

CHAPTER 133**SERVICE DELIVERY GENERAL PROVISIONS****Authority**

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

Source and Effective Date

R.2010 d.108, effective May 20, 2010.
See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 133, Service Delivery General Provisions, expires on May 20, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 133, Initial Response and Service Delivery General Provisions, was adopted as new rules by R.1993 d.19, effective January 4, 1993 (operative July 1, 1993). See: 23 N.J.R. 3714(a), 25 N.J.R. 132(a).

Pursuant to Executive Order No. 66(1978), Chapter 133, Initial Response and Service Delivery General Provisions, was readopted as R.1998 d.73, effective December 31, 1997. See: 29 N.J.R. 4277(a), 30 N.J.R. 550(a). Chapter 133 expired on December 31, 2002.

Chapter 133, Initial Response and Service Delivery General Provisions, was adopted as new rules by R.2004 d.439, effective December 6, 2004. See: 35 N.J.R. 4999(a), 36 N.J.R. 5354(b).

Chapter 133, Initial Response and Service Delivery General Provisions, was readopted as R.2010 d.108, effective May 20, 2010. As a part of R.2010 d.108, Chapter 133 was renamed Service Delivery General Provisions, effective June 21, 2010. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**10:133-1.1 Purpose**

(a) The purpose of the series of chapters on service delivery is to describe certain services provided by the Division, the processes used by the Division to determine what actions to take in response to an abuse or neglect report, referral or application for services, what applicants and clients may expect of the Division and any standards and requirements for applicants, clients and the Division related to those services.

(b) The purpose of this chapter is to provide certain general provisions and to define certain words and terms to be used throughout the chapters on service delivery by the Division which follow, so as to provide standardization and ease of accessibility to the user of the New Jersey Administrative Code.

Amended by R.2010 d.108, effective June 21, 2010.
See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

In (a), deleted "initial response and" preceding "service delivery", substituted "an abuse or neglect report," for "a" preceding "referral", deleted "those" preceding the second occurrence of "services", and deleted a comma following the third occurrence of "Division" and following "clients"; and in (b), deleted "initial response from the Division and" preceding "service delivery".

10:133-1.2 Scope

The provisions of this chapter and this series of chapters apply to each Division representative, each applicant for services from the Division, each client receiving services from the Division, each person referred for Division services, each person making an abuse or neglect report or referral to the Division and each out-of-home placement provider for a child under the supervision of the Division.

Amended by R.2010 d.108, effective June 21, 2010.
See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

Inserted "an abuse or neglect report or", substituted "referrals" for "referral" and deleted a comma following the fifth occurrence of "Division".

10:133-1.3 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Abuse or neglect report" means an account or statement describing a specific incident or set of circumstances of suspected abuse or neglect.

"Abused or neglected child" means a child:

1. Less than 18 years of age:

i. Whose parent or guardian inflicts, or allows to be inflicted upon such child, physical injury by other than accidental means, which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

ii. Whose parent or guardian creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;

iii. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child;

iv. Whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his or her parent or guardian to exercise a minimum degree of care:

(1) In supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so, or though offered financial or other reasonable means to do so; or

(2) In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court;

v. Who has been willfully abandoned by his or her parent or guardian;

vi. Upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself or herself, others or property; or

vii. Who is in an institution other than a day school, and:

(1) Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being; or

(2) Has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation;

2. No child who in good faith is under treatment by spiritual means alone, through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, shall for this reason alone be considered to be abused or neglected.

"Adoption" means the legal transfer of all parental rights and responsibilities from the parent to a person willing to assume those rights and responsibilities.

"Adoption subsidy" means financial payments made for the care, maintenance and medical and surgical expenses of a special needs child, as defined in N.J.A.C. 10:121-1.1, to the person with whom the child has been placed for adoption or by whom the child has been adopted or to a medical provider when such medical and surgical payments are applied for prior to adoption.

"Applicant" means a person, either adult or minor, who requests services from the Division, for himself or herself or his or her family; or a person referred by another person or agency for child welfare services. For the purposes of N.J.A.C. 10:133 through 10:133K, the term "applicant" does

not include those persons applying to become resource parents or other providers of service.

"Assessment" means the gathering of information, evaluation of the information gathered to determine the client's service needs, and the determination of who shall provide the needed services.

"Camp" means a set of recreational and developmental activities on either a day or residential basis for limited duration during the summer months, as licensed by the Department of Health and Senior Services.

"Case management" means the method by which the Division addresses the client's needs and develops and administers a case plan through the direct activities of the Division's representatives who provide or coordinate the delivery of appropriate services.

"Case plan" means a written statement of the Division's intervention on behalf of a child, which includes identification of the problems which necessitate Division involvement with the family, the services or actions needed, who will accomplish or provide them, and the planned time frame for providing each service.

"Child" means any person less than 18 years of age, except as otherwise provided by N.J.S.A. 9:17B-2f.

"Child advocate" means a person specializing in the field of child advocacy who demonstrates his or her education and/or experience in that field to the satisfaction of the Division, but is limited to such persons who have had direct involvement in permanency planning for the child. Child advocates include, but are not limited to, Court Appointed Special Advocates (CASA) and Law Guardians.

"Child care" means a series of comprehensive and coordinated activities provided to each individual child for a portion of the day, which provides direct personal care, attention, and supervision, which may include education, socialization, nutritional, referral and transportation activities, and which is provided in a licensed child care center or school-age child care program, in a registered family day care home, or in the child's own home by an individual approved by the Division.

"Child welfare information" means every record, computer file, verbal or written report and evaluation relating to any service provided by the Division except records defined as protective service information.

"Child welfare services" or "welfare services" or "services" means consultation, counseling, and referral to or utilization of available resources, for the purpose of determining and correcting or adjusting matters and circumstances which are endangering the welfare of a child, and for the purpose of promoting his or her proper development and adjustment in the family and the community; also, as defined under Title IV-B of the Social Security Act, 42 U.S.C. §§ 620 et seq., as from time to time amended.

“Client” means any person, adult or child, including an applicant, receiving a service from the Division, or any person referred to the Division for services.

“Client’s consent” means written authorization by an adult client or, if the client is a minor, by the parent, permitting the Division to release confidential information about himself or herself or about his or her child to a third party as permitted by statute.

“Clothing allowance” means the provision of a specific amount of money provided at specified times for the purpose of replenishing the basic wardrobe of a child while he or she is in out-of-home placement.

“Collateral contact” means a contact made with a person other than the reporter or those who are subject(s) of the abuse or neglect report or referral in order to collect additional information.

“Commissioner” means the Commissioner of the Department of Children and Families.

“Contract” means a method of social service delivery in which the Division signs a formal agreement with a service provider to provide units of service at a specified cost to Division clients who meet specific eligibility criteria, pursuant to a case plan.

“Custody” means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both. (N.J.S.A. 30:4C-2(d))

“Day school” means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

“Department” means the Department of Children and Families.

“Direct services” or “direct service delivery” means a method of service delivery in which Division representatives or staff, either directly or through a resource parent, provide a service to the client.

“Director” means the Director of the Division of Youth and Family Services in the Department of Children and Families.

“Discharge planning and aftercare services” means the assessment and identification of a client’s need for services when the client is discharged from a treatment-based out-of-home placement program, medical treatment facility, correctional facility or day treatment program and recommending or arranging for the services for the client.

“Division” or “DYFS” means the Division of Youth and Family Services in the Department of Children and Families.

“Division representative” means a professional or para-professional employee of the Division of Youth and Family Services.

“Domestic violence services” means emergency shelter care and related core services provided to adult victims of domestic violence and their dependent children, which include:

1. Twenty-four hour hotline and emergency response capability;
2. Twenty-four hour shelter entry;
3. Legal, financial and housing advocacy services;
4. Counseling for victims, children and perpetrators of domestic violence;
5. Community networking;
6. Community education and awareness; and
7. Children’s services.

“DYFS Legal Guardianship Subsidy Program” means a service provided by the Division in accordance with N.J.A.C. 10:132A to provide financial support and permanency to certain children for whom a relative or family friend has obtained kinship legal guardianship pursuant to N.J.S.A. 3B:12A-1 et seq.

“Educational support” means serving as an educational advocate for a child, collecting and providing educational information to relevant parties including, but not limited to, parents, resource parents, schools and other resources, if appropriate, and referring the child to appropriate resources, such as a child study team to:

1. Develop an appropriate educational program for the child;
2. Facilitate the child’s access to educational opportunities, including prompt enrollment in school following a change in placement or educational venue; and
3. Maximize the child’s potential.

“Emergency maintenance service” means the provision of food, clothing, shelter, furniture, appliances and similar necessities, needed by a client in a crisis, and not available elsewhere.

“Expert” means a person duly credentialed in the state in which he or she practices, specializing in the field of pediatric, neurological or psychiatric medicine; nursing; psychology; social work; substance abuse; or other fields requiring special experience or education, which may be helpful to the Division.

“Family friend” means a person who is connected to a child and/or the child’s parent by an established positive psychological or emotional relationship and not a biological or legal relationship.

“Family preservation services” means an intensive, in-home, family education and crisis intervention program to prevent out-of-home placement and lasting up to eight weeks, which utilizes the services of a trained professional to provide a variety of contracted services to a client family for up to 24 hours a day.

“Government entity” means a Federal, State or local government agency, body or official that has responsibility under the law to protect children from abuse and neglect.

“Health care services” means medical, dental and mental/behavioral health services, including examinations, assessments and treatment provided through the Early and Periodic Screening, Diagnosis and Treatment Program or other providers.

“Homemaker service” means personal care, household tasks and the activities of daily living provided to a client in his or her own home or training in these activities.

“Hospital” means a licensed general hospital or a medical center operating in the State of New Jersey under applicable State law.

“Independent living” means the maintenance of an adolescent age 16 to his or her 21st birthday in a living arrangement that allows the adolescent to function eventually on his or her own when circumstances preclude the adolescent from returning to the person or persons with whom he or she resided at the time of the abuse or neglect report, referral or application for services, no appropriate relative or family friend is able or willing to assume care of the adolescent, no family is able or willing to provide kinship legal guardianship or to legally adopt the adolescent, or the adolescent rejects each of these living arrangements.

“Infant” means a live child who is or appears to be no more than 30 days old.

“Investigation” means the activity of gathering information relevant to making a determination as to whether child abuse or neglect occurred.

“Kinship caregiver assessment” means a written report submitted by the Division to the court regarding the suitability of a relative or family friend to be designated legal guardian of a child in accordance with the Kinship Legal Guardianship Act, N.J.S.A. 3B:12A-5.

“Local office” means an office of the Division of Youth and Family Services, which provides direct services to clients and refers clients to other services within a limited geographic area of New Jersey. The services provided may be child welfare services, child protective services and adoption services. A local office also provides supportive services to resource family parents.

“Maintenance” means monies expended by the Division to procure board, lodging, clothing, medical, dental, psycho-

logical and hospital care and transportation or any other similar or specialized commodity or service furnished to or on behalf of, or for a child.

“Media” means a representative of the press, including a news reporter, editor, producer or other representative of a newspaper or a magazine, or another printed or on-line publication, or a radio or television station, network or system.

“Member of the public” means an individual from the general public who does not represent the media.

“Mentor services” means providing a caring adult in a child’s or adolescent’s life whose goal is to form a positive relationship with the child or adolescent by serving as a good role model and developing a caring and trusting social relationship and engaging the child or adolescent in activities. Mentoring is provided through a variety of ways and settings including, but not limited to:

1. Exposing the child or adolescent to recreational activities;
2. Assisting the child or adolescent in the development of life skills;
3. Job shadowing;
4. Educational mentors;
5. Mentoring of a child or adolescent doing volunteer work in a private non-profit agency or organization; or
6. Mentoring of a child or adolescent by a house of worship.

“Near fatality” means a serious or critical condition, as certified by a physician, in which a child suffers a permanent mental or physical impairment, a life-threatening injury or a condition that creates a probability of death within the foreseeable future.

“Out-of-home placement” or “placement” means physically locating a child by the Division or with the Division’s approval, in any out-of-home setting, including a resource family home, group home, shelter care or a residential facility for temporary treatment or long-term care, and not including placement with the child’s birth parent or a parent of a child whose adoption has been finalized. The following are the definitions for the different types of out-of-home placement services:

1. “Adoptive care” means a type of resource family home in which care is provided for a child placed by the Division of Youth and Family Services for the purpose of adoption by the resource family parent until said adoption is finalized.
2. “Foster home” or “foster care” means either regular foster care or contract agency home care as provided in a resource family home in which care is provided for a child

in need of temporary out-of-home placement for protective or other social services reasons. "Foster home" or "foster care" shall not include placement with the child's birth parent or a parent of a child whose adoption has been finalized.

3. "Group home" means any public or private establishment other than a foster home that provides board, lodging, care and treatment services on a 24-hour basis to six to 12 children in a home-like, community-based setting. A group home typically serves children with less severe behavioral and emotional problems, who are capable of functioning in a home-based setting.

4. "Residential facility" means any public or private establishment that provides room, board, care and treatment services for 13 or more children on a 24-hour a day basis, in accordance with N.J.A.C. 10:127-1.2. A residential facility may provide services for children with emotional or behavioral problems, drug and alcohol treatment needs, psychiatric problems, physical disabilities or programs that serve children with emotional or behavioral problems using adventure activities as a major treatment component.

5. "Resource family home" means a private residence, other than a children's group home, treatment home, teaching family home, alternative care home or shelter home, in which board, lodging, care and temporary out-of-home placement services are provided by a resource family parent on a 24-hour basis to a child under the auspices of the Division of Youth and Family Services, including a home approved by the Division of Youth and Family Services for the placement of a child for the purpose of adoption. A resource family home does not include a child living with his or her own birth parent or parent who has adopted that child. A resource family home may provide one or more of the following services:

- i. Regular foster care;
- ii. Special Home Service Provider foster care;
- iii. Contract agency home care;
- iv. Kinship care; and
- v. Adoptive care.

6. "Selected adoptive home" means a resource family parent who has been licensed as a resource family home for the purpose of providing adoptive care to a child who does not currently reside with this resource family parent.

7. "Shelter care" means an out-of-home placement in which shelter, food, and care are provided in a shelter facility or shelter home and available on a 24-hour per day, temporary basis in an emergency, usually not exceeding 30 days.

8. "Supervised transitional living home" means a type of group home, which serves 12 or fewer children who are

16 years of age or older, require minimum guidance from staff members in preparation to live independently, and demonstrate maturity to function with minimal adult supervision.

9. "Treatment-based out-of-home placement program" or "treatment-based out-of-home placement" means any public or private facility that provides room, board, care and treatment services for children on a 24-hour a day residential basis. Such facilities shall include Division-contracted or Division-operated programs that provide services such as, but not limited to:

- i. Psychiatric, psychological and medical services;
- ii. Drug and alcohol treatment services;
- iii. Services to children with physical disabilities;
- iv. Behavior modification;
- v. Intensive structure and supervision;
- vi. Individualized educational programs, located on or off grounds;
- vii. Living and vocational skills development;
- viii. Recreational programs; and
- ix. Adventure programs consisting of planned activities of a wilderness or athletic nature that require specially trained staff members and special equipment that is utilized with children with emotional or behavioral problems, or both, to assist in their development of self-confidence and insight.

10. "Treatment home" means a type of group home, which may be either a private home or operated by a treatment home agency, serving five or fewer children who are capable of community living but who need a small group environment and intensive supervision by staff members in order to ameliorate emotional, social and/or behavioral difficulties, in a home-like, community-based setting.

"Parent" means any birth parent, adoptive parent, stepparent, guardian or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care.

"Parent or guardian" means any birth parent, adoptive parent, resource family parent, stepparent, paramour of a parent or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care. Parent or guardian includes a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution, regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school.

“Permanency planning” means the full range of case practice activities and services directed toward:

1. Maintaining a child in his or her own home;
2. Returning a child to his or her own home when out-of-home placement has become necessary; or
3. Pursuing an alternate permanent living arrangement for the child.

“Placement review” means the periodic review of the circumstances of a child’s out-of-home placement, conducted by a Division representative who is not responsible for the case management or delivery of services to either the child who is the subject of the placement review or the child’s parent, for the purpose of assuring that the child’s permanent plan is being implemented, as required by State and Federal law.

“Police station” means a manned State, county or municipal police station, State trooper barracks, campus police headquarters, housing police, or community policing sub-stations operating within the State of New Jersey.

“Post-adoption services” means all services, other than adoption registry services as defined in N.J.A.C. 10:121C-1.3, offered by or through the auspices of the Division to any party involved in an adoption after finalization of the adoption.

“Pre-and post-natal services” means the provision of social services and maintenance for medical and out-of-home placement services related to pregnancy and childbirth.

“Protective service information” means a suspected abuse or neglect report made pursuant to N.J.S.A. 9:6-1 et seq.; every record, computer file, verbal or written report and evaluation developed or received by the Division pursuant to the investigation and evaluation of such abuse or neglect report; and every record and report developed and received by the Division for services and treatment subsequently provided to the family.

“Psychological/therapeutic services” means services to assess and to treat a variety of problems related to behavior, problems of living, or psychopathology.

“Reasonable efforts” means the provision of services to the family that are individually assessed to be relevant to the case goal, coordinated with other services, available and accessible and that have a realistic potential to meet the child’s needs for a safe, secure, and permanent relationship with a family or another permanent arrangement.

“Referral” means a verbal or written statement made to the Division by a reporter, which indicates a possible need for a child welfare services assessment for a child or family.

“Relative” means any birth or adoptive brother, sister, step-brother and stepsister, grandparent, uncle, aunt, first cousin, as well as relatives of half blood.

“Reporter” means an individual who contacts the State Central Registry to make an abuse or neglect report, a child welfare services referral or a request for social services and does not include a news reporter in his or her professional capacity.

“Respite care” means the provision of temporary care for a child to give a period of relief for the child’s temporary or permanent caregiver, either in-home or out-of-home.

“Safe Haven for Infants Hotline” means the toll-free, 24-hour hotline, established and operated in the State Central Registry of the Division of Youth and Family Services in the Department of Children and Families pursuant to N.J.S.A. 30:4C-15.9.

“Safe Haven infant” means a live infant who is or appears to be no more than 30 days old, who was voluntarily given to an officer at a police station or an employee of a hospital emergency department by a parent wanting to permanently give up rights to the infant or a person acting on behalf of the parent, pursuant to the intent of the New Jersey Safe Haven Infant Protection Act, N.J.S.A. 30:4C-15.5 et seq.

“Satisfactory academic progress” means the standard that an institution adopts to determine eligibility for Federal student aid programs under Title IV of the Higher Education Act of 1965, 42 U.S.C. §1070a, as amended, and its implementing regulations and rules.

“Self-sufficiency skills” means the basic life skills necessary to make the transition from out-of-home placement to living in society as a productive adult.

“Sexual abuse” means contacts or actions between a child and a parent or caregiver for the purpose of sexual stimulation of either that person or another person. Sexual abuse includes:

1. The employment, use, persuasion, inducement, enticement or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct;
2. Sexual conduct including molestation, prostitution, other forms of sexual exploitation of children or incest; or
3. Sexual penetration and sexual contact as defined in N.J.S.A. 2C:14-1 and a prohibited sexual act as defined in N.J.S.A. 2C:24-4.

“Substance abuse services” means preventive, treatment or recovery services provided in a culturally sensitive environment to DYFS-supervised adolescents or parents of DYFS-supervised children. Specific services include:

1. Assessment and referral;
2. Case management;

3. Detoxification;
4. Intensive outpatient and inpatient counseling;
5. Residential treatment;
6. Substance abuse education;
7. Transitional living; and
8. Aftercare services.

“Surrender” means a voluntary relinquishment of all parental rights by a birth parent, adoptive parent, or other person or agency authorized to exercise these rights by law, court order or otherwise, for purposes of allowing a child to be adopted. “Surrender” includes identified surrenders authorized by N.J.S.A. 9:3-41(d).

“Third-party report” means a confidential report prepared by a psychiatrist, psychologist, physician, social worker, child study team or other non-Division person or agency, which is shared with the Division.

“Title XIX Medicaid” means medical assistance provided to certain persons with low income and limited resources as authorized under Title XIX (Medicaid) of the Social Security Act (42 U.S.C. § 1396).

“Transportation” means the activity of providing the client access to and from community resources or visitation with family members, as required to implement a case plan, for example, as in N.J.A.C. 10:122D.

“Tuition” means, for the purposes of the Tuition Program, N.J.S.A. 30:4C-101 et seq., the tuition charges and fees imposed by a New Jersey public institution of higher education or county vocational school providing post-secondary vocational education for enrollment at the institution or school.

“Tuition Program renewal” means any application submitted subsequent to the initial application by the Tuition Program applicant, including, but not limited to, program applicants whose first application was rejected.

Administrative correction.

See: 37 N.J.R. 666(a).

Amended by R.2007 d.355, effective November 19, 2007.

See: 39 N.J.R. 1980(a), 39 N.J.R. 4930(c).

Added definitions “Domestic violence services”, “DYFS Legal Guardianship Subsidy Program”, “Educational support”, “Health care services”, “Mentor services”, “Relative Care Permanency Support Program” and “Substance abuse services”; deleted definition “Information and referral”; and in definition “Out-of-home placement”, deleted former paragraph 2 and recodified former paragraphs 3 through 11 as paragraphs 2 through 10.

Amended by R.2010 d.108, effective June 21, 2010.

See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

Added definitions “Abuse or neglect report”, “Child advocate”, “Commissioner”, “Department”, “Discharge planning and aftercare services”, “Expert”, “Infant”, “Kinship caregiver assessment”, “Reporter”, “Safe Haven infant”, “Satisfactory academic progress”, “Surrender”, “Tuition” and “Tuition Program renewal”; rewrote definitions “Adoption subsidy”, “Applicant”, “Camp”, “Client”, “Collateral contact”, “Direct services”, “Director”, “Division”, “Domestic violence services”,

the introductory paragraph of “Educational support”, “Health care services”, “Independent living”, “Local office”, “Maintenance”, “Media”, “Mentor services”, “Out-of-home placement”, “Parent or guardian”, “Permanency planning”, “Placement review”, “Post-adoption services”, “Protective service information”, “Referral”, “Respite care” and “Safe Haven for Infants Hotline”; deleted definitions “Assistant Commissioner”, “Case Assessment Resource Team”, “Delinquency”, “Dependency”, “Foundling”, “Information only”, “Informed consent”, “Long-term foster care custody”, “Maintenance in own home”, “Other long-term, specialized care”, “Permanency with a relative or family friend”, “Referral source”, “Relative Care Permanency Support Program”, “Response”, “Return home” and “Screening”; substituted definition “Client’s consent” for definition “Client consent” and definition “Third-party report” for “Third party report”; and in definition “Third-party report”, inserted “social worker.”

10:133-1.4 Rights of applicants and clients

(a) Any person who currently resides in New Jersey shall have the right to apply for any child welfare services or child protective services provided by the Division.

(b) Any person within New Jersey may apply for child welfare services or protective services as specified in N.J.S.A. 30:4C-11.

(c) Anyone requesting to apply in person for services shall be given the opportunity to do so immediately.

(d) An applicant or client may orally or in writing authorize a representative to speak and act on his or her behalf. If the applicant or client is incompetent or incapacitated or in an emergency, the application may be signed for him or her by someone determined by the Division to be able to act responsibly on his or her behalf, including a Division representative. The Division representative shall help the client, applicant or representative complete the application, if necessary.

(e) The applicant, client, or representative requesting or requiring services shall have the right to make application in writing.

(f) The applicant, client, or representative shall receive a copy of the completed application.

(g) The applicant or client shall receive written information about:

1. The Division’s authority to provide service and conduct protective service investigations;
2. Services available through the Division;
3. The Division’s mission;
4. The role of the Division representative;
5. The rights of applicants and clients including their right to consult an attorney;
6. When and how an applicant or client may appeal an action taken by or decision made by the Division;
7. The definition of an abused or neglected child;

8. The purpose and general procedures for a child protective service investigation;

9. The purpose and general procedures for an assessment;

10. Parental financial responsibilities when receiving Division services;

11. How to reach the Division by telephone during normal working hours and after working hours;

12. Child Placement Review and placement reviews when placement has been requested or is otherwise indicated; and

13. The Notice of Privacy Practices pursuant to the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§164 et seq.

(h) Confidential information shall be defined and treated as provided for in N.J.A.C. 10:133G, Client Information.

(i) The Division shall not discriminate against an applicant or client on the basis of race; color; ethnicity; national origin; age; handicapping condition; gender; religion; marital, civil union, domestic partnership, parental or birth status; affectional or sexual orientation, as defined at N.J.S.A. 10:5-5hh; or gender identity or expression, as defined at N.J.S.A. 10:5-5rr.

(j) The applicant, client or reporter, if a request is made, shall have the right to receive a written disposition from the Division as soon as practical but not later than 10 calendar days from the date upon which a finding of substantiated or unfounded is made or upon which a decision to provide or not to provide child welfare services is made.

(k) Each applicant or client shall be informed of:

1. The Division's responsibilities, as listed in N.J.A.C. 10:133-1.6;

2. Eligibility factors used by the Division;

3. The Division's legal responsibility to investigate certain abuse or neglect reports or referrals;

4. Other resources in the community or courses of action, which might meet his or her needs;

5. Why the Division is involved with him or her and the family, if the person did not ask for help;

6. What the Division expects from him or her and the child; and

7. What services can be provided.

(l) An applicant or client shall have the right to have the rules of this chapter followed.

(m) The applicant or client shall have the right to accept or refuse any involvement or services offered by the Division, unless a court order requires the Division to provide them,

and the court order requires the applicant or client to utilize the service.

Amended by R.2010 d.108, effective June 21, 2010.

See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

In (d), inserted the third occurrence of "representative" and deleted a comma following the third occurrence of "applicant"; in (g)11, deleted "and" from the end; in (g)12, deleted "internal" preceding the second occurrence of "placement" and substituted "; and" for a period at the end; added (g)13; rewrote (i) and (j); and in (k)3, inserted "abuse or neglect reports or".

10:133-1.5 Responsibilities of applicants and clients

(a) A person applying for or receiving services shall provide information necessary to determine his or her eligibility for services including requested financial information.

(b) A person applying for or receiving services shall report within seven days to the Division representative any changes in the number or relationship of family members, changes in address or residence, changes in financial circumstances, changes in employment or any other change in circumstances which may affect eligibility for services.

10:133-1.6 Responsibilities of the Division

(a) The Division, through a Division representative, is responsible for:

1. Helping ensure that the family's children are safe and protected from abuse or neglect;

2. Explaining why the Division is involved with a family;

3. Telling the applicant what is expected from him or her and his or her children;

4. Explaining to the family the procedures to obtain the services requested;

5. Providing only those services agreed upon unless there is a court order or as otherwise authorized in N.J.S.A. 30:4C-12 and 15 and 9:6-8.18 and 29;

6. Listening and offering to help find solutions to problems;

7. Discussing progress on a regular basis;

8. Informing the client of changes in services that may affect the family;

9. Explaining when and under what circumstances the Division will terminate its involvement with the family;

10. Explaining that, for child protection investigations, collateral contacts will be made and for what purpose within the limitations of N.J.S.A. 9:6-8.10a;

11. Explaining the purpose of collateral contacts in child welfare services and that collateral contacts shall be made with the client's consent; and

12. Explaining that, depending upon the service received and the client's financial circumstances, the client may have a responsibility to reimburse the Division or pay directly for the service.

(b) Within 30 days of a child's out-of-home placement, the Division shall notify each adult relative of the child:

1. That the child's parent no longer has custody;
2. That the Division shall complete an assessment of each interested adult relative's ability to provide care and support of the child;
3. Of the requirements to become a licensed resource family parent in accordance with N.J.A.C. 10:122C and of the additional services and supports available to a child in out-of-home placement in accordance with N.J.A.C. 10:122D; and
4. Of the requirements to participate in the DYFS Legal Guardianship Subsidy Program in accordance with N.J.A.C. 10:132A.

Amended by R.2010 d.108, effective June 21, 2010.
See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

In (a)10, inserted ", for child protection investigations," and deleted "and" from the end; added new (a)11; recodified former (a)11 as (a)12; in (a)12, substituted "Division" for "agency"; and added (b).

10:133-1.7 Service limitations

(a) The Division shall provide needed services within the limits of legislative appropriations to all eligible children and families in similar circumstances. The provision of services shall also be subject to limitations due to actual ability of the Division to provide such services directly or by purchasing such services from appropriate privately sponsored agencies or institutions.

(b) The demand for social services frequently exceeds the funds available to provide them. Therefore, in accordance with N.J.S.A. 30:4C-13, the Director may establish Division-wide service limitations based upon the need to focus finite resources to serve those individuals most in need. Service limitations shall be published within 90 days of imposition in the Public Notices section of the New Jersey Register.

Amended by R.2010 d.108, effective June 21, 2010.

See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

In (b), substituted "Director" for "Assistant Commissioner".

10:133-1.8 Appeals

Any person included in the scope of this series of chapters, as described at N.J.A.C. 10:133-1.2, shall refer to N.J.A.C. 10:120A, Dispute Resolution, to determine any opportunity available to resolve a dispute with the Division.