

CHAPTER 133
INITIAL RESPONSE AND SERVICE DELIVERY
GENERAL PROVISIONS

Authority

N.J.S.A. 30:4C-4(h).

Source and Effective Date

R.2004 d.439, effective December 6, 2004.
See: 35 N.J.R. 4999(a), 36 N.J.R. 5354(b).

Chapter Expiration Date

Chapter 133, Initial Response and Service Delivery General Provisions, expires on December 6, 2009.

Chapter Historical Note

Chapter 133, Initial Response and Service Delivery General Provisions, was adopted as new rules by R.1993 d.19, effective January 4, 1993 (operative July 1, 1993). See: 23 N.J.R. 3714(a), 25 N.J.R. 132(a).

Pursuant to Executive Order No. 66(1978), Chapter 133, Initial Response and Service Delivery General Provisions, was readopted by R.1998 d.73, effective December 31, 1997. See: 29 N.J.R. 4277(a), 30 N.J.R. 550(a).

Chapter 133, Initial Response and Service Delivery General Provisions, expired on December 31, 2002.

Chapter 133, Initial Response and Service Delivery General Provisions, was adopted by R.2004 d.439, effective December 6, 2004. See: 35 N.J.R. 4999(a), 36 N.J.R. 5354(b).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10:133-1.1 Purpose
- 10:133-1.2 Scope
- 10:133-1.3 Definitions
- 10:133-1.4 Rights of applicants and clients
- 10:133-1.5 Responsibilities of applicants and clients
- 10:133-1.6 Responsibilities of the Division
- 10:133-1.7 Service limitations
- 10:133-1.8 Appeals

SUBCHAPTER 1. GENERAL PROVISIONS

10:133-1.1 Purpose

(a) The purpose of the series of chapters on initial response and service delivery is to describe certain services provided by the Division, the processes used by the Division to determine what actions to take in response to a referral or application for those services, what applicants and clients may expect of the Division, and any standards and requirements for applicants, clients, and the Division related to those services.

(b) The purpose of this chapter is to provide certain general provisions and to define certain words and terms to be used throughout the chapters on initial response from the Division and service delivery by the Division which follow, so as to provide standardization and ease of accessibility to the user of the New Jersey Administrative Code.

10:133-1.2 Scope

The provisions of this chapter and this series of chapters apply to each Division representative, each applicant for services from the Division, each client receiving services from the Division, each person referred for Division services, each person making referrals to the Division, and each out-of-home placement provider for a child under the supervision of the Division.

10:133-1.3 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Abused or neglected child” means a child:

1. Less than 18 years of age:
 - i. Whose parent or guardian inflicts, or allows to be inflicted upon such child, physical injury by other than accidental means, which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
 - ii. Whose parent or guardian creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
 - iii. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child;
 - iv. Whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his or her parent or guardian to exercise a minimum degree of care:
 - (1) In supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so, or though offered financial or other reasonable means to do so; or
 - (2) In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court;

v. Who has been willfully abandoned by his or her parent or guardian;

vi. Upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself or herself, others or property; or

vii. Who is in an institution other than a day school, and:

(1) Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being; or

(2) Has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation;

2. No child who in good faith is under treatment by spiritual means alone, through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, shall for this reason alone be considered to be abused or neglected.

"Adoption" means the legal transfer of all parental rights and responsibilities from the parent to a person willing to assume those rights and responsibilities.

"Adoption subsidy" means financial payments made for the care, maintenance and medical and surgical expenses of a hard-to-place child to the person with whom the child has been placed for adoption or by whom the child has been adopted or to a medical provider when such medical and surgical payments are applied for prior to adoption.

"Applicant" means a person, either adult or minor, who requests services from the Division, for himself or herself or his or her family; or a person referred by another person or agency for child welfare services. For the purposes of N.J.A.C. 10:133 through 10:133K, the term "applicant" does not include those people who request or need information only, nor does it include persons applying to become foster parents, adoptive parents or other providers of service.

"Assessment" means the gathering of information, evaluation of the information gathered to determine the client's service needs, and the determination of who shall provide the needed services.

"Assistant Commissioner" means the Assistant Commissioner of the Division of Youth and Family Services in the Department of Human Services.

"Camp" means a set of recreational and developmental activities on either a day or residential basis for limited duration during the summer months.

"Case Assessment Resource Team" or "CART" means an entity established by the Department of Human Services pursuant to N.J.S.A. 30:4C-66 through 73 that reviews the needs of every child who is at risk of separation from his or her family for the purpose of psychiatric, psychological or emotional treatment in a residential placement, including Arthur Brisbane Child Treatment Center, in excess of 30 days, whether in New Jersey or out-of-State, or is returning from a residential placement, and recommends a service plan that best meets the needs of that child and his or her family.

"Case management" means the method by which the Division addresses the client's needs and develops and administers a case plan through the direct activities of the Division's representatives who provide or coordinate the delivery of appropriate services.

"Case plan" means a written statement of the Division's intervention on behalf of a child, which includes identification of the problems which necessitate Division involvement with the family, the services or actions needed, who will accomplish or provide them, and the planned time frame for providing each service.

"Child" means any person less than 18 years of age, except as otherwise provided by N.J.S.A. 9:17B-2f.

"Child care" means a series of comprehensive and coordinated activities provided to each individual child for a portion of the day, which provides direct personal care, attention, and supervision, which may include education, socialization, nutritional, referral and transportation activities, and which is provided in a licensed child care center or school-age child care program, in a registered family day care home, or in the child's own home by an individual approved by the Division.

"Child welfare information" means every record, computer file, verbal or written report and evaluation relating to any service provided by the Division except records defined as protective service information.

"Child welfare services" or "welfare services" or "services" means consultation, counseling, and referral to or utilization of available resources, for the purpose of determining and correcting or adjusting matters and circumstances which are endangering the welfare of a child, and for the purpose of promoting his or her proper development and adjustment in the family and the community; also, as defined under Title IV-B of the Social Security Act, 42 U.S.C. §§ 620 et seq., as from time to time amended.

"Client" means any person including an applicant receiving a service from the Division or any person referred to the Division for services.

“Client consent” means written authorization by an adult client or, if the client is a minor, by the parent, permitting the Division to release confidential information about himself or herself or about his or her child to a third party as permitted by statute.

“Clothing allowance” means the provision of a specific amount of money provided at specified times for the purpose of replenishing the basic wardrobe of a child while he or she is in out-of-home placement.

“Collateral contact” means a contact made with a person other than the referral source or those who are subject(s) of the referral in order to collect additional information.

“Contract” means a method of social service delivery in which the Division signs a formal agreement with a service provider to provide units of service at a specified cost to Division clients who meet specific eligibility criteria, pursuant to a case plan.

“Custody” means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both. (N.J.S.A. 30:4C-2(d))

“Day school” means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

“Delinquency” means the definition given in N.J.S.A. 2A:4A-23.

“Dependency” means the state of being a child under the age of 18 who has been deprived of parental support or care by reason of the death, continued absence from the home or physical or mental incapacity of a parent.

“Direct services” or “direct service delivery” means a method of service delivery in which Division representatives or staff, either directly or through a foster parent, provide a service to the client.

“Director” means the Assistant Commissioner of the Division of Youth and Family Services in the Department of Human Services.

“Division” or “DYFS” means the Division of Youth and Family Services in the Department of Human Services.

“Division representative” means a professional or paraprofessional employee of the Division of Youth and Family Services.

“Emergency maintenance service” means the provision of food, clothing, shelter, furniture, appliances and similar

necessities, needed by a client in a crisis, and not available elsewhere.

“Family friend” means a person who is connected to a child and/or the child’s parent by an established positive psychological or emotional relationship and not a biological or legal relationship.

“Family preservation services” means an intensive, in-home, family education and crisis intervention program to prevent out-of-home placement and lasting up to eight weeks, which utilizes the services of a trained professional to provide a variety of contracted services to a client family for up to 24 hours a day.

“Foundling” means an infant or young child found abandoned, who cannot be identified and whose family cannot be identified.

“Government entity” means a Federal, State or local government agency, body or official that has responsibility under the law to protect children from abuse and neglect.

“Homemaker service” means personal care, household tasks and the activities of daily living provided to a client in his or her own home or training in these activities.

“Hospital” means a licensed general hospital or a medical center operating in the State of New Jersey under applicable State law.

“Independent living” means the maintenance of an adolescent in a living arrangement that allows the child to function eventually on his or her own when circumstances preclude the child from returning to the person or persons with whom he or she resided at the time of referral or application for services, no appropriate relative or family friend is able or willing to assume care of the child, no family is able or willing to provide long-term foster care custody or to legally adopt the child, or the child rejects each of these living arrangements.

“Information and referral” means the activity of informing an applicant or person referred for Division services about services available from public and private sources, based on a determination of need, knowledge of Division and community resources, and follow up where indicated.

“Information only” means the provision of information in response to an inquiry, when the person making the inquiry is not alleging or in any way indicating that a child is an abused or neglected child.

“Informed consent” means the voluntary consent or permission of a parent, legal guardian, or legal custodian to the placement of his or her child after receiving, and indicating an understanding of, information about out-of-home placement, the limitations on placement, the alternatives to placement by parental consent, and the parent’s or legal guardian’s or legal custodian’s and the Division’s respective

rights and responsibilities regarding a child in out-of-home placement.

“Investigation” means the activity of gathering information relevant to making a determination as to whether child abuse or neglect occurred.

“Local office” means an office of the Division of Youth and Family Services which provides direct services and referrals to clients within a limited geographic area of New Jersey. The services provided may be child welfare services, child protective services, and adoption services.

“Long-term foster care custody” means the planned permanent living arrangement that is a Division-initiated, court-ordered, legal relationship between a foster parent and a foster child when the Division has documented to the court a compelling reason why neither return home, permanency with a relative or family friend, kinship legal guardianship nor adoption would be in the best interest of the child.

“Maintenance” means monies expended by the Division to procure board, lodging, clothing, medical, dental, psychological and hospital care, or any other similar or specialized commodity or service furnished to or on behalf of, or for a child.

“Maintenance in own home” means keeping a child in the home of the person or persons with whom he or she is residing at the time of referral or application for services or keeping the child in the home where the child has been returned or placed following out-of-home placement, regardless of the child’s biological or legal ties to the person or persons, and when the circumstances do not necessitate removal from the home.

“Media” means a representative of the press, including a reporter, editor, producer or other representative of a newspaper or a magazine, or another written or on-line publication, or a radio or television station, network or system.

“Member of the public” means an individual from the general public who does not represent the media.

“Near fatality” means a serious or critical condition, as certified by a physician, in which a child suffers a permanent mental or physical impairment, a life-threatening injury or a condition that creates a probability of death within the foreseeable future.

“Other long-term, specialized care” means the out-of-home placement or maintenance of the out-of-home placement of a child in a long-term, specialized care living arrangement when no appropriate family is able or willing to care for and meet the needs of a child with a serious medical, physical, emotional or mental disability.

“Out-of-home placement,” “placement” or “substitute care” means physically locating a child by the Division or with the Division’s approval, in any out-of-home setting, including a foster home, relative care permanency support home, group home, shelter care, or a residential facility for temporary treatment or long-term care. The following are the definitions for the different types of out-of-home placement services:

1. “Adoptive placement” means the placement of a child in an adoptive home for the purpose of adoption.

2. “Alternative care home” means an out-of-home placement with providers trained in and using the Teaching Family model for three or fewer children who have unsuccessful histories in their own homes or in one or more foster homes or other out-of-home placements and who receive a structured treatment environment as an alternative to placement in a residential facility or a structured transitional treatment environment after successfully completing a course of treatment in a residential facility.

3. “Foster home” or “foster care” means a private residence, other than a children’s group home, treatment home or shelter home, in which board, lodging, care, and temporary out-of-home placement services are provided by a foster parent on a 24-hour basis to a child under the auspices of the Division or any public or private agency authorized to place children in New Jersey and which is licensed as a foster home in accordance with N.J.A.C. 10:122C.

4. “Group home” means any public or private establishment other than a foster home that provides board, lodging, care and treatment services on a 24-hour basis to 12 or fewer children in a home-like, community-based setting. A group home typically serves children with less severe behavioral and emotional problems, who are capable of functioning in a home-based setting.

5. “Relative care permanency support home” means a private residence in which care is provided by a person approved or pending approval by the Division as a relative caregiver who may be either biologically or legally related to the child or a family friend.

6. “Residential facility” means any public or private establishment that provides room, board, care, and treatment services for 13 or more children on a 24-hour a day basis. A residential facility may provide services for children with emotional or behavioral problems, drug and alcohol treatment needs, psychiatric problems, physical disabilities, or programs that serve children with emotional or behavioral problems using adventure activities as a major treatment component.

7. “Selected adoptive home” means an applicant who has been approved by the Division for the purpose of providing an adoptive home to a child who does not currently reside with the adoptive applicant.