

CHAPTER 133G

CLIENT INFORMATION

Authority

N.J.S.A. 9:6-8.10a, 9:6-8.14, 30:4-24.3 and 30:4C-4(h);
and 45 CFR 205.50, 1355.21 and 1355.30.

Source and Effective Date

R.2007 d.157, effective May 21, 2007.
See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 133G, Client Information, expires on May 21, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 133G, Client Information, was adopted as R.1996 d.35, effective March 18, 1996. See: 27 N.J.R. 37(a), 28 N.J.R. 1538(a).

Subchapter 4, Disclosure of Information to the Media And Public About Child Fatalities and Near Fatalities, was adopted as new rules by R.1999 d.255, effective August 2, 1999. See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

Subchapter 5, Release of Information to Government Entities, was adopted as new rules by R.1999 d.255, effective August 2, 1999. See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

Pursuant to Executive Order No. 66(1978), Chapter 133G, Client Information, was readopted as R.2001 d.114, effective March 8, 2001. See: 32 N.J.R. 3968(a), 33 N.J.R. 1141(a).

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 133G, Client Information, expired on September 4, 2006. See: 38 N.J.R. 1634(b).

Chapter 133G, Client Information, was adopted as new rules by R.2007 d.157, effective May 21, 2007. As part of R.2007 d.157, Subchapter 4, Disclosure of Information to the Media and Public About Child Fatalities and Near Fatalities, was renamed Disclosure of Information to the Media and Public About a Child Fatality or Near Fatality, effective May 21, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:133G-1.1 Purpose

The purpose of this chapter is to protect the confidentiality of client information received, developed, or maintained by the Division and state the conditions under which confidential client information may be disclosed, as well as the manner in which such information shall be disclosed.

Amended by R.2001 d.114, effective April 2, 2001.
See: 32 N.J.R. 3968(a), 33 N.J.R. 1141(a).

Inserted "client" preceding "information may be disclosed".
Amended by R.2007 d.157, effective May 21, 2007.
See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Rewrote the section.

10:133G-1.2 Scope

(a) The provisions of this chapter shall apply to the following persons:

1. Each employee;
2. Each client applying for, receiving, or who has received child protection, child welfare, or permanency services;
3. Each person who discloses information to the Division;
4. Each person to whom the Division representative discloses confidential client information;
5. Each employee of the Division or the Department of Children and Families who has knowledge about or may

disclose information regarding a child fatality or near fatality under investigation or investigated by the Division;

6. Each representative of the media and each member of the public who seeks information about a child fatality or near fatality investigated by the Division; and

7. Each Federal, State, or local government entity that requests information from the Division.

(b) The provisions of this chapter shall apply to instances of institutional abuse or neglect, unless otherwise specified by law.

Amended by R.1999 d.255, effective August 2, 1999.

See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

Rewrote the section.

Amended by R.2007 d.157, effective May 21, 2007.

See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Rewrote the section.

10:133G-1.3 Definitions

The definitions in N.J.A.C. 10:129-1.3, Definitions, and 10:133-1.3, Definitions, are hereby incorporated into this chapter by reference.

Amended by R.2007 d.157, effective May 21, 2007.

See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Inserted "10:129-1.3, Definitions, and".

SUBCHAPTER 2. DISCLOSURE OF CLIENT INFORMATION TO A CLIENT

10:133G-2.1 Protective service information

(a) A Division representative shall disclose only such protective service information to the parent or legal guardian as is authorized pursuant to N.J.S.A. 9:6-8.10a.b.

(b) A Division representative shall not disclose, confirm, or deny the identity of a reporter, unless:

1. The reporter gives prior written consent; and
2. The disclosure is not likely to endanger the life or safety of the reporter or other person or result in the discharge of or discrimination against the reporter with respect to his or her employment; or
3. Disclosure is permitted by statute or court rule.

(c) A Division representative shall not release the name or any other information identifying the person or entity who reported a child fatality or near fatality to the Division to the public or the media pursuant to N.J.S.A. 9:6-8.10a, whether or not the reporter gives prior written consent.

(d) Each Division representative shall base his or her determination as to whether the disclosure of the identity of a reporter would be likely to endanger the life or safety of the reporter or other person, or jeopardize the reporter's employment, upon the Division representative's and his or her super-

visor's evaluation of the nature and seriousness of the case and an assessment of the propensity for violence and harm or discharge or discrimination.

Amended by R.1999 d.255, effective August 2, 1999.

See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

In (a), substituted a reference to legal guardians for a reference to guardians, and inserted "discuss," following "information to" in the last sentence; and rewrote (b) and (c).

Amended by R.2007 d.157, effective May 21, 2007.

See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Rewrote the section.

10:133G-2.2 Child welfare information

(a) Each child welfare client is entitled to know what information is being collected, how it is used, and who has access to the information, except as limited in N.J.A.C. 10:133G-2.2(b) and (d), 2.3, and 2.5.

(b) No current or former client shall have unrestricted review of the Division records or general access to the information contained therein, except as otherwise provided by statute or court rule.

(c) A client currently or formerly receiving services may inspect or copy his or her own records as they relate to financial eligibility for or receipt of benefits, assistance, or services.

(d) A Division representative shall disclose to a current or former client other child welfare information from the client's records to the extent that the client makes a reasonable demonstration of the need to know. In general, each Division representative shall consider the client's statement of the need for the information as a reasonable demonstration, unless the Division representative has a compelling reason not to disclose the requested information, such as when the Division representative determines that disclosure of such information would be likely to endanger any person's life or safety. The determination shall be based on the Division representative's and his or her supervisor's professional judgment or that of another professional who has evaluated the nature and seriousness of the case and an assessment of the client's propensity for violence and harm as based on the client's known past behavior and threats against himself, herself, or others. If the Division representative denies the disclosure of the child welfare information to the client, the Division representative shall:

1. Give the client a verbal explanation of the reason for denial; and
2. Outline the reasons for denial in writing and make this a part of the client's record.

(e) Whenever there is reason to believe that a request for examination or copying of records is made in connection with a claim for compensation or damages against the State of New Jersey or State employees, the Attorney General shall be