

## SUBCHAPTER 2. SERVICES TO CHILDREN IN OUT-OF-HOME PLACEMENT

**10:122D-2.1 Purpose**

(a) The purpose of this subchapter is to identify the services that the Division shall provide to a child in out-of-home placement in its efforts to:

1. Provide the child with safe care while in out-of-home placement;
2. Meet the child's physical, psychological, and other developmental needs;
3. Assure the child's well-being;
4. Help the child to understand the reasons for his or her out-of-home placement, the case goal, and to adjust to being a child in out-of-home placement; and
5. Achieve the case goal, which reflects the permanency plan for the child.

Amended by R.1998 d.63, effective January 20, 1998.

See: 29 N.J.R. 4273(a), 30 N.J.R. 492(a).

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), added "; which reflects the permanency plan for the foster child" at the end of 5.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In the introductory paragraph of (a), substituted "out-of-home" for "foster home"; in (a)1, (a)4 and (a)5, deleted "foster" preceding "child"; in (a)1, deleted "home" preceding "care" and inserted "while in out-of-home placement"; in (a)2 and (a)3, deleted "foster" preceding "child's"; and in (a)4, substituted "out-of-home" for the first occurrence of "foster home" and the second occurrence of "out-of-home placement" for "a foster home".

**10:122D-2.2 Scope**

The provisions of this subchapter shall apply to each child in out-of-home placement, his or her out-of-home placement provider, his or her family and the Division.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted "foster" preceding "child"; inserted "in out-of-home placement", and substituted "out-of-home placement provider" for "foster family".

**10:122D-2.3 Definitions**

The definitions in N.J.A.C. 10:122B-1.3 and 10:122C-1.3 are hereby incorporated into this subchapter by reference.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

Amended N.J.A.C. references.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted "1.2 and" following "10:122C-".

**10:122D-2.4 Case management**

(a) The Division representative shall have face-to-face and other contact with the child, out-of-home placement provider,

parent and other interested parties according to N.J.A.C. 10:133D-3 and which is written in the case plan in order to:

1. Develop, implement and update a case plan which includes the permanency plan by assessing case needs, identifying services to meet those needs, including the role and responsibility of each party regarding the services, and establishing the case goal and assessing progress toward achieving the case goal in a timely manner;
2. Provide advocacy and support services to all parties, within program and fiscal parameters;
3. Assist the child and out-of-home placement provider to establish and maintain an ongoing and supportive relationship for the duration of the child's placement;
4. Update the child, out-of-home placement provider, parents and other parties on the progress toward achieving the case goal, consistent with the confidentiality provisions of N.J.S.A. 9:8-10a and N.J.A.C. 10:133G;
5. Facilitate visits in accordance with the case plan between the child, parent, siblings and other interested relatives. See N.J.A.C. 10:122D-1, Visits between the child and the child's family; and
6. Meet the requirements of the Child Placement Review Act, N.J.S.A. 30:4C-50 et seq.

(b) The Division representative shall have face-to-face contact with the parent, when applicable, the out-of-home placement provider, and the child in accordance with N.J.A.C. 10:133D-3.7, 3.8 and 3.9.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), added N.J.A.C. reference in the introductory paragraph, and inserted "which includes the permanency plan" following "case plan" in 1.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted "foster" preceding "child" throughout; in the introductory paragraph of (a), substituted "out-of-home placement provider" for "foster parent"; in (a)3 and (a)4, substituted "out-of-home placement provider" for "foster family"; in (a)4, inserted "; consistent with the confidentiality provisions of N.J.S.A. 9:8-10a and N.J.A.C. 10:133G"; in (a)5, deleted "foster" preceding "child's"; and rewrote (b).

**10:122D-2.5 Health care services**

(a) The Division representative shall make every reasonable effort to assure that each child in out-of-home placement receives appropriate and necessary health care, including mental/behavioral health services.

(b) For each child initially entering out-of-home placement, the Division representative shall obtain a pre-placement assessment at the time of placement. The Division representative shall establish a health care record for each child and shall provide the out-of-home placement provider with a health care record, which documents health information concerning the child, including, but not limited to:

1. The names and addresses of the child's health care providers;
2. A record of the child's immunizations;
3. The child's known medical problems, if any, including the results of any lead tests;
4. The child's medications, if any;
5. The child's allergies, if any;
6. The child's birth and development history;
7. The family health history, if known and appropriate, in accordance with Federal regulations; and
8. The child's mental/behavioral health needs.

(c) The Division representative shall maintain a health care record for each child. The Division representative shall review and update the child's health record at the time of each placement into out-of-home placement.

(d) The Division representative shall provide the updated record to:

1. The out-of-home placement provider;
2. The child's parent upon reunification;
3. The adoptive parent or legal guardian;
4. The family court as part of the court report; and
5. The child upon exiting out-of-home placement at the time his or her case is closed.

(e) The Division representative shall ensure that the child shall receive a full medical examination within 60 days of placement.

(f) The Division representative shall assure that the child receives a medical examination at least annually after the initial medical examination performed at the time of placement and a dental examination at least semi-annually for each child age three years and older. The type and frequency of the examinations shall be based on the child's age and medical needs. The Division representative shall assure that each child with a suspected mental/behavioral health need receives a mental/behavioral health assessment and identified follow-up care. At a minimum, the child's examinations shall comply with the Early and Periodic Screening and Diagnostic Treatment periodicity schedule in accordance with N.J.A.C. 10:54-5.10 through 5.13.

(g) The out-of-home placement provider shall be responsible for arranging and providing care to meet the child's health needs, including, but not limited to, medical and dental examinations, ongoing care, mental/behavioral health services and follow-up care, as agreed to with the Division representative, and shall provide the Division representative with information concerning the child's health care, including mental/behavioral health care, and needs.

(h) The Division representative shall share health care information concerning the child with the child's parents, and the out-of-home placement provider, at the time of the child's placement or as soon as practical.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

Inserted "representative" following "Division" throughout.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Rewrote the section.

#### 10:122D-2.6 Educational services

(a) The Division representative shall make every reasonable effort to assure that every child in out-of-home placement receives an education appropriate to his or her abilities as provided for under State laws governing compulsory education and education for disabled children.

(b) The Division representative shall develop an education record for each child initially entering out-of-home placement, who is subject to the State laws governing compulsory education, see N.J.S.A. 18A, generally. This record shall include, but not be limited to:

1. The names and addresses of the child's educational providers;
2. The child's grade level performance;
3. The child's school record; and
4. Assurance that the child's placement in out-of-home placement takes into account proximity to the school in which the child was enrolled at the time of placement.

(c) The Division representative shall provide the out-of-home placement provider with the child's education record at the time of initial placement.

(d) The Division representative shall review and update the child's education record at the time of each out-of-home placement and shall provide the updated record to the out-of-home placement provider.

(e) The out-of-home placement provider shall:

1. Make every effort to ensure that the child attends school regularly;
2. Encourage good study habits;
3. Monitor the child's academic progress; and
4. Inform the Division representative of the child's academic progress.

(f) The Division representative shall:

1. Ensure that the child is enrolled in school, if age appropriate. If necessary, the Division representative shall give the out-of-home placement provider authorization to enroll the child in school;