

CHAPTER 133C
ELIGIBILITY AND ASSESSMENT

Authority

N.J.S.A. 30:4C-4(h).

Source and Effective Date

R.1993 d.22, effective January 4, 1993 (operative July 1, 1993).
See: 24 N.J.R. 217(a), 25 N.J.R. 136(b).

Executive Order No. 66(1978) Expiration Date

Chapter 10:133C, Eligibility and Assessment, expires on January 4, 1998.

Chapter Historical Note

Chapter 133C, Eligibility and Assessment, was adopted as new rules by R.1993 d.22. See: Source and Effective Date. Subchapter 1, Principles of Service Delivery, and Subchapter 2, Eligibility for Services, are reserved. Subchapter 3, Assessment, was adopted as new rules (N.J.A.C. 10:133C-3.1 through 3.11).

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SUBCHAPTER 1. PRINCIPLES OF SERVICE DELIVERY (RESERVED)

SUBCHAPTER 2. ELIGIBILITY FOR SERVICES

Authority

N.J.S.A. 9:6-8.15 and 30:4C-4(h).

Source and Effective Date

R.1994 d.530, effective October 17, 1994.
See: 26 N.J.R. 897(a), 26 N.J.R. 4186(b).

10:133C-2.1 Scope

The provisions of this subchapter shall apply to all Division representatives, all persons who apply to a local office for Division services, all persons referred by a local office to contract services as the result of an assessment per N.J.A.C. 10:133C-3 and all clients receiving Division services from a local office.

10:133C-2.2 Definitions

The definitions in N.J.A.C. 10:133-1.3 are hereby incorporated into this subchapter by reference.

10:133C-2.3 Purpose of services

(a) The purpose of the Division's provision of services shall be to:

1. Provide for the protection of children under 18 years of age who have had serious injury inflicted upon them by other than accidental means and to assure that the lives of innocent children are immediately safeguarded from further injury and possible death and that the legal rights of such children are fully protected (N.J.S.A. 9:6-8.8);
2. Provide for the protection of any child whose parent fails to provide the child with proper protection, maintenance and education (N.J.S.A. 30:4C-12);
3. Preserve and strengthen family life (N.J.S.A. 30:4C-1(a)); and
4. Prevent and correct dependency and delinquency among children so far as practicable through welfare services which seek to ensure that such children continue to live in their own homes (N.J.S.A. 30:4C-1(b)).

10:133C-2.4 Services on an emergency basis

The Division shall offer the family services which are needed on an emergency basis pursuant to N.J.S.A. 30:4C-13 and 9:6-8.11, before completing the assessment or child protective services investigation until the assessment or child protective services investigation is completed.

10:133C-2.5 When the Division shall offer services

(a) The Division shall offer services that are determined to be needed as a result of a child protective services investigation or an assessment to meet one or more of the purposes in N.J.A.C. 10:133C-2.3 when:

1. The Division has substantiated an allegation of child abuse or neglect;
2. The welfare of the child is endangered and the condition can be eliminated or ameliorated by the Division making available specific services on behalf of the child in his or her own home; or
3. The welfare of the child is endangered unless the Division removes the child from his or her home pursuant to a court order or voluntary placement agreement signed by the parent(s) or caretaker.

(b) When the Division offers services, in addition to a child protective services investigation or an assessment, the following determinations shall first be made, unless services are required on an emergency basis:

1. The needs of the child cannot properly be provided for by financial assistance, as made available by the laws of New Jersey, including, for example, public assistance;
2. There is no person legally responsible for the support of the child whose identity and whereabouts are known after the Division has completed a search for relatives in accordance with N.J.S.A. 30:4C-12.1, and who is willing and able to provide for the care and support required by the child; and
3. A child, if suffering from a mental or physical disability requiring institutional care, is not immediately admissible to any public institution providing the needed care.

(c) If it appears that the welfare of the child is endangered, and that the condition can be eliminated or ameliorated by making available to or for the child any specific services which the Division may be authorized, within the limits of legislative appropriations, to provide for all children in similar circumstances, the child shall be found eligible for care and supervision, and the Division shall proceed to furnish the services either by direct provision or by purchasing the services from any appropriate privately sponsored agency or institution.

(d) The applicant or client may accept or reject the offer of services by the Division. However, the Division may proceed under N.J.S.A. 30:4C-12 or N.J.S.A. 9:6-8.21 et seq. to seek a court order to provide services if the Division determines that the child requires care and supervision, but the parent refuses services for or on behalf of the child.

10:133C-2.6 Division's authority to provide services

(a) When the conditions in N.J.A.C. 10:133C-2.5 are met, the Division shall provide the service, as available, upon acceptance by the client.

(b) In addition to the assessment and child protective services investigation conducted per N.J.A.C. 10:133C-3 and 10:129A and the services provided under (a) above, the Division shall provide services when the court orders the child or family to receive services, consistent with N.J.S.A. 9:6-8.21 et seq., 30:4C-12, 30:4C-50 et seq., and 2A:4A-43(b)(5).

SUBCHAPTER 3. ASSESSMENT**10:133C-3.1 Purpose**

The purpose of this subchapter is to specify when the Division shall conduct an assessment of a family's service needs and the elements of this assessment.

10:133C-3.2 Scope

The provisions of the subchapter shall apply to all Division representatives, applicants for services and persons referred for Division services who require an assessment of their service needs on the basis of a screening, see N.J.A.C. 10:133A-1, and to all clients of the Division.

10:133C-3.3 Definitions

The definitions in N.J.A.C. 10:133-1.3, Definitions, are hereby incorporated into this subchapter by reference.

10:133C-3.4 Assessment required

(a) An assessment of the family's service needs shall be conducted during or following a child abuse investigation or when child welfare services are requested.

(b) An assessment shall begin promptly based upon an initial determination of the immediacy of the needs of the child and his or her family for the service sought or required, according to time frames established in 10:133A-1.10, Responding to referrals and applications.

(c) The Division shall complete an assessment no less frequently than every six months during the period of service delivery.

10:133C-3.5 Purpose of assessment

(a) The purpose of an assessment is to:

1. Evaluate the circumstances of the child, his or her family and the community, including the child's need for protection;
2. Identify whether child welfare services are needed;

3. Identify which specific services can meet the needs of the child and his or her family; and
4. Identify who shall provide those services.

10:133C-3.6 Assessment elements

(a) The Division representative shall conduct an assessment of:

1. The child welfare service needs of the child and family;
2. Whether services are needed on an emergency basis;
3. What child welfare services the child and family want;
4. Whether any services already provided are alleviating the family's problems;
5. Whether the child and family will accept or continue to accept services;
6. What services are needed or continue to be needed to prevent out-of-home placement; and
7. What services are needed to reunify a child with his or her family when the child is in out-of-home placement.

(b) In making the assessment provided for in (a) above, the Division representative shall consider, at a minimum, the following:

1. Whether a child has been abused or neglected and the risk of child abuse or neglect;
2. The child's medical, physical, educational, and psychological strengths and problems;
3. The parents' own strengths and weaknesses and their problems related to the child;
4. The willingness of the family to provide care and protection, relative to the child's needs;
5. The ability of the family to provide care and protection relative to the child's needs;
6. The appropriateness of the requested or provided services and the projected outcome if the parent and child receive or do not receive the requested or indicated service;
7. The availability of appropriate supports from relatives;
8. The availability of appropriate community and social service supports;
9. The ability of the family to pay for or contribute to the cost of the services; and
10. The degree to which the parent and child understand their rights, responsibilities, and services they may receive and their impact upon the family.

10:133C-3.7 Information gathering

(a) The Division representative shall gather identifying information about the family members. The Division shall gather the majority of the information necessary to make an assessment through personal interviews with family members who are available.

(b) The Division representative may request written information from agencies and others who may have information about the family which is necessary to determine the family's need for child welfare services, in accordance with the provisions of N.J.S.A. 9:6-8.40, and 30:4C-11 and 12, as applicable.

(c) The Division representative may interview any person who, by virtue of his or her relationship to the child, family, perpetrator or incident, can reasonably be determined to have information necessary to complete the assessment.

10:133C-3.8 Determination of service provision

(a) The Division representative, in conjunction with the family and service providers, shall determine what services are needed to meet the family's needs.

(b) The Division representative shall determine whether the services are available and whether the services will be provided by the Division or other service providers.

(c) The Division representative and the family shall develop a case plan if the Division provides any service to the family, including case management. See N.J.A.C. 10:133D-2, Case plan.

(d) The Division shall provide information and referral or information only to the family for identified services which are not provided by the Division.

(e) The Division shall terminate involvement with the family when services are no longer needed from the Division.

10:133C-3.9 Information provided to client

(a) The Division representative shall inform the family of the steps, listed in N.J.A.C. 10:133C-3.6 and 3.7, which the Division will take in order to complete the assessment.

(b) The Division representative shall inform the family in writing within 45 days from the date of application or from the initial contact in response to a referral whether services will be provided and who will provide the services.

10:133C-3.10 Documenting the assessment

(a) The Division shall prepare a written initial assessment within:

1. Forty-five calendar days of receipt of a referral or application; or

2. Thirty days of a child entering placement, whichever comes sooner.

(b) The Division shall further document the assessment in writing at least once every six months after the initial documentation (see (a) above).

Cross References

See N.J.A.C. 10:1330-2.4, Case plan development.

10:133C-3.11 Appeals

A client who is informed that Division services will be denied, reduced, suspended or terminated may appeal that decision, in accordance with the provisions of N.J.A.C. 10:133-1.8, Appeals.

SUBCHAPTER 4. CASE GOALS

10:133C-4.1 Authority

Pursuant to N.J.S.A. 30:4C-4(h), the Division of Youth and Family Services, Department of Human Services, shall establish reasonable rules for the purpose of carrying into effect the meaning of the statute.

10:133C-4.2 Scope

The provisions of this subchapter shall apply to each child receiving services, each family member receiving services, and to the Division.

10:133C-4.3 Purpose of a case goal

The purpose of a case goal is to define and guide Division activities in its provision of services to each child and each family member. The case goal guides the Division's activities in the achievement of the child's permanent living arrangement. Maintenance in his or her own home, or placement in the least restrictive setting that affords access to family members, is usually the most appropriate goal that meets the needs of the child and is the most permanent.

10:133C-4.4 Definitions

The definitions in N.J.A.C. 10:133-1.3 are incorporated herein by reference.

10:133C-4.5 Selecting a case goal

(a) The Division representative shall, in consultation with his or her supervisor and each family member receiving services, select a case goal. The guiding principles in selecting the case goal are:

1. Maintaining the child safely in his or her own home; or
2. Selecting the least restrictive, most appropriate goal that shall meet the needs of the child and shall lead to the most permanent living arrangement.

(b) The parent and the child shall be advised of the case goal and shall be provided with appropriate information about the case goal and how it may affect the relationship between the child and the parent.

(c) At the time of initial service delivery and in keeping with (a) above, one of the following case goals shall be selected for each child, and one for each family member receiving services:

1. Maintenance in own home;
2. Return home;
3. Permanency with a relative or family friend;
4. Adoption;
5. Long-term foster care custody;
6. Independent living; or
7. Other long-term, specialized care.

10:133C-4.6 Review of the case goal

(a) The Division shall review the case goal of each child and each family member receiving services at regularly scheduled intervals, but no less frequently than once every six months, and at the request of a family member, and when major changes in family circumstances occur which might affect the case goal. The purpose of the review is to determine:

1. Whether the case goal remains appropriate and, if not, to identify a more appropriate one;
2. The progress made toward achieving the case goal;
3. What, if any, barriers exist that impede achieving the case goal; and
4. Whether the case plan for achieving the case goal is appropriate.