

CHAPTER 133I

REASONABLE EFFORTS; REASONABLE AND DILIGENT EFFORTS; AND NECESSARY ACTIVITIES TO ACHIEVE A CASE GOAL

Authority

42 U.S.C. § 670 et seq., 42 U.S.C. 620 et seq., N.J.S.A. 30:4C-1, 30:4C-3, 30:4C-66 to 73, 30:4C-74 to 83 and 9:6B-1 et seq.

Source and Effective Date

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See: 27 N.J.R. 433(a), 28 N.J.R. 1071(a).

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Chapter 133I, Reasonable Efforts; Reasonable and Diligent Efforts; and Necessary Activities to Achieve a Case Goal, expires on February 5, 2001.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:133I-1.1 Authority

Pursuant to the Adoption Assistance and Child Welfare Act (AACWA), 42 U.S.C. §670 et seq., 42 U.S.C. 620 et

seq., and the Federal regulations promulgated thereunder, and pursuant to N.J.S.A. 30:4C-1, 30:4C-3, 30:4C-15 and 15.1, 30:4C-66 to 73, 30:4C-74 to 83, and 9:6B-1 et seq., the Division of Youth and Family Services shall make reasonable efforts to prevent out-of-home placement of a child and make reasonable efforts to return a child in out-of-home placement to the parent. Pursuant to N.J.S.A. 30:4C-50 to 60, the Division shall pursue alternative living arrangements for children who do not return home from out-of-home placement.

10:133I-1.2 Purpose

(a) The purpose of this chapter is to describe the procedures used by the Division to:

1. Make reasonable efforts to prevent or alleviate the need for out-of-home placement of a child;
2. Make reasonable and diligent efforts to return a child home when an out-of-home placement has been necessary; and
3. Pursue necessary activities to achieve an alternative permanent living arrangement or independent living when a child cannot return home.

10:133I-1.3 Scope

The provisions of this chapter shall apply to any child who is otherwise eligible for Division services pursuant to N.J.S.A. 30:4C-1 et seq. and 9:6-1 et seq., any child who is in an out-of-home placement and his or her family, and any child who is at risk of out-of-home placement and his or her family and Division representatives. The Division shall provide services to achieve a case goal pursuant to N.J.A.C. 10:133C-4, except as delimited in N.J.A.C. 10:133-1.7.

10:133I-1.4 Definitions

The definitions in N.J.A.C. 10:133-1.3 are incorporated by reference herein.

10:133I-1.5 Legally responsible person

(a) The Division shall seek financial contributions or reimbursement for services provided to children from the appropriate person, association, system or organization pursuant to N.J.S.A. 30:4C-29.1 and 30:4C-22.

(b) Nothing in these rules shall obviate the financial responsibilities of any school district for the enrollment of children for educational purposes pursuant to N.J.S.A. 18A:46-1 et seq., N.J.S.A. 30:4C-26, U.S.P.L. 94-142 or N.J.A.C. 6:28-1.

10:133I-1.6 Family response, child protection and permanent plan

(a) Refusal by or failure of the parent or relative to cooperate with the Division in the development of a case

plan or to access, utilize or benefit from services shall not be construed to mean, in and of itself, that the Division has failed to make reasonable efforts or reasonable and diligent efforts pursuant to N.J.A.C. 10:133I-2 and 4.

(b) Nothing in this chapter shall preclude the Division from removing a child from his or her own home or from the home of a relative or any home of an individual standing in loco parentis when it appears that the child has been seriously harmed or is at imminent risk of serious harm, pursuant to N.J.S.A. 9:6-1 et seq. or N.J.S.A. 30:4C-1 et seq.

SUBCHAPTER 2. REASONABLE EFFORTS TO MAINTAIN A CHILD IN HIS OR HER OWN HOME

10:133I-2.1 Assessment, protection and case plan

(a) The Division shall:

1. Conduct a screening of the referral in accordance with N.J.A.C. 10:133A and an assessment in accordance with N.J.A.C. 10:133C-3;
2. Provide information and referral in accordance with N.J.A.C. 10:133B;
3. Conduct an investigation when child abuse or neglect has been alleged in accordance with N.J.A.C. 10:129A;
4. Take such measures as are necessary to assure the immediate physical safety of the child and the provision of necessary medical treatment pursuant to N.J.S.A. 9:6-1 et seq.;
5. Identify relative and family friend resources who may be willing and able to assist the family in accordance with N.J.S.A. 30:4C-12.1; and
6. Select a case goal pursuant to N.J.A.C. 10:133C-4.5 and make a written case plan pursuant to N.J.A.C. 10:133D-2 to provide services.

10:133I-2.2 Case management and services

(a) The Division shall provide case management and services, according to the case plan, to the family pursuant to 42 U.S.C. § 620 et seq., N.J.S.A. 30:4C-1, 30:4C-3, 30:4C-74 to 83 or 9:6B-4, and insure that the family has access to services by:

1. Enlisting the assistance of relatives and, where appropriate, family friends in the provision of services to the family;
2. Providing services directly; or
3. Arranging for, referring to or contracting with community service providers.

(b) The Division shall monitor the effectiveness of the service and change the services as needed on an on-going basis, through:

1. Consultation with the family or service provider or using direct observations to assess the use, benefit and accessibility of services; and
2. Identification of barriers to service provision or service utilization and the development and implementation of strategies to overcome the barriers within service limitations.

(c) The Division shall advise the family of the potential consequences if they fail to comply with the case plan or utilize the service(s).

(d) The Division shall advise the family of their rights and opportunities to dispute Division actions or decisions.

SUBCHAPTER 3. PREPARATION FOR OUT-OF-HOME PLACEMENT

10:133I-3.1 (Reserved)

10:133I-3.2 CART referral

The Division shall make a referral to the Case Assessment Resource Team, CART, when the child is a member of the target population of clients as designated in N.J.S.A. 30:4C-69.

10:133I-3.3 Authority for placement

The Division shall place a child only with appropriate authority for the out-of-home placement of the child pursuant to N.J.S.A. 9:6-1 et seq., 30:4C-11, 30:4C-12 or 30:4C-5.

10:133I-3.4 Out-of-home placement

(a) When out-of-home placement of a child is necessary, the Division shall:

1. Inform the child's parents of the date of out-of-home placement, the type of out-of-home placement, the reasons for out-of-home placement and the efforts made to prevent out-of-home placement;
2. Provide information of the child's out-of-home placement to the Family Part of the Chancery Division of the Superior Court in the child's county of supervision pursuant to N.J.S.A. 30:4C-53 et seq.;
3. Prepare the child for out-of-home placement according to the age of the child and the time available for the preparation based on the emergent nature of the out-of-home placement activity;

4. Establish a visitation plan for each child in out-of-home placement and, if the child is in foster care, the visitation plan shall be in accordance with N.J.A.C. 10:122D-1; and

5. Place the child in the least restrictive, most familiar, most proximate out-of-home placement available that can meet the child's needs including the exploration of relative and family friend resources pursuant to 42 U.S.C. § 620 et seq. (AACWA), N.J.S.A. 9:6B-1 et seq. or N.J.S.A. 30:4C-50 et seq.

SUBCHAPTER 4. REASONABLE AND DILIGENT EFFORTS TO RETURN A CHILD HOME FROM AN OUT-OF-HOME PLACEMENT

10:133I-4.1 On-going activities

(a) On an on-going basis the Division shall complete the following activities:

1. Inform the parent at appropriate intervals of the child's progress, development and health pursuant to N.J.S.A. 30:4C-15 and 15.1, in accordance with the child's case plan;

2. Facilitate appropriate visitation for the child and his or her parent, siblings and interested relatives pursuant to N.J.A.C. 10:122D and N.J.S.A. 30:4C-15, 30:4C-15.1 and 9:6B-4, in accordance with the child's case plan; and

3. Inform the parent at appropriate intervals of changes, circumstances or conditions necessary to achieve family reunification, in accordance with the case plan, pursuant to N.J.A.C. 10:133D-2.

(b) The Division shall make a written case plan pursuant to N.J.A.C. 10:133D-2 and shall review the progress of the case plan and advise the family of the potential consequences if they fail to comply with the case plan or utilize the service(s).

(c) The Division shall identify and evaluate relatives who may be willing and able to provide services to the family or the child pursuant to N.J.S.A. 30:4C-12.1.

(d) The Division shall advise the family of their rights and opportunities to dispute Division actions or decisions.

(e) The Division shall advise the family of its right to participate in child placement reviews pursuant to N.J.S.A. 30:4C-50 et seq.

10:133I-4.2 Case management and services

(a) The Division shall manage the case and provide services to the family according to the case plan, and pursuant

to 42 U.S.C. § 670 et seq., 42 U.S.C. §620 et seq., N.J.S.A. 30:4C-1, 30:4C-3, 30:4C-74 to 83 and 9:6B-1 et seq. by:

1. Enlisting the assistance of relatives or family friends in the provision of services to the family;
2. Providing services directly; or
3. Arranging for, referring to or contracting with community service providers.

(b) The Division shall monitor the effectiveness of the services and change the services, as needed, on an on-going basis, through:

1. Consultation with the family or service provider or using direct observations to assess the use, benefit and accessibility of services; and
2. Identification of barriers to service provision or service utilization and development and implementation of strategies to overcome the barriers within service limitations.

(c) The Division shall facilitate periodic review of the out-of-home placement pursuant to N.J.S.A. 30:4C-50 et seq., 42 U.S.C. § 620 et seq. and N.J.A.C. 133H-3.

(d) The Division shall establish a case goal pursuant to N.J.A.C. 10:133C-4.5 and 4.6.

(e) The Division shall participate in on-going CART reviews when appropriate.

SUBCHAPTER 5. NECESSARY ACTIVITIES TO ACHIEVE A CASE GOAL

10:133I-5.1 Alternative permanent plans

(a) The Division shall consider alternative permanent plans for a child when:

1. Reasonable and diligent efforts to return the child home pursuant to N.J.A.C. 10:133I-4.1 and 4.2 have failed to enable the child to return home; and the Division's search for and assessment of relatives pursuant to N.J.S.A. 30:4C-12.1 indicate there are no relatives known, able and willing to meet the needs of the child; and the Division has determined that grounds exist pursuant to N.J.S.A. 30:4C-15 and 15.1 to petition the court to terminate parental rights;

2. The parent has relinquished or intends to voluntarily relinquish his or her parental rights to the child or the parental rights have been terminated in a court of competent jurisdiction or the parent's identity or whereabouts are unknown;

3. The child is orphaned or abandoned pursuant to N.J.S.A. 9:6-1 and N.J.S.A. 30:4C-15 and 30:4C-15.1;

4. The circumstances of a child in a foster home meet the criteria for long-term foster care custody as established in N.J.S.A. 30:4C-26.10 et seq.;

5. The child does not want to return home and is of sufficient age and maturity to make that determination, based upon a demonstration by the child to the Division representative that the child possesses such maturity; or

6. The psychological, medical, physical or educational needs of the child require an alternative permanent plan.

10:133I-5.2 Necessary activities

(a) The Division shall pursue necessary activities to achieve a case goal of permanency by placement with a relative or family friend, adoption, long-term foster care custody, independent living or other long-term, specialized care.

1. The Division shall continue to inform the parent at appropriate intervals of the child's progress, development, education and health unless parental rights have been terminated or surrendered or the whereabouts of the parent are unknown.

2. The Division shall utilize available resources including recruitment and publicity to identify permanent out-of-home placement resources in accordance with the best interests of the child.

3. The Division shall facilitate, as appropriate, a legal relationship between a child and a relative or family friend, adoptive parent, or foster parent whenever the legal or custodial relationship between the child and the birth parent has been surrendered, terminated or limited.

4. The Division shall pursue such permanency planning as will enable the child and his or her parent or new family to function independent of Division intervention, supervision or direct services.

5. The Division shall provide services and supports to enable the child to function independently.