

**CHAPTER 133G**

**CLIENT INFORMATION**

**Authority**

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

**Source and Effective Date**

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See: 27 N.J.R. 38(a), 28 N.J.R. 1538(a).

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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 and maintained by the Division and state the conditions under which confidential information may be disclosed.

**10:133G-1.2 Scope**

The provisions of this chapter shall apply to each Division staff member, client, and person who discloses information to the Division, and each person to whom the Division discloses confidential client information.

**10:133G-1.3 Definitions**

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

**SUBCHAPTER 2. DISCLOSURE OF CLIENT INFORMATION TO A CLIENT**

**10:133G-2.1 Protective service information**

(a) The Division shall disclose only such protective service information to the parent or guardian as is needed in connection with the provision of care, treatment or supervision of the child, or the care, treatment or supervision of the parent. Disclosure includes advising the parent of the content of the protective service referral, the investigation findings, and information to develop and implement a case plan.

(b) The Division shall not disclose its records and reports of child abuse to a client pursuant to the restrictions of N.J.S.A. 9:6-8.10a. If a client presents an urgent or compelling reason to know child abuse information which may be found in the Division's records and reports, a Division representative may consult with the Deputy Attorney General or the Division's Office of Legal and Regulatory Liaison regarding the applicable statutes, rules and court orders. A Division representative shall inform the client that, when there is an issue before the court, he or she has a legal right to petition the Superior Court, Family Part to determine if the Division can disclose some or all of the information requested. Pursuant to N.J.S.A. 9:6-8.10a(b)(6), the Division shall disclose records and reports of child abuse when a court determines that it is necessary for determination of an issue before the court.

(c) The Division shall not disclose, confirm, or deny the identity of a protective service referral source, unless the referral source gives consent and the disclosure is not likely to endanger the life or safety of the referral source or other person.

**10:133G-2.2 Child welfare information**

(a) Except as indicated in this chapter, each child welfare client is entitled to know what information is being collected, how it is used, and who has access to the information.

(b) No current or former client shall have unrestricted review of the case record or general access to the information contained therein.

(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 or assistance.

(d) The Division shall disclose to a current or former client other child welfare information from the client's record to the extent that the client makes a reasonable demonstration of the need to know. In general, the Division shall consider the client's statement of the need for the information as a reasonable demonstration, unless the Division has a compelling reason not to disclose the requested information, such as when the Division 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 denies the disclosure of 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 Claims Service Section, Office of the Attorney General, shall be notified prior to honoring the request. The Office of Legal and Regulatory Liaison shall notify the Claims Service Section for the Division.

### 10:133G-2.3 Third party information

(a) The Division shall not disclose any of the following to a current or former client:

1. Any third-party report, unless the Division receives prior written consent from the third party and release is not prohibited by law or regulation. The following statutory provisions restrict disclosure:
  - i. Juvenile-Family Crisis information in N.J.S.A. 2A:4A-60;
  - ii. HIV information in N.J.S.A. 26:5C-5 et seq.;
  - iii. Drug and alcohol treatment records in 42 CFR 2.1 et seq.; and
  - iv. Domestic violence information in N.J.S.A. 30:14-1 et seq. and N.J.A.C. 10:130-2.8;

2. Any record containing information identifying a third-party source of information, e.g., referral source, other family member, collateral contact, unless the Division receives prior written consent from the third party and disclosure is not prohibited by law or regulation;

3. Information about another person, except with the express written consent of the other person and when not prohibited by law and regulation; or

4. Information which would, if disclosed to the client, be likely to endanger any person's life or safety as based on the client's known past behavior and threats against himself, herself or others. This determination shall be based on the Division representative's and his or her supervisor's evaluation of the nature and seriousness of the case and an assessment of the client's propensity for violence and harm to the child and others.

### 10:133G-2.4 Minor client

(a) A current or former minor client may receive information contained in the Division's case record, which has not been previously disclosed, through a request made by the minor's parent, except when the circumstances in (b) below apply. Information which may be disclosed on behalf of a minor client is limited in the same manner as described in N.J.A.C. 10:133G-2.1 through 2.3.

(b) An exception to the parental request requirement may be made when:

1. The information sought is not restricted by law, regulation, or policy; and
2. The requirement of parental involvement would interfere with the child's right to privacy (for example, a female child who has had a pregnancy or abortion of which her parent has no knowledge) or interfere with other rights the child may have as a result of circumstances making him or her an emancipated minor.

### 10:133G-2.5 Adult adoptee

All court records and information relating to adoption proceedings are sealed upon the legal finalization of the adoption pursuant to N.J.S.A. 9:3-52. Since the Division's records contain sealed court records, the Division treats these records as confidential. The Division shall disclose to an adult adoptee non-identifying information available in the Division's records in accordance with N.J.A.C. 10:121A-5.9(b)2. The Division shall disclose identifying information to an adult adoptee about any birth family member or other person who has given his or her written consent to the Division.

### SUBCHAPTER 3. RELEASE OF CLIENT INFORMATION TO PERSONS OTHER THAN THE CLIENT

#### 10:133G-3.1 Protective service information

The Division shall disclose protective service information, with or without a client's consent, only in those circumstances and to those persons and agencies listed in N.J.A.C. 10:129-2.1 and pursuant to statute, including N.J.S.A. 9:3-54.2 and 9:6-8.10a, when the Division determines that the person or agency has made a reasonable demonstration of the need to know the information and in consideration of the risk of harm to the child and others. No person shall have unrestricted review of the case record or general access to the information contained therein.

#### 10:133G-3.2 Child welfare information

The Division shall disclose child welfare information only with the client's prior consent, except in an emergency, in which case the Division shall advise the client of the request and disclosure at a later time. With the client's consent or in an emergency, the Division shall disclose information about that client, subject to the limitations and provisions set forth in 45 CFR 205.50, 45 CFR 1355.21, 45 CFR 1355.30 and N.J.S.A. 30:4-24.3, and only to a person or agency representative who is subject to standards of confidentiality comparable to those of the Division and only to a party who presents a reasonable demonstration of the need to know the information requested, for example, information needed to provide medical, psychological or social services to the child or family, except when restricted by law or N.J.A.C. 10:133G-2.3(a)1. No person shall have unrestricted review of the case record or general access to the information contained therein.

#### 10:133G-3.3 Third party information

(a) The Division shall not disclose the following to a requester:

1. Third-party reports, unless the Division receives prior written consent from the third party and disclosure is not prohibited by law or regulation, such as those cited in N.J.A.C. 10:133G-2.3(a)1i, ii, iii, and iv;
2. Information identifying a third-party source of information, for example, referral source or other family member, unless the Division receives prior written consent from the third party and disclosure is not prohibited by law or regulation; or
3. Information which would, if disclosed to the client, be likely to endanger any person's life or safety as based on the client's known past behavior and threats against himself, herself or others. This determination shall be based on the Division representative's and his or her supervisor's evaluation of the nature and seriousness of the case and an assessment of the propensity for violence and harm.

(b) When the Division requests a third party report to process a residential placement or other service, or apply for government benefits, the Division shall inform and obtain the consent of the third party at the time of request that the information may be disclosed to others to obtain a needed service or government benefit.

(c) The Division shall disclose third party reports to an agency or person who is subject to standards of confidentiality comparable to those of the Division, such as a physician, psychotherapist, health or mental health agency, when:

1. The Division has guardianship or custody of the child;
2. Disclosure of the information is necessary for the child's or parent's care, treatment or supervision;
3. Disclosure is not prohibited by law or regulation, such as those cited in N.J.A.C. 10:133G-2.3(a)1i, ii, iii, and iv;
4. The Division has considered the risk of harm to the child and others; and
5. The third party has given its consent in accordance with (b), above.

#### 10:133G-3.4 Requests for information

(a) Each person making an inquiry or request for client information shall put the request in writing, except as allowed in (d), below.

1. An agency shall make its request on official agency letterhead.
2. An individual person making a request shall include his or her address or telephone number which can be verified.
3. Any person requesting client information shall include a consent form signed by the client or shall indicate the reason he or she needs to know the information.

(b) The Division shall determine whether the person requesting the information can receive the information pursuant to statute and to the provisions of this chapter.

(c) No Division employee shall disclose client information over the telephone, including whether or not a person is or was known to the Division, except as authorized in (a) above or (d) below.

(d) When information is urgently needed, the Division shall disclose the information after verifying the caller's identity, determining that the caller is authorized to receive the information pursuant to N.J.S.A. 9:6-8.10a or in accordance with N.J.A.C. 10:133G-3.2, and determining that the caller has made a reasonable demonstration of the need to know the information and in consideration of the risk of harm to the child and others.

**10:133G-3.5 Disclosure within the Division, the  
Department and Department of Law and  
Public Safety, Division of Law**

(a) Personal client information shall be disclosed within the Division only to those persons who require such information in the course of their jobs and only to the extent necessary. The Division shall obliterate the names of clients and other persons when case record materials or reports are used for training.

(b) Staff of the Office of Legal and Regulatory Affairs, the Deputy Commissioner, the Assistant Commissioner, or the Commissioner of the Department of Human Services shall have the authority to request and receive all information about Division clients.

(c) The Division shall disclose client information to a Deputy Attorney General, Department of Law and Public Safety, Division of Law, representing the Division.