

**CHAPTER 46A**  
**FAMILY SUPPORT SERVICE SYSTEM**

**Authority**

N.J.S.A. 30:6D-33 et seq., specifically 30:6D-41.

**Source and Effective Date**

R.2005 d.124, effective March 21, 2005.  
See: 36 N.J.R. 5193(a), 37 N.J.R. 1186(a).

**Chapter Expiration Date**

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from March 21, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

**Chapter Historical Note**

Chapter 46A, Family Support Service System, was adopted as R.1995 d.1, effective January 3, 1995. See: 26 N.J.R. 3341(b), 26 N.J.R. 3610(a), 27 N.J.R. 147(a). Pursuant to Executive Order No. 66(1978), Chapter 46A expired on January 3, 2000.

Chapter 46A, Family Support Service System, was adopted as new rules by R.2000 d.153, effective April 17, 2000. See: 31 N.J.R. 4203(a), 32 N.J.R. 1393(a).

Chapter 46A, Family Support Service System, was readopted as R.2005 d.124, effective March 21, 2005. See: Source and Effective Date. See, also, section annotation.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**10:46A-1.1 Purpose; authority**

(a) Pursuant to N.J.S.A. 30:6D-33 et seq., the Division of Developmental Disabilities, in conjunction with the New Jersey Developmental Disabilities Council must create a

system of family support that is flexible and designed to strengthen and promote families that provide care at home for a family member with a developmental disability.

(b) A Statewide family support policy must acknowledge that families themselves are able to define their own needs and select their own services; within available resources, family supports must be chosen by the families, controlled by families and monitored by families.

(c) The system of Family Support shall include, but not be limited to:

1. After school care;
2. Cash subsidies;
3. Communication and interpreter services;
4. Counseling services;
5. Crisis intervention;
6. Day care;
7. Equipment and supplies;
8. Estate and transition planning;
9. Home and vehicle modification;
10. Home health services;
11. Homemaker assistance;
12. Housing assistance;
13. Medical and dental care not otherwise covered;
14. Parent education and training;
15. Personal assistance services;
16. Recreation services;
17. Respite care for families;
18. Self advocacy training;
19. Service coordination;
20. Specialized diagnosis and evaluation;
21. Specialized nutrition and clothing;
22. Therapeutic or nursing services;
23. Transportation;
24. Vouchers; and
25. Other services as identified by the family, in accordance with N.J.A.C. 10:46A-2.3.

(d) The Commissioner shall establish income, need and other criteria, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., to ensure that the

expenditures for the Family Support System are within the limits of available funding.

(e) The amounts of funds for family support services shall be subject to the funding available in the current fiscal year.

(f) Adults with developmental disabilities should be afforded the opportunity to make decisions for themselves, live in typical homes within their own communities and exercise their full rights as citizens. Adults with developmental disabilities should have options for living separately from their families, but, when this is not the case, families should be provided the supports they need, within available funding limits.

### 10:46A-1.2 Scope

The provisions of this chapter shall apply to all eligible persons with developmental disabilities and/or their families. The provisions of this chapter also apply to agencies under contract with or regulated by the Division of Developmental Disabilities, within the Department of Human Services.

### 10:46A-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Adult” means any individual 18 years of age and older.

“Developmental disability” means a severe, chronic disability of a person which:

1. Is attributable to a mental or physical impairment or combination of mental or physical impairments;
2. Is manifest before age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitations in three or more of the following areas of major life activity, that is, self-care, receptive and expressive language, learning, mobility, self-direction and capacity for independent living or economic self-sufficiency; and
5. Reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.
6. Developmental disability includes, but is not limited to, severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met. (N.J.S.A. 30:6D-25.)

“DDD Family Support Coordinator” means an employee of DDD designated by the Regional Administrator to coordinate the region’s family support service system.

“Developmental Disabilities Council” (DDC) means the Federally-mandated State planning and advisory board composed of 28 members appointed by the Governor.

“Division” or “DDD” means the Division of Developmental Disabilities within the Department of Human Services.

“Family” means the family member with a developmental disability and his or her parents, siblings, spouse, and/or children, or uncompensated caregiver.

“Functional services” means those services and programs available to provide a person with a developmental disability: education, training, rehabilitation, adjustment, treatment, care and protection. (N.J.S.A. 30:4-23)

“Family support” means a coordinated system of on-going public and private supports, services, resources, and other assistance, which are designed to maintain and enhance the quality of life of a family member with a developmental disability and his or her family.

“Family Support Coordinator” means a coordinator working under the direction of the Developmental Disabilities Council (DDC) who shall be a person qualified by training and experience to perform the duties of his or her office.

“Level of service” means the contracted number of units of service to be delivered and the actual number of units of service delivered.

“Parent” means the biological or adoptive parent or uncompensated foster parent or legal guardian.

“Resident” means a person who is a domiciliary of New Jersey for other than a temporary purpose and who has no present intention of moving from the State.

“Supports” means those services other than residential services provided by the Division which will help the individual remain in his or her living situation.

“Uncompensated caregiver” means the person, including, but not limited to, a parent, sibling, spouse, child, grandparent, step family member, aunt, uncle, cousin or legal guardian, who, without monetary payment, cares for the family member with a developmental disability and with whom the family member with a developmental disability resides.

## SUBCHAPTER 2. ELIGIBILITY CRITERIA

### 10:46A-2.1 General eligibility

(a) A person determined to have a developmental disability in accordance with the requirements of N.J.A.C. 10:46 and who is a resident of the State of New Jersey, shall be eligible for family support services.