

**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**

R.2001 d.114, effective March 8, 2001.  
See: 32 N.J.R. 3968(a), 33 N.J.R. 1141(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 133G, Client Information, expires on March 8, 2006.

**Chapter Historical Note**

Chapter 133G, Client Information, was adopted as R.1996 d.35, effective March 18, 1996. See: 27 N.J.R. 37(a), 28 N.J.R. 1538(a).

Subchapter 4, Disclosure of Information to the Media And Public About Child Fatalities and Near Fatalities, was adopted as new rules by R.1999 d.255, effective August 2, 1999. See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

Subchapter 5, Release of Information to Government Entities, was adopted as new rules by R.1999 d.255, effective August 2, 1999. See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

Pursuant to Executive Order No. 66(1978), Chapter 133G, Client Information, was readopted as R.2001 d.114, effective March 8, 2001. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 10:133G-1.1 Purpose
- 10:133G-1.2 Scope
- 10:133G-1.3 Definitions

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

- 10:133G-2.1 Protective service information
- 10:133G-2.2 Child welfare information
- 10:133G-2.3 Third party information
- 10:133G-2.4 Minor client
- 10:133G-2.5 Adult adoptee

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

- 10:133G-3.1 Protective service information
- 10:133G-3.2 Child welfare information
- 10:133G-3.3 Third party information
- 10:133G-3.4 Requests for information
- 10:133G-3.5 Disclosure within the Division, the Department and Department of Law and Public Safety, Division of Law.

**SUBCHAPTER 4. DISCLOSURE OF INFORMATION TO THE MEDIA AND PUBLIC ABOUT CHILD FATALITIES AND NEAR FATALITIES**

- 10:133G-4.1 Authority for disclosure of information
- 10:133G-4.2 Who may disclose information to the media or a member of the public about a child fatality or near fatality

- 10:133G-4.3 Information that shall not be disclosed to the media or a member of the public about a child fatality or near fatality
- 10:133G-4.4 Information that shall be disclosed to the media or a member of the public during the Division investigation
- 10:133G-4.5 Information that shall be disclosed about a child fatality or near fatality not caused by child abuse or neglect
- 10:133G-4.6 Information that shall be disclosed about a child fatality or near fatality that was the result of child abuse or neglect
- 10:133G-4.7 Ability to seek court relief if denied information about a child fatality or near fatality

**SUBCHAPTER 5. RELEASE OF INFORMATION TO GOVERNMENT ENTITIES**

- 10:133G-5.1 Request procedure
- 10:133G-5.2 Determining whether to disclose information
- 10:133G-5.3 Safeguards

**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 client information may be disclosed.

Amended by R.2001 d.114, effective April 2, 2001.  
See: 32 N.J.R. 3968(a), 33 N.J.R. 1141(a).  
Inserted "client" preceding "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, each person to whom the Division discloses confidential client information, each employee of the Division or the Department of Human Services who has knowledge about a child fatality or near fatality under investigation or investigated by the Division, each employee of the Division or the Department who is authorized to disclose information regarding a child fatality or near fatality, each representative of the media and each member of the public who seeks information about a child fatality or near fatality investigated by the Division, and each Federal, State and local government entity that requests information from the Division.

Amended by R.1999 d.255, effective August 2, 1999.  
See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).  
Rewrote the section.

**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 legal 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 discuss, develop and implement a case plan.

(b) 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 or the Office of Administrative Law determines that it is necessary for determination of an issue before the court or the Office of Administrative Law. Such records may be disclosed by the court or the Office of Administrative Law in whole or in part to the law guardian, parent's attorney or other appropriate person upon a finding that such further disclosure is necessary for determination of an issue before the court or the Office of Administrative Law.

(c) The Division shall not disclose, confirm, or deny the identity of a protective service referral source, unless the referral source gives prior written consent and the disclosure is not likely to endanger the life or safety of the referral source or other person or result in the discharge or discrimination against the referral source with respect to his or her employment. The name or any other information identifying the person or entity who referred a child fatality or near fatality to the Division shall not be released to the public or the media pursuant to N.J.S.A. 9:6-8.10a, whether or not the referral source gives prior written consent.

1. The determination as to whether the disclosure of the identity of a protective service referral source would be likely to endanger the life or safety of the referral source or other person, or jeopardize the referral source's employment, shall be based upon 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 or discharge or discrimination.

Amended by R.1999 d.255, effective August 2, 1999.  
See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

In (a), substituted a reference to legal guardians for a reference to guardians, and inserted "discuss," following "information to" in the last sentence; and rewrote (b) and (c).

### 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 Office of the Attorney General shall be notified prior to honoring the request. The Office of Legal and Regulatory Liaison shall make the notification for the Division.

Amended by R.1999 d.255, effective August 2, 1999.  
See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

In (e), deleted references to the Claims Service Section throughout.

### 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