

NOTICE TO THE BAR

FAMILY/CHILDREN IN COURT (CIC) - REVISED COMPLAINT FOR KINSHIP LEGAL GUARDIANSHIP AND REVISED KINSHIP LEGAL GUARDIANSHIP MULTIPURPOSE FORM OF ORDER

This promulgates for immediate statewide use the attached revised forms, “Complaint for Kinship Legal Guardianship” (CN 10268) and “Kinship Legal Guardianship Multipurpose Order” (CN 10273). The forms have been revised to conform to L. 2021, c. 154, which revised the following kinship legal guardianship (KLG) policies:

1. The definition of a “caregiver” was amended so as to require a child to reside in a caregiver’s home for 6 consecutive months or 9 of the last 15 months to be eligible for KLG. See N.J.S.A. 3B:12A-2 and -5. This statutory amendment necessitated a conforming revision to the KLG complaint (CN 10268).
2. The statute as amended no longer requires the court to find that adoption is neither feasible nor likely when considering KLG in matters involving the Division of Child Protection and Permanency. See N.J.S.A. 3B:12A-6(d)(3). This statutory amendment necessitated a conforming revision to the KLG Multipurpose Order (CN 10273).

Questions should be directed to Assistant Director for Family Practice Joanne M. Dietrich at Joanne.Dietrich@njcourts.gov.



Glenn A. Grant
Administrative Director of the Courts

Dated: March 11, 2022

Kinship Matter of:

**Superior Court of New Jersey
Chancery Division - Family Part
County of - -
Docket Number: FL -**

Civil Action

**Complaint For
Kinship Legal Guardianship**

1. I, _____, have been providing care and support for the child, while the child has been residing in my home, for at least the last 6 consecutive months (or 9 of the last 15 months), beginning on (date) _____;
2. The parents of the child are _____, and _____;
3. Interested parties in this case are _____.
4. The parents have an incapacity of such a serious nature as to demonstrate that the parents are unable, unavailable or unwilling to perform the regular and expected functions of care and support of the child;
5. The parents' inability to perform those functions is unlikely to change in the foreseeable future; and
6. Awarding Kinship Legal Guardianship is in the child's best interests.

Wherefore I seek:

1. To be appointed as the Kinship Legal Guardian of the child, _____, pursuant to *N.J.S.A.* 3B:12A-1 to 3B:12A-6.
2. The establishment of the following parenting time/visitation schedule between:
 - (parent 1) _____ and the child, and/or
 - (parent 2) _____ and the child.

In support of this application, I rely upon the attached assessment report completed by _____, located at _____, dated _____, 20__.

Caregiver

Date

Certification of Verification and Non-Collusion

I am the plaintiff in the foregoing Complaint. I hereby certify that the allegations set forth in this complaint and any facts set forth by me in the attached assessment are true to the best of my knowledge, information and belief and are made in good faith and without collusion. I am aware that if any such statements made by me are willfully false I am subject to punishment.

Caregiver

Date

Court Appointed

Special Advocate _____ appearing / not appearing

Division Caseworker/

Supervisor _____ appearing / not appearing

Division Phone number: _____ ext.: _____, represented by

Deputy Attorney General: _____ appearing / not appearing

Other: _____ appearing / not appearing

And the court having considered the complaint and the evidence and for the reasons stated on the record and in the best interest of the minor child;

It Is on This _____ Day of _____, 20__ , Ordered That:

1. For applications made by the Division of Child Protection and Permanency (the Division) only:

- The permanency plan for Kinship Legal Guardianship is approved.
- Until Judgment of Kinship Legal Guardianship is entered, the minor child shall remain in the care, custody and supervision of the Division. All prior orders entered under the related FC and FN/FG dockets remain in effect unless modified herein.
- The Court previously determined under the FN/FG docket that the defendant(s) were entitled to representation through the Office of the Public Defender due to their indigency. The Court continues to find that the defendant(s) _____ is/are indigent and is/are entitled to continued representation through the Office of the Public Defender (pursuant to *N.J.S.A. 9:6-8.21, et seq.* and *N.J.S.A. 30:4C-15.4*) under the FL docket.

2. A default is entered against _____. Parties have been served by: _____.

3. Parent(s) _____ consent to the entry of a Judgment for Kinship Legal Guardianship.

4. A hearing on the matter is scheduled on _____, 20__, at _____.

Failure to appear might result in the entry of a Default Order that grants KLG to the caregiver.

And the Court having reviewed the complaint, the assessment and attachments thereto, and _____ submitted in evidence as P- _____, _____ submitted in evidence as P- _____, and having considered the representations of counsel and testimony, if any, and for the reasons stated on the record,

It Is Further Ordered That:

- 1. The complaint for Kinship Legal Guardianship is hereby denied / dismissed / withdrawn for the following reasons:

 _____.

- 2. Based on **clear and convincing evidence**, the complaint for Kinship Legal Guardianship is hereby granted for the following reasons: [must complete a, b & c in every case]

- a. Each parent's incapacity is of such a serious nature as to demonstrate that the parents are unable, unavailable or unwilling to perform the expected functions of care and support of child as follows:

 _____.

- b. Each parent's inability to perform these functions is unlikely to change in the foreseeable future for the following reasons:

 _____.

- c. Awarding kinship legal guardianship is in the child's best interest for the following reasons:

 _____.

d. (For cases involving the Division only)

- (1) The Division has exercised reasonable efforts to reunify child with birth parents as follows:

 _____.

- (2) These efforts were unsuccessful because:

 _____.

- 3. [If applicable] The Support Order entered per FD- _____ remains in effect, except as amended as follows:

 _____.

Further actions concerning the parties and issues of parenting time will proceed under the FL docket. Any issues involving child support, third party visitation or change of custody will proceed under the FD docket, without representation through the Office of the Public Defender.

4. Entry of the Judgment of Kinship Legal Guardianship as to
(child's name) _____
will conclude/dispose of FC- _____; FN- _____; FG- _____.

5. All provisions of the attached Judgment of Kinship Legal Guardianship of this date are incorporated by reference.

6. The matter has been adjourned until _____, 20__.

7. _____

_____.

, J.S.C.

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.

All prior orders not inconsistent with this order will remain in full force and effect.

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

Distribution: FC/FN/FG File, FL File, Parties, Counsel