

CHAPTER 16A**CITIZEN REVIEW PANELS****Authority**

N.J.S.A. 9:6-8.97 and 9:6-8.98.

Source and Effective Date

R.2005 d.420, effective December 5, 2005.
See: 37 N.J.R. 2625(b), 37 N.J.R. 4554(a).

Chapter Expiration Date

Chapter 16A, Citizen Review Panels, expires on December 5, 2010.

Chapter Historical Note

Chapter 16A, Citizen Review Panels, was adopted as new rule by R.2005 d.420, effective December 5, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. INTRODUCTION AND OVERVIEW**10:16A-1.1 Purpose**

The purpose of this chapter is to describe the organization, function and activity of citizen review panels established pursuant to N.J.S.A. 9:6-8.97 et seq., in the New Jersey State Department of Human Services, as well as the effort of the Department to support the panels.

10:16A-1.2 Scope

These rules apply to each member of a citizen review panel, each representative of the Department of Human Services or Division of Youth and Family Services who provide support to a panel, each State and local agency which investigates or treats abused children and their families, and any other organization or person participating in the panels' function or responsibilities.

10:16A-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

“Commissioner” means the Commissioner of the Department of Human Services.

“Department” means the Department of Human Services.

“DYFS” means the Division of Youth and Family Services.

“Panel” means a citizen review panel established for the purpose stated in N.J.A.C. 10:16A-2.

“State and local agency” means a public or private agency on the State or local level that provides services to children and/or families.

SUBCHAPTER 2. GENERAL PROVISIONS FOR A CITIZEN REVIEW PANEL**10:16A-2.1 Purpose of a citizen review panel**

The purpose of a citizen review panel is to examine the practices, policies, and procedures of State and local agencies and, as appropriate, specific cases to evaluate the extent to which the agencies are effectively discharging their child protection responsibilities.

10:16A-2.2 Composition of a citizen review panel

The Commissioner shall designate no less than three citizen review panels. Each panel shall consist of volunteer members. Membership shall be broadly representative of the community. Each panel shall include members who have expertise in the prevention and treatment of child abuse and neglect. Each panel, whose membership is not designated by statute, shall have the autonomy to select, screen, appoint and or dismiss members, and retain the discretion to appoint officers and establish subcommittees.

10:16A-2.3 Assistance provided to a citizen review panel

Upon request, the Department or DYFS shall provide each panel with the professional support staff necessary to carry out its duties. The DYFS Assistant Commissioner shall appoint at least one staff person to each citizen review panel

to act as a liaison and to assure access to information and resources, material and financial, as needed.

10:16A-2.4 Meetings of each citizen review panels

(a) Each panel shall meet not less than once every three months.

(b) The chairperson shall schedule additional meetings at his or her discretion.

SUBCHAPTER 3. SCOPE OF THE CITIZEN REVIEW PANELS

10:16A-3.1 Duties of each citizen review panel

(a) Each panel, consistent with their statutory authority, shall review and evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with applicable child protection standards, relevant to the prevention of child fatalities and near fatalities, and the coordination of child protective services with foster care, adoption and other services to achieve permanency, in accordance with child protection standards established by DYFS, the State plan, and any other criteria the panel considers important to ensure the protection of children. For example:

1. Standards established through State statutes or State rules;
2. Child protection standards established by the Division;
3. Other standards identified by the New Jersey Task Force on Child Abuse and Neglect;
4. Eligibility requirements of Federal programs, including mandates regarding the confidentiality of child abuse and neglect information;
5. Requirements for coordination among local and State agencies responsible for complying with child protection standards;
6. The findings and status of implementation of recommendations of the Child Fatality and Near Fatality Review Board, as established by N.J.S.A. 9:6-88;
7. Data and program information from State and local agencies providing services to prevent child fatalities and near fatalities;
8. Requirements for coordination of referrals and services among State and local agencies providing programs to prevent child fatalities and near fatalities;
9. In-home services, out-of-home placements, and adoption or other options for permanency;

10. Services provided to prevent placements, to reunify children with their families, or to achieve permanency;

11. Barriers to permanency, including lack of adoptive homes or other permanent living arrangements;

12. State and Federal statutes and regulations governing family preservation, family reunification and termination of parental rights;

13. Kinship care including, but not limited to, the placement of children with extended relatives;

14. Implementation of the State's Child Welfare Reform Plan;

15. Quality service reviews: and

16. Prevention initiatives.

10:16A-3.2 Public outreach

Each panel shall solicit comment from the public in order to assess the impact of current practices, procedures and policies of the State child welfare system upon children and families in the community.

SUBCHAPTER 4. CONFIDENTIALITY, POWERS AND INDEMNIFICATION OF EACH CITIZEN REVIEW PANEL

10:16A-4.1 Confidentiality requirements of panel members

(a) Each member of a panel shall not disclose to any person or government official any identifying information about a specific child protection case with respect to which the panel is provided information.

(b) Each member of a panel shall not make public any other information unless authorized by State statute.

(c) Each panel member who commits a violation of the confidentiality requirements in (a) or (b) above shall be subject to civil sanctions pursuant to N.J.S.A. 9:6-8.10b.

10:16A-4.2 Powers of each panel

(a) Each panel may receive grants and other funds made available from any governmental, public, private, nonprofit or for-profit agency, including funds made available under any Federal or State law, regulation or program.

(b) Each panel shall have access to information from State and local agencies as necessary to carry out their respective functions. This subsection shall not be construed to permit access to information which may compromise the integrity of a DYFS investigation or a civil or criminal investigation or judicial proceeding.

(c) Each panel is entitled to call to its assistance and avail itself of the services of employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available for the purposes of carrying out its duties.

10:16A-4.3 Indemnification of panel members

The members of a panel shall not be liable for any civil damages as a result of providing, in good faith, a report, record, opinion or recommendation pursuant to N.J.S.A. 9:6-8.97.

SUBCHAPTER 5. ANNUAL REPORT

10:16A-5.1 Timing of the annual report

(a) Each panel shall document its activities for inclusion in an annual report.

(b) Each panel shall issue its annual report no later than June 30 each year.

10:16A-5.2 Content of the annual report

(a) The annual report shall include the activities of each respective panel, including each panel's evaluation of the extent to which State and local agencies are meeting their child protection responsibilities in accordance with estab-

lished child protection standards, the Title IV-B and IV-E State plans, and any other criteria the panel considers important.

(b) Each panel, with the assistance of the Department and assigned professional support staff, shall develop, print and publish the annual report.

(c) The Commissioner shall assure that the annual report is made available to the public.

10:16A-5.3 Distribution of the annual report

Distribution of the final report shall include, but is not limited to, the Governor, the New Jersey Legislature, the Commissioner of the Department of Human Services, the Deputy Commissioner of the Office of Children's Services, the Assistant Commissioner of the Division of Youth and Family Services, panel members and each agency mentioned in the report.

10:16A-5.4 State response to the annual report

Not later than six months after the date on which the annual report is submitted to the State, the Department of Human Services shall take the lead in preparing a written response to the citizen review panel's annual report, to describe whether or not the State will incorporate the recommendations contained in the report, so as to make measurable progress in improving the State and local child welfare system.