CP&P-II-C-5-150](#).
- Strategy and options for intervention. Consider whether to make a teamed response. See [CP&P-IX-A-1-100](#), Teamed Field Response (Buddy System).
- Whether the element of surprise is necessary to protect the child when initiating the removal.

When domestic violence co-occurs with child abuse/neglect, see [CP&P-VIII-B-1-100](#), regarding when to hold separate family team meetings, additional considerations on removal and out-of-home placement, and safety considerations for the Worker.

When the Worker is unable to leave the home and unable to communicate with a Supervisor, and there is imminent danger to the child's life, safety, or health, the responding Worker must act under Title 9 (N.J.S.A. 9:6-8.29 and 9:6-8.30) and remove the child without a court order. The Worker contacts the Supervisor immediately upon leaving the home.

If the removal cannot be accomplished without endangering the Worker, contact the police immediately.

Pre-Placement Assessment (Health) 7-28-2008

For all children removed and placed out of home, a pre-placement assessment (health) is required. See [CP&P-V-A-1-1300](#). This requirement applies to all emergency removals conducted by CP&P, the police, or probation officers, as authorized by N.J.S.A. 9:6-8.29.

Whenever a child has been removed without a court order, CP&P shall arrange for a pre-placement assessment of the child to occur within 24 hours of placement. CP&P has legal authority to consent to this procedure pursuant to N.J.S.A. 9:6-8.30.c. CP&P is also authorized to consent to needed medical care, medication, or treatment. In accordance with the statute, medical reports are released to CP&P, to help CP&P determine whether the child was abused or neglected.

NJS tip - Document the pre-placement health assessment (PPA) in the Medical/Mental Health Window > Medical History Tab > Medical/Mental Health Type Field.

Requirements when Removing a Native American Indian Child 7-28-2008

If the child being removed and placed is unmarried, and either a member of a federally recognized Native American Indian tribe, or eligible for membership in a federally recognized Indian tribe, **and** the biological child of a member of an Indian tribe, the

Federal Indian Child Welfare Act of 1978 (ICWA), and Federal regulations issued subsequent to the law's enactment, apply.

When a federally recognized Native American Indian tribe is identified, they must be notified, in writing via registered mail with return receipt requested, of any court proceedings. The tribe is a full party to the case and has the same rights as the legal parent or guardian.

For further information, see [CP&P-II-C-2-200](#), Native American Indian Children, and [CP&P-IV-B-2-100](#), Resource Home Selection.

Identify Child's Place of Birth and Obtain Long Form Birth Certificate 11-9-2009

Whenever a child is removed and placed out of home by CP&P, the assigned Worker must ask the parent, legal guardian, or legal custodian where the child was born. Document the child's place of birth - both the city and the state (or city and country for foreign-born children) - in the Person Management Window in NJ SPIRIT. For a child under age 2, also note the name of the hospital where he or she was born. Obtain this information at the court proceeding, if unable to document it beforehand.

Within thirty (30) days of an out-of-home placement of a child for the first time, request a certified copy of the child's long form birth certificate from the DCF Bureau of Vital Statistics (BVS) Liaison located in the DCF Office of Facilities and Support Services. The birth certificate is required:

- By the Division of Family Development when filing for child support on behalf of CP&P for a child in out-of-home placement. See [CP&P-IX-F-1-225](#), Support Procedures.
- For the Title IV-E review held 45 days after the child enters placement, to help determine if the child is Title IV-E eligible, enabling the Division to claim Federal financial reimbursement. See [CP&P-IV-F-1-100](#), Title IV-E Foster Care, Kinship Guardianship, and Adoption Assistance.

See [CP&P-III-C-6-100](#) When To Obtain Specific Certified Long Form Documents and Requesting Long Form NJ State BVS Certificates from DCF BVS Liaison, and CP&P Form [26-8](#), Request for NJ Birth/Death/Marriage/Civil-Union/Domestic Partnership Certificate, for policies and procedures regarding obtaining a certified copy of the child's birth certificate. The CP&P Form [26-8](#) is located in the on-line Forms Manual (21-35). If the child was born out-of state, see [CP&P-III-C-6-100](#), Obtaining Out-of-State Certified Documents. If the child was born in a foreign country, see [CP&P-III-C-6-100](#), Obtaining Foreign Certificates.

Removal of a Child – Authority

Legal Authority for Removal and Placement 7-28-2008

The law authorizes CP&P to remove a child from the custody of his or her parent(s), legal guardian, legal custodian, or other person responsible for his or her care, and place the child out of home to assure his or her safety:

- With a court order; or
- Without a court order, when a child is in imminent risk of harm.

CP&P may place a child by a parent's written voluntary consent only when placing a child in congregate care or in an independent living setting.

With a Court Order 7-28-2008

Both Title 9 and Title 30 authorize CP&P to file a complaint with the Superior Court, Chancery Division, Family Part, for an order allowing CP&P to remove a child from his or her home. The order to remove a child may be either written or verbal. CP&P files an Order to Show Cause and Verified Complaint. Appropriate court orders include:

- An order of temporary custody under N.J.S.A. 9:6-8.21 et seq. or N.J.S.A. 30:4C-12;
- A guardianship order under N.J.S.A. 30:4C-15;
- An emergency order under N.J.S.A. 9:6-8.28; or
- A Juvenile in Family Crisis Order for out-of-home placement, or another court order for out-of-home placement pursuant to N.J.S.A. 2A:4A.

After initiating reasonable efforts to prevent placement of the child, see [CP&P-III-B-2-200](#), and upon determining that placement is necessary, the Worker or Supervisor consults the Litigation Specialist. The plan must be approved by the Deputy Attorney General (DAG), who then determines under which law the petition should be filed.

NJS tip - Document consultation with the DAG on a Contact Activity Note > Category Litigation > Type of Activity > DAG Conference.

Disagreement with the DAG 7-28-2008

If the Deputy Attorney General does not find sufficient cause for court action, but the Worker, upon consulting with the Supervisor and Casework Supervisor or Local Office Manager, determines the safety of the child requires his or her removal, see [CP&P-IX-L-1-400](#), CP&P/Division of Law Dispute Resolution.

Emergency Removal Without a Court Order Under Title 9 8-14-2015

Only the police, designated probation officers or CP&P can remove a child from his home or place of residence without a court order, per NJSA 9:6-8.29. Physicians or persons providing medical treatment may not remove a child, but may retain a child in their custody in emergency situations.

Removals or retentions may occur only when there is imminent danger to the life, health, or safety of the child, and there is insufficient time to apply for a court order. The statute requires the removing authority to immediately inform CP&P of the child's removal.

In accordance with **N.J.S.A. 9:6-8.30**, CP&P, when informed of an emergency removal or when making the emergency removal, takes steps, as necessary, to advise the child's parent, legal guardian, or legal custodian:

- That an emergency removal has been made;
- The facility to which the child has been taken (the statute defines "facility" as a hospital, shelter or child care institution in which a child may be placed for temporary care, but does not include a resource family home);
- To appear in Superior Court, Chancery Division, Family Part, for a hearing, to be held within two court days of the child's removal. The Division shall make a reasonable effort, at least 24 hours prior to the court hearing, to:
 - Notify the parent, legal guardian, or legal custodian of the time to appear in court; and
 - Inform the parent, legal guardian, or legal custodian of his or her right to obtain legal counsel, and how to obtain legal counsel in that county/jurisdiction through the Office of the Public Defender, if the parent, legal guardian, or legal custodian cannot afford an attorney.

Use CP&P Form [21-6](#), Notice of Emergency Removal Pursuant to N.J.S.A. 9:6-8.29 and 9:6-8.30 Without Court Order, to advise the parent, legal guardian, or legal custodian, in writing, of the child's removal. See [CP&P-II-C-2-700](#), Removal of a Child - Procedures for Emergency Removal (Without a Court Order).

Physicians or hospital Directors may take a child into protective custody for a period of up to three (3) court days pursuant to N.J.S.A. 9:6-8.16 to 8.20. See [CP&P-II-B-1-800](#), "Protective Custody or 'Hospital Hold.'"

NJS tip - Document the "Dodd" removal in the Legal Action Window > Legal Action Initiated Field.

With Parental Consent (Strictly Limited to Placing in Congregate Care or Independent Living Only) 4-6-2009

CP&P may seek and/or accept a parent's consent on a signed placement agreement to place a child in congregate care (a youth shelter, group home, or residential school setting) or an independent living program or arrangement, provided that the child has not been subject to child abuse or neglect. If the child was abused or neglected, which resulted in the need to remove and place the child, parental consent cannot be recognized as authority to place.

A child's request or consent is not authorization for his or her removal and placement.

CP&P voluntary placement agreement forms, to document a parent's voluntary consent, include:

- CP&P Form [25-59](#), Residential Placement Agreement and/or Acknowledgement Between the State of New Jersey Division of Child Protection and Permanency and Parent(s), Legal Guardian or Legal Custodian. See [CP&P-IV-E-1-400](#), Authorization for Residential Placement; and
- CP&P Form [10-8](#), Consent to Independent Living by Parent(s), Legal Guardian, or Legal Custodian. See "Obtaining Voluntary Consent" and "Required Consents For Voluntary Placement" in [CP&P-VI-A-1-101](#), Independent Living.

Forms are available in both English and Spanish.

NJS tip - Document the parent's voluntary consent for placement in the Legal Action Window > Legal Action Initiated Field.

Other Authorizations for Placement 7-28-2008

CP&P has authorization to remove and/or place a child in resource family care, or to continue the child's placement, in the following additional situations, under the authority indicated:

- An emergency removal for the protection of the child under N.J.S.A. 9:6-8.29 (including placement of runaways in need of temporary care);
- A parent's signed Surrender of Custody and Consent to Adoption, CP&P Form [14-86](#), or 14-86(S);
- A Safe Haven infant is being placed from the hospital (see [CP&P-IV-C-5-100](#)); or

- A child is moving out of state with resource family parents, and an Order of Compliance is needed by the new state of residence in accordance with the Interstate Compact on the Placement of Children. (See [CP&P-VIII-D-1-300](#).) In addition, CP&P Form [10-12](#), Consent to Out-of-State Placement by Parent(s) or Legal Guardian, must be signed.

When seeking to remove a child from a resource family home, see policy at [CP&P-IV-B-7-100](#). NJS tip - Document authority for placement in the Legal Action Window > Legal Action Initiated Field.

Removal of a Child - Procedures for Emergency Removal (Without a Court Order)

Notifying Parent(s) of Emergency Removal 7-28-2008

The Worker provides the parent, legal guardian, or legal custodian with CP&P Form [21-6](#), Notice of Emergency Removal Pursuant to N.J.S.A. 9:6-8.29 and 9:6-8.30 Without Court Order, to inform him or her, in writing, of:

- The action being taken - the emergency removal of the child pursuant to State law;
- The identity of the removing authority - CP&P, the police, or county probation;
- When and where the court hearing will be held;
- Where/how to seek legal counsel in that particular county/jurisdiction; and
- The authority under which CP&P is taking the action.

If the emergency removal is made by CP&P, the removing CP&P Worker prepares the form at the time of the removal. If the child was removed by a police officer or county probation employee, the removing authority is required, by law, to contact CP&P through the State Central Registry. The assigned CP&P Worker prepares the form and attempts to serve the parent as soon as possible after the removal occurred.

Complete CP&P Form [21-6](#) in accordance with local county court practice. Include protocols for contacting the Public Defender in that specific county. Consult the Deputy Attorney General assigned to the Local Office for the time that CP&P-initiated hearings are held in that county.

SPRU Workers complete the CP&P Form [21-6](#) in accordance with the county of SPRU service protocol.

See CP&P Form [21-6](#), Notice of Emergency Removal Pursuant to N.J.S.A. 9:6-8.29 and 9:6-8.30 Without Court Order, in the Forms Manual (21-35).

Parent Not Home at Time of Removal 7-28-2008

When the parent, legal guardian, or legal custodian is unavailable to accept the CP&P Form [21-6](#) (e.g., child left alone - parent cannot be located), the Worker leaves the completed notification form in or around the home for the parent, legal guardian, or legal custodian to find upon his or her return.

The assigned Worker completes the Certification of Service section of the form, to document: 1) that the parent, legal guardian, or legal custodian was not home to receive notice; and 2) the location where the letter was left.

Child Not Home, Removed from Another Location 7-28-2008

If a child is not home, an emergency removal of the child may be made only if:

- The parent(s), legal guardian, or legal custodian cannot be contacted to complete a Safety Protection Plan;
- There is imminent danger to the child's life, safety or health if he or she remains where he or she is, goes home, or continues in the care and custody of the parent, legal guardian or legal custodian; or
- There is insufficient time to file a complaint and obtain a court order under N.J.S.A. 9:6-8.28.

Removing a Child from School 7-28-2008

Removing a child when he or she is in school is permissible in the following circumstances:

- In physical abuse situations, when the parent, legal guardian, or legal custodian is a threat to the safety of the child, and confrontation between the parent, legal guardian, or legal custodian and child or with the Worker is likely to bring about physical injury to the child, or, in domestic violence situations, physical injury to the non-abusive parent, and the police are either unable or unwilling to escort the CP&P Worker into the home;
- In emotional and/or child sexual abuse situations, when confrontation between the parent, legal guardian, or legal custodian and the child is likely to cause severe, unusual, and potentially irreversible emotional harm or psychological damage to the child; or
- When the strategy of removing the child from the home is likely to make the child vulnerable to an attempt by the parent, legal guardian, or legal

custodian to take physical custody and flee with the child, or hold the child hostage, and the local law enforcement agency is unable, unavailable, or unwilling to escort the Worker and child into that home.

School Authorization 7-28-2008

When it is necessary to remove a child from school, the Worker provides the Principal or his or her designee with a completed copy of CP&P Form [21-30](#), Removal of Student from School. The Worker also provides a copy of the court order granting CP&P custody of the child, if applicable. The complaint/court order is a confidential document and is not to be provided to any other school authorities. Advise the Principal/designee that CP&P Form [21-30](#) and court papers must be kept confidential.

Emergency Removal After Hours (SPRU) 7-28-2008

The SPRU Worker follows this policy when removing a child after hours. Obtain a pre-placement health screening; see [CP&P-V-A-1-1300](#).

A complaint must be filed in the Superior Court, Chancery Division, Family Part, within two court days following the SPRU Worker's emergency removal. The SPRU Worker should be prepared to consult the Litigation Specialist **first thing** the following work day, to prepare the necessary papers (complaint, affidavit, etc.) for court.

The assigned Worker at the Local Office and his or her Supervisor conference the SPRU response/report the next work day, to review the information upon which the decision to remove and place was made. If details are needed, consult the SPRU Worker or SPRU Supervisor.

Removal by Other Persons or Agencies 7-28-2008

If any police officer, probation officer, or physician acting under Title 9 removes a child from a parent's custody, the following procedures apply:

- The removing authority (police officer, probation officer, or physician) must contact CP&P immediately (by calling the State Central Registry, 1-877 NJ ABUSE).
- CP&P, once notified, is responsible for initiating a child protective services investigation.
- CP&P must file a complaint pursuant to N.J.S.A. 9:6-8.30.
- A court hearing must be held within two court days following the removal.
- The Worker officially advises the parent, legal guardian, or legal custodian of the removal by providing a completed CP&P Form [21-6](#), Notice of

Emergency Removal Pursuant to N.J.S.A. 9:6-8.29 and 9:6-8.30, Without Court Order.

- The Worker advises the person who made the removal that he or she must appear in court.

Obtain support documents, when available, as potential evidence for court - police incident reports, hospital/medical charts and records, etc. Certify each using CP&P Form [21-8](#), Certification of Documents.

Direct any questions first to the Litigation Specialist, and, when necessary, to the DAG.

If the CP&P investigation indicates that removal was not necessary, CP&P is authorized to return the child home.

If CP&P returns the child within two court days, CP&P is not required to file at court. The matter is not heard at court, unless the child's parent, legal guardian, or legal custodian makes application to the court for a review.

Prior to returning the child home, CP&P evaluates the safety of, and potential risk to, the child, and assesses the family's circumstances. Develop and implement a Safety Protection Plan, if warranted. See [CP&P-III-B-6-600](#).

Trainees Seek Assistance when Removing Children 7-28-2008

A Trainee, while in his or her pre-service training period, is not permitted to conduct an emergency removal without assistance from an experienced CP&P Worker. See [CP&P-IX-C-4-100](#).

Voluntary Revocation of Emergency Removal Without a Court Order

The Decision to Return a Child Home 9-21-2009

If the CP&P investigation indicates that removal is no longer necessary, CP&P is authorized to return the child home (N.J.S.A. 9:6-8.30). A decision to return the child home must be made by the assigned Deputy Attorney General, Casework Supervisor, Supervisor, and CP&P Worker within two court days of initiating the emergency removal.

If CP&P returns the child within two court days, CP&P is not required to file a petition at court, unless the Division deems it necessary to present the case in court for precautionary measures. The law permits the parent(s), legal guardian(s), and/or caregiver(s) to make an application to the court, if they so choose.

Formal Conference 9-21-2009

Prior to returning the child home, a formal conference via telephone or in person must be held with the assigned Deputy Attorney General, Casework Supervisor, Supervisor, and the CP&P Worker. The participants of the conference evaluate any potential risk to the child, and assess the family circumstances to ensure the safety of the child. The CP&P Worker documents the outcome of the conference in NJS on a CP&P Form [26-52](#), Contact Sheet.

Procedures to Return a Child Home 9-21-2009

Once the formal conference is held and the decision to return the child home is confirmed, the CP&P Worker must complete CP&P Form [21-16](#), Notice of Voluntary Revocation of Emergency Removal Without a Court Order. The form is used to provide notice to the parent(s), legal guardian(s), and/or caregiver(s) when CP&P decides to return a child home within two court days of the emergency removal. It also informs the parent(s), legal guardian(s), and/or caregiver(s) that court is canceled, unless the parent(s), legal guardian(s), or caregiver(s) makes an application to the court, or if the Division deems it necessary to present the case in court for precautionary measures.

If all three are present during the meeting, the Casework Supervisor, Supervisor, and the CP&P Worker sign the form at the end of the formal conference. If the Casework Supervisor is not present during the formal conference, the Supervisor and the CP&P Worker sign the form. The CP&P Worker takes the signed form to the parent(s), legal guardian(s), and/or caregiver(s) for their signature, to document receipt of the CP&P Form [21-16](#). The CP&P Worker provides a copy of the CP&P Form [21-16](#) to the parent(s), legal guardian(s), and/or caregiver(s). The Casework Supervisor signs the form last as an administrative action, to document final approval of the decision to return the child.

Whether the emergency removal was made by a CP&P Worker, a Police Officer, or a County Probation employee, the removing or assigned CP&P Worker prepares the CP&P Form [21-16](#) and gives it to the parent(s), legal guardian(s), and/or caregiver(s) to advise them of CP&P actions and of their right to petition the court. Upon returning the child, the CP&P Worker must also complete CP&P Form [22-22](#), NJ CP&P Safety Assessment (In Home).

In NJ SPIRIT, the CP&P Worker must create a Legal Action/Legal Status window and indicate the current legal status of the child.