

CHAPTER 133A
INITIAL RESPONSE

Authority

N.J.S.A. 9:6-8.15 and 30:4C-44.

Source and Effective Date

R.1998 d.74, effective December 31, 1997.
See: 29 N.J.R. 4377(a), 30 N.J.R. 551(a).

Executive Order No. 66(1978) Expiration Date

Chapter 133A, Initial Response, expires on December 31, 2002.

Chapter Historical Note

Chapter 133A, Initial Response, was adopted as R.1993 d.20, effective January 4, 1993 (operative July 1, 1993). See: 23 N.J.R. 3717(a), 25 N.J.R. 134(a).

Pursuant to Executive Order No. 66(1978), Chapter 133A, Initial Response, was readopted as R.1998 d.74, effective December 31, 1997. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. INITIAL RESPONSE AND SCREENING

10:133A-1.1 Purpose

The purpose of this chapter is to make known the process used by the Division to determine what action to take when a referral or application is made.

See: 25 N.J.R. 1514(b).
Administrative correction to section.

10:133A-1.2 Scope

The provisions of this chapter apply to all Division representatives, all applicants for services from the Division, all persons referred for Division services, and all persons making referrals to the Division.

10:133A-1.3 Definitions

The definitions in N.J.A.C. 10:133, Initial Response and Service Delivery General Provisions, are hereby incorporated into this chapter by reference.

Amended by R.1998 d.74, effective February 2, 1998.
See: 29 N.J.R. 4377(a), 30 N.J.R. 551(a).

10:133A-1.4 Referrals and applications

The Division shall screen all referrals and applications made by telephone, in person, or in writing from any referral source or applicant as stipulated in N.J.A.C. 10:133A-1.7 and 1.8. The Division shall provide information to the referral source as stipulated in N.J.A.C. 10:133-1.4(j) and N.J.A.C. 10:133A-1.5.

10:133A-1.5 Information given to referral source

(a) The Division representative shall inform each referral source of:

1. The responsibilities of the Division under State law;
2. The kinds of services provided by the Division;
3. The referral source's right to make an anonymous referral and the Division's obligation to accept the referral;
4. The referral source's right to have his or her name kept confidential unless he or she gives the Division permission to use it, court procedures require disclosure, or the Division releases the referral source's name pursuant to N.J.A.C. 10:133G-2.3(a)2; and
5. Other resources in the community.

Amended by R.1998 d.74, effective February 2, 1998.
See: 29 N.J.R. 4377(a), 30 N.J.R. 551(a).

Rewrote (a)3; and changed N.J.A.C. reference in (a)4.

10:133A-1.6 Determinations made at screening

(a) The Division representative shall determine whether any person who applies to or is referred to the Division currently resides in New Jersey and that his or her circumstances are such that he or she falls into one or more of the categories listed below:

1. A person from birth to age 18 and his or her family;
2. An unaccompanied refugee minor or entrant minor or other non-U.S. citizen minor;
3. A pregnant woman of any age, on behalf of her unborn child;
4. An adult who requires services on behalf of or in relation to a child;

5. A minor living in adult circumstances, known as an "emancipated minor," either through court action or without court action; or

6. An adult, age 18 to 21 years, who lives in an out-of-home placement and is under the supervision of the Division and for whom a referral of mistreatment by the out-of-home placement provider is made to the Division.

(b) The Division representative shall determine if a runaway child is a non-New Jersey resident from another state who is located in New Jersey and is either under age 18, or is younger than the age of majority stated in the Interstate Compact on Juveniles in effect in his or her home state (see N.J.S.A. 9:23-1), whichever is older.

(c) In accordance with the provisions of N.J.S.A. 9:23-5 et seq., the Interstate Compact on the Placement of Children, the Division representative shall screen a request for services from another state on behalf of a child:

1. Who is a resident of the other state;
2. Who has not yet reached the age of majority in the other state; and
3. Who is located in the State of New Jersey.

Amended by R.1998 d.74, effective February 2, 1998.
See: 29 N.J.R. 4377(a), 30 N.J.R. 551(a).

In (a)6, substituted "mistreatment by the out-of-home placement provider" for "child abuse".

10:133A-1.7 Screening of referrals and applications

(a) The Division representative shall screen each referral or application and determine, with supervisory approval, the most appropriate response. The most appropriate response shall be to:

1. Conduct a child welfare services assessment to determine how or if the Division can provide child welfare services;
2. Conduct a child protective services investigation in order to determine whether a child is an abused or neglected child; or
3. Provide the applicant with information and referral to another resource and end the Division's involvement in accordance with N.J.A.C. 10:133B.

(b) The Division shall screen each referral which alleges that a child is or may be at risk because he or she is not receiving necessary medical attention because he or she in good faith is under treatment by spiritual means alone. While a child in this situation may not be considered to be abused or neglected by operation of law, the Division shall conduct a protective services investigation.

(c) The Division may take up to three working days after receiving the referral to complete the screening, unless the referral requires a more prompt response as stipulated in N.J.A.C. 10:133A-1.10 and 1.11.

Amended by R.1995 d.188, effective April 3, 1995.
See: 26 N.J.R. 3355(a), 27 N.J.R. 1464(a).
Amended by R.1998 d.74, effective February 2, 1998.
See: 29 N.J.R. 4377(a), 30 N.J.R. 551(a).

10:133A-1.8 Contacts made during screening

(a) The initial screening contact between the Division representative and the applicant or referral source may be by telephone or in person and shall serve to:

1. Elicit basic identifying information;
2. Elicit a statement of the problem, allegation, or request for service;
3. Determine eligibility;
4. Assess the type of response necessary based on the information received;
5. Determine whether services are needed on an emergency basis;
6. Provide basic information about the Division's services and agency mandates and other relevant services; and
7. Document the referral or request for services.

(b) The Division representative shall make collateral contacts as necessary to obtain additional information and to clarify the presenting problem. Collateral contacts may be made in person, by telephone or by written request.

(c) Referrals and applications received by letter shall require an acknowledgment in the form of telephone or in person contact to complete the screening activity where a telephone number or address has been provided.

10:133A-1.9 Responding in person

When the Division determines that the Division will conduct a child welfare services assessment or a child protective services investigation, a Division representative shall respond in person, face-to-face.

Repeal and New Rule, R.1995 d.188, effective April 3, 1995.
See: 26 N.J.R. 3355(a), 27 N.J.R. 1464(a).
Section was "Decision following screening".

10:133A-1.10 Situations requiring immediate response

(a) The Division shall respond immediately upon receipt of the referral when the screening indicates that:

1. A child has died under circumstances that give the Division reason to believe that the child may have died due to abuse or neglect and there may be other children at risk in the home;
2. A child has suffered physical harm or sexual trauma and physical evidence may be lost if not immediately and properly documented;

3. A child may need immediate medical treatment and there is no one willing or able to take the necessary action;
4. A child is without adult supervision and may not be competent to provide for his or her own care;
5. A child is in the hospital and in protective custody pursuant to N.J.S.A. 9:6-8.16;
6. A child or family is in severe crisis or actively calling for help which cannot be resolved over the telephone or by referral to another appropriate community resource;
7. The severity of a referral situation is in doubt;
8. A foundling is discovered and the child is not receiving necessary medical attention and the police are not actively investigating;
9. A child needs immediate medical treatment, but he or she is under treatment by spiritual means alone;
10. A child has suffered serious physical harm or sexual trauma and there is reason to believe that a parent or guardian may have been responsible and the child's immediate safety needs to be assured; or
11. A child is at risk of boarder child status because he or she is in a New Jersey hospital following birth although medically cleared by the hospital for discharge from the hospital.

Amended by R.1995 d.188, effective April 3, 1995.
 See: 26 N.J.R. 3355(a), 27 N.J.R. 1464(a).
 Amended by R.1998 d.74, effective February 2, 1998.
 See: 29 N.J.R. 4377(a), 30 N.J.R. 551(a).
 In (a), added 11.

10:133A-1.11 Situations which indicate a response within 24 to 72 hours

(a) The Division may respond within 24 to 72 hours to referrals or applications which indicate the following situations:

1. A child has been physically abused in the past, evidence of the physical abuse is no longer present, and there is evidence that no abuse is likely to occur within 72 hours because the perpetrator has no access to the victim;
2. A foundling is already receiving appropriate medical care and the police are involved;

3. The referral indicates present or past physical neglect that does not present a substantial risk of harm to the child requiring an immediate response;
4. The referral indicates emotional abuse or neglect that does not present a substantial risk of harm to the child requiring an immediate response;
5. The referral is from the Family Court, Crisis Intervention Unit or Court Intake;
6. The referral alleges domestic violence which is not threatening the immediate safety of the child;
7. The referral of sexual abuse does not indicate current abuse or physical trauma, as stated in N.J.A.C. 10:133A-1.10 or does not require an extension as described in N.J.A.C. 10:133A-1.12; or
8. Other situations of a similarly serious nature.

New Rule, R.1995 d.188, effective April 3, 1995.
 See: 26 N.J.R. 3355(a), 27 N.J.R. 1464(a).

10:133A-1.12 Situations requiring response within 10 days of referral

(a) The Division may begin a response more than 72 hours after receiving a referral when a credible source indicates that the child is not at risk and extending the time frame for response allows the Division representative to plan his or her response without compromising the child or the investigation. The Division representative shall document the reason for the extension of the time frame for response and obtain office manager approval. The response shall begin within 10 working days of the referral.

(b) In situations requiring child welfare services, the Division representative shall make personal contact with the client within 10 working days of receiving an application. If there is an urgent need for a service because the child or family is in crisis, the Division representative shall respond immediately in person.

(c) The Division shall respond to all situations listed in (b) above within 10 working days.

New Rule, R.1995 d.188, effective April 3, 1995.
 See: 26 N.J.R. 3355(a), 27 N.J.R. 1464(a).
 Amended by R.1998 d.74, effective February 2, 1998.
 See: 29 N.J.R. 4377(a), 30 N.J.R. 551(a).

In (a), deleted “, for example, the child’s mental health practitioner,” following “source” in the first sentence.