

CHAPTER 133D
CASE MANAGEMENT

Authority

N.J.S.A. 9:6-8.15, and 30:4C-4(h) and 25.

Source and Effective Date

R.2004 d.162, effective March 26, 2004.
35 N.J.R. 5004(a), 36 N.J.R. 1925(a)

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 133D, Case Management, expires on September 22, 2009. See: 41 N.J.R. 1929(a).

Chapter Historical Note

Chapter 133D, Case Management, was adopted as R.1993 d.534, effective November 1, 1993 and R.1993 d.587, effective November 15, 1993. See: 25 N.J.R. 2209(a), 25 N.J.R. 4934(a), 25 N.J.R. 2210(a), 25 N.J.R. 5168(b).

Pursuant to Executive Order No. 66(1978), Chapter 133D, Case Management, was readopted as R.1998 d.523, effective October 8, 1998. As a part of R.1998 d.523, Subchapter 4, In-Person Visits With Clients and Substitute Care Providers, was recodified as Subchapter 3, effective November 2, 1998. See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Chapter 133D, Case Management, was readopted as R.2004 d.162, effective March 26, 2004. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. CASE PLAN

10:133D-2.1 Purpose

The purpose of this subchapter is to describe the process of developing a case plan, to identify the participants in the development of the case plan, and to identify the contents of the case plan.

10:133D-2.2 Scope

The provisions of this subchapter shall apply to each client, family member, out-of-home placement provider, Division representative, and other person participating in the case plan development.

Amended by R.1998 d.523, effective November 2, 1998.
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Substituted "out-of-home placement provider" for "caregiver" following "member,".

10:133D-2.3 Definitions

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

10:133D-2.4 When a case plan is developed

(a) A case plan shall be developed for each family for whom services will be provided. The Division representative shall prepare the case plan:

1. Within 45 calendar days of receipt of a referral or application, unless either (a)2 or 3 below applies;
2. Within 30 calendar days of a child entering out-of-home placement by court order; or
3. Within 15 business days of a child entering out-of-home placement by the informed consent of the parents.

(b) The Division representative shall also prepare the case plan at least once every six months after the previous case plan.

(c) The case plan may be revised more often than the standard set in (a) and (b) above, if the case situation shows significant change.

Amended by R.1998 d.523, effective November 2, 1998.
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Rewrote the section.

Amended by R.2004 d.162, effective April 19, 2004.
See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

In (a), added "unless either (a)2 or 3 below applies" following "application" in 1, substituted "by court order; or" for "whichever comes sooner" in 2 and added 3; in (c), substituted "shows significant change" for "warrants" following "if the case situation".

10:133D-2.5 Participants in developing the case plan

(a) The Division representative shall develop the case plan with the child's parent, unless he or she is unwilling to participate, any person appointed by the court for this purpose and the child, if the Division representative determines that the child is willing and able to participate in the development of the case plan, in accordance with this subchapter. Other interested parties or service providers may be invited to participate.

(b) In addition to (a) above, when the child lives in an out-of-home placement, the Division representative shall develop the case plan in consultation with the child's out-of-home placement provider.

Amended by R.1998 d.523, effective November 2, 1998.
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (b), substituted "provider" for "caregiver" at the end.

10:133D-2.6 Process of developing the case plan

(a) Participation in developing the case plan shall include providing information, identifying problems, identifying services and actions which are needed to resolve the problems and achieve the case goal, suggesting the time frames for beginning and completing the identified services and actions, and specifying who is responsible for completing the identified services and actions.

(b) The participants in the case plan may participate in descending order of preference by:

1. Meeting together with the Division representative to discuss the case plan;
2. Meeting individually with the Division representative;
3. Providing written information to the Division representative; or
4. Talking with the Division representative by telephone.

(c) The Division representative shall prepare a written case plan.

Amended by R.2004 d.162, effective April 19, 2004.
See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

In (b), inserted "in descending order of preference" following "may participate" in the introductory paragraph.

10:133D-2.7 Contents of the written case plan

(a) The written case plan for a family with the child living at home shall include:

1. The reasons for the Division's involvement with the family;

2. The case goal for each family member receiving services;

3. The schedule for contacts between the Division representative and the family members, pursuant to N.J.A.C. 10:133D-3, In-Person Visits with Clients and Out-of-Home Placement Providers;

4. The services offered to and used by the family since the last case plan was developed, for each case plan after the initial case plan and if any service is court-ordered;

5. The behavioral and other changes expected from each person;

6. The services or activities which are intended to facilitate the changes and who will accomplish or provide them; and

7. Progress toward achieving the case goal for each family member receiving services.

(b) The written case plan for a child in an out-of-home placement shall include:

1. Whether a court ordered the placement or the parent signed an informed consent agreement authorizing the placement;

2. The efforts made to prevent placement, the reasons for making the placement or for continuing the placement, all efforts made to reunify the family and the impact of those efforts;

3. The case goal for the child, the progress towards its achievement, and any obstacles to reaching it;

4. An assessment of the safety and appropriateness of the current placement and the plan to assure that the child receives safe and appropriate care;

5. The efforts made to find a missing parent or relative, pursuant to N.J.S.A. 30:4C-12 et seq.;

6. The schedule for contacts between the Division representative and the family members, pursuant to N.J.A.C. 10:133D-3, In-Person Visits with Clients and Out-of-Home Placement Providers;

7. The plan for visits between the child and parents, siblings and other relatives (see N.J.A.C. 10:122D-1);

8. The views of the child, family, and out-of-home placement provider concerning the placement and the case plan;

9. The needs of the child, the parent, and the child's out-of-home placement provider in order to meet the case goal;

10. The behavioral and other changes expected from each person;

11. The services or actions intended to meet the identified needs and who is responsible to provide the services and complete the activities, with projected time frames, as well as the appropriateness of the services for the child. See N.J.A.C. 10:122D-2, Services to Children in Foster Home Placement;

12. Any court-ordered stipulations;

13. A description of the type of out-of-home placement;

14. How the placement is safe, the least restrictive and most family-like available and near the parent's home, consistent with the best interest and special needs of the child;

15. Why the child was placed a substantial distance from his or her parents or out-of-State, when applicable;

16. The child's health and education records, in accordance with N.J.A.C. 10:122D-2.5(b) and (c) and 2.6(b) and (d); and

17. Programs and services to help the child transition from out-of-home placement to self-sufficiency skills, for a child age 15 or older, in accordance with N.J.A.C. 10:122D-2.7.

(c) The written case plan for a child in an out-of-home placement and whose case goal is either adoption, long-term foster care custody or permanency with a relative or family friend, shall include the steps the Division representative is taking to place the child with:

1. An adoptive family, including child specific recruitment efforts, such as the use of adoption resource exchanges in accordance with N.J.A.C. 10:121C-2.4, and to finalize the adoption;

2. A fit and willing relative;

3. A legal guardian and to finalize the legal guardianship; or

4. Another planned permanent living arrangement.

(d) When the Division is not required to file a petition seeking termination of parental rights pursuant to N.J.S.A. 30:4C-15.3b, the Division representative shall document in the case plan a compelling reason for determining that filing the petition is not in the best interests of the child.

Amended by R.1998 d.523, effective November 2, 1998.
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Rewrote the section.

Amended by R.2004 d.162, effective April 19, 2004.
See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

In (a)5, added "from each person" at the end of the sentence; rewrote (b); in (c), substituted "place the child with" for "find an" at the end of the introductory paragraph and added 1 through 4; rewrote (d).

10:133D-2.8 Notice of the case plan

(a) The Division representative shall ask each person who participated in developing the case plan to sign the case plan to indicate his or her participation in developing the case plan.

(b) The Division representative shall give a copy of the case plan to each person who signs the case plan, including the out-of-home placement provider, and to each parent who declines to participate in or sign the case plan.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (b), substituted "out-of-home placement provider" for "caregiver".

SUBCHAPTER 3. IN-PERSON VISITS WITH CLIENTS AND OUT-OF-HOME PLACEMENT PROVIDERS

10:133D-3.1 Authority

N.J.S.A. 30:4C-25 requires the Division of Youth and Family Services, Department of Human Services to regularly visit all children under its care, custody, and supervision.

10:133D-3.2 Purpose

The purpose of this subchapter is to establish criteria for determining the frequency and nature of in-person visits by a Division representative with each child, parent, and out-of-home placement provider.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Substituted "out-of-home placement" for "substitute care" at the end.

10:133D-3.3 Scope

The provisions of this subchapter shall apply to each child receiving services from the Division, his or her parent, and each out-of-home placement provider of a Division supervised child, and to the Division.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Substituted "out-of-home placement" for "substitute care" preceding "provider".

10:133D-3.4 Definitions

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

(b) The following term shall have the following meaning within this subchapter, unless the context clearly indicates otherwise:

"Para home" means a private family residence in which a person provides care to the child and where someone other

than the Division placed the child and where the Division pays for the child's care after the Division approves the home.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Added a new (b).

Amended by R.2004 d.162, effective April 19, 2004.

See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

Rewrote (b).

10:133D-3.5 Purpose of in-person visits by the Division representative

(a) Each in-person visit by the Division representative shall be made for one or more of the following purposes:

1. To determine whether the child is receiving appropriate care and is safe from harm;
2. To determine whether the objectives of the case plan are being met;
3. To determine what progress is being made toward achieving the case goal;
4. To determine whether barriers to achieving the case goal are being alleviated; or
5. For a child in out-of-home placement, to determine the child's adjustment to and progress in the out-of-home placement and to obtain information and concerns about the child from the out-of-home placement provider and the child.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (a), added a new 5.

Amended by R.2004 d.162, effective April 19, 2004.

See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

In (a)5, added "and the child" at the end of the sentence.

10:133D-3.6 Establishing a schedule for in-person visits

(a) The Division representative and supervisor shall establish a schedule for each child, his or her parent, and out-of-home placement provider, based on the following:

1. The services to be provided directly by the Division representative;
2. The services to be provided by non-Division service providers;
3. The case goal; and
4. The assessed risk to the child.

(b) The supervisor and the Division representative shall monitor and modify the schedule when appropriate.

(c) Each established schedule for in-person visits shall fall between a range of once every week to once every 12 weeks, except as provided in (d) and (f) below.

(d) The Assistant Director, Program or Adoption Operations, may approve an in-person visitation schedule of once every six months for a child, parent, or out-of-home placement provider, when a child resides in:

1. A para home where the only Division service is financial, and appropriate parenting has been demonstrated over a six month period of time during which the Division representative has made each in-person visit scheduled in accordance with (c) above;
2. A formalized long-term foster care custody placement per P.L. 1992, c.139, N.J.S.A. 30:4C-26.10 et seq., and the foster parents have demonstrated the ability to handle all parental responsibilities without close monitoring by the Division;
3. An out-of-State treatment-based out-of-home placement program that precludes in-person visitation more frequently than once every six months; or
4. An out-of-State foster home that precludes in-person visitation more frequently than once every six months.

(e) In addition to the in-person visitation required in (d)4 above, a New Jersey child who has moved with his or her foster family to another state is also supervised by an agency pursuant to the Interstate Compact on the Placement of Children, N.J.S.A. 9:23-5 et seq.

(f) The office manager may approve:

1. An in-person visitation schedule of once every six months for a parent when the parent lives out-of-State at a distance which precludes more frequent in-person visitation and the case plan indicates a continuing need for interaction between the parent and the Division representative; or
2. No in-person visitation schedule for a parent who lives out-of-State at a distance which precludes routine in-person visitation, the parent is unwilling to schedule regular in-person visitation and the case plan does not indicate a continuing need for interaction between the parent and the Division representative.

(g) Whenever an in-person visitation schedule of once every six months has been approved under the provision of (d) above, the Division representative shall maintain monthly telephone contact between visits with all parties as well as with collateral individuals; for example, school personnel.

(h) The Division representative shall advise each child, his or her parent, and the out-of-home placement provider of the schedule for in-person visits and any changes in the schedule.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Rewrote the section.

Amended by R.2004 d.162, effective April 19, 2004.

See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

Rewrote (d).

10:133D-3.7 In-person visitation when a child is placed out of his or her own home

(a) In addition to the visits made in accordance with the provisions of N.J.A.C. 10:133D-3.6, Establishing a schedule for in-person visits, whenever a child is placed out of his or her own home:

1. Initial in-person visits with the child, the prior custodial parent, and the out-of-home placement provider shall be made by the Division representative within five working days following the child's placement out of his or her own home;
2. The visit with the child shall occur in the home of the out-of-home placement provider; and
3. The in-person visit with the prior custodial parent may occur in either the parent's home or the office.

Amended by R.1998 d.523, effective November 2, 1998.
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (a), updated an N.J.A.C. reference in the introductory paragraph and substituted "out-of-home placement" for "substitute care" preceding "provider" in 1 and 2.

Amended by R.2004 d.162, effective April 19, 2004.
See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

In (a), substituted "Initial" for "Individual" preceding "in-person visits" in 1, rewrote 3.

10:133D-3.8 Change in placement

Following a change in the child's out-of-home placement, the Division representative shall have an in-person visit within five working days with the child and new out-of-home placement provider.

Amended by R.1998 d.523, effective November 2, 1998.
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Substituted "out-of-home provider" for "substitute care" at the end.

10:133D-3.9 Placement in a treatment-based out-of-home placement program

(a) The Division representative shall speak with the child by telephone within five working days of the child's placement in a treatment-based out-of-home placement program, unless contraindicated by the individual treatment plan for the child.

(b) Within 30 calendar days of placement in a treatment-based out-of-home placement program, the Division repre-

sentative shall visit the child and attend the conference to develop the child's treatment plan.

Amended by R.1997 d.209, effective May 19, 1997.
See: 28 N.J.R. 2490(a), 29 N.J.R. 2479(a).

Amended section name; in (a), deleted "residential" following "of the child's" and inserted "in a treatment-based out-of-home placement program,"; and in (b), inserted "in a treatment-based out-of-home placement program," and made a nonsubstantive change.

Amended by R.2004 d.162, effective April 19, 2004.
See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

Rewrote the section.

10:133D-3.10 Initial in-person visit

(a) In addition to the standards set by N.J.A.C. 10:133D-3.7, 3.8 and 3.9, the Division representative shall make an in-person visit to the child, the parent, and the out-of-home placement provider, if applicable, in the child's residence within 20 working days when:

1. A Division representative is assigned to a newly opened case; or
2. The case is transferred from one Division representative to another. In this instance, the newly assigned Division representative shall make the in-person visit.

Amended by R.1998 d.523, effective November 2, 1998.
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (a), updated N.J.A.C. references in the introductory paragraph.

Amended by R.2004 d.162, effective April 19, 2004.
See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

In (a), rewrote the introductory paragraph and 1.

10:133D-3.11 In-person visitation with a child alone

During any in-person visitation, a Division representative may interview a child receiving services from the Division alone to allow the child to speak freely.

New Rule, R.1998 d.523, effective November 2, 1998.
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Amended by R.2004 d.162, effective April 19, 2004.
See: 35 N.J.R. 5004(a), 36 N.J.R. 1925(a).

Added "to allow the child to speak freely" following "Division alone".

SUBCHAPTER 4. (RESERVED)