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Opinion

Retired judge: More oversight will help protect at-risk children in New Jersey | Opinion

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Julio Mendez, a retired Superior Court assignment judge and an analyst for the William J. Hughes Center for Public Policy at Stockton University, says the state's Division of Child Protection and Permanency has improved significantly. He adds that additional oversight can only ensure the safety of an at-risk child

By Star-Ledger Guest Columnist

By Julio Mendez

New Jersey child protection's focus has shifted away from the removal of children toward family preservation. Over the last decade, the state Department of Children and Families (DCF) has made impressive progress in improving the child welfare system.

With a new name — Division of Child Protection and Permanency — came a new approach. The improvements have been acknowledged by the federal government, the Annie E. Casey Foundation, and many child protection advocates.

As a result, 20-year federal litigation is ending. A monitor appointed by the federal court has recommended closing the case, declaring the New Jersey child welfare system “extensively repaired.” Here's hoping the end of federal involvement doesn't mean a return to the bad old days of the child welfare system. Everyone must remain vigilant and invest in maintaining the progress that's been made.

Preserving families is a model that works.

New Jersey uses child removal much less than in past years, and much less than most other states. Under the family-centered focus, a child in New Jersey's child protection system now is more likely to be reunified with their family.

Just eight years ago, New Jersey had close to 7,500 children and youth in out-of-home placement. The last reported data indicate that the number is about 3,000. As a result, there are fewer litigated cases.

It takes a village to safely care for children. The goal is to keep children with their parents under a safety plan, or with their extended family members, a neighbor, a teacher, or a close friend. The placement is initially temporary, but at times becomes permanent.

The paramount principles of the child welfare system are to ensure child safety and permanency; to stabilize families and children; and to address the root causes of the problem that triggered state involvement with the family.

Permanency with family gives a child a sense of security and belonging.

Family placements lessens the trauma of removal from a parent and allows for ongoing parent and family connection. In most cases, family placements come with the full array of vetting, resources, and services. This is the best approach.

Other times it involves a transfer of custody to a family member without having a full placement. In this case, there's less vetting, supervision and services than when a custody transfer with a family member occurs. Often the custodial person does not complete all the required training. This is a more troubling arrangement and warrants greater examination to improve the system.

State intervention is mostly triggered by neglect concerns. Addressing these issues with services to ensure long-term stability and safety is vital. Expanding the availability and scope of services has contributed to the progress made. More needs to be done and even more in rural counties.

Family preservation is immensely better than removal. It allows the child to remain in familiar surroundings more culturally and racially connected to the child. The approach is a positive step to begin addressing the disproportionate and excessive number of removals involving Black and Latino children.

Expanding third-party oversight is another area that warrants examination.

With fewer cases litigated, there is less judicial oversight, along with the checks and balances of the various components of the child welfare system. Greater oversight becomes even more critical with the closing of the federal monitor's case.

The optimum oversight takes place in the courtroom, with the child protection agency reporting on the case, the parties represented by counsel, and a law guardian advocating for a child.

Court supervision ensures due process to families, and when necessary, compels the state to act. New Jersey's judiciary has established an excellent children-in-court framework, one of the best in the country.

Less litigation is generally good. However, oversight improves outcomes and provides reassurance. One way to get more court involvement is to increase care and supervision filings, which are used for families in need of services. The child remains in the custody of a parent, or with a family member, while the parent completes the necessary services. The added benefit is that it involves greater court oversight.

Are the children in cases that are not litigated in safe and stable placement? Are the families getting the necessary services? Is the child provided with needed resources? Is the plan addressing the root causes of state intervention?

Having multiple sets of eyes to ensure the safety of an at-risk child, and the needs of a family leads to even better results.

Advocating for the children and families in a pre-litigation setting makes great sense. Increasing the number of pre-litigation oversight programs is necessary to maintain the positive momentum in child welfare. The [parent ally program](#) established by Legal Service of New Jersey is an excellent example. The public defender's office is likewise exploring ways to provide pre-litigation assistance. More similar programs are needed, as they provide families with representation and guidance even when cases are not litigated in court.

The New Jersey child welfare system has made impressive progress and is becoming a national model. All stakeholders are invested in making the system even better.

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