

CHAPTER 133H
GENERAL PLACEMENT REQUIREMENTS

Authority

N.J.S.A. 30:4C-4(h), 30:4C-26a, and 30:4C-50 et seq.

Source and Effective Date

R.1994 d.532, effective October 17, 1994.
See: 25 N.J.R. 5752(a), 26 N.J.R. 4188(a).

Executive Order No. 66(1978) Expiration Date

Chapter 133H, General Placement Requirements, expires on October 17, 1999.

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**SUBCHAPTER 1. PLACEMENT SELECTION
(RESERVED)**

**SUBCHAPTER 2. AUTHORIZATION FOR
PLACEMENT: VOLUNTARY CONSENT OF
PARENT OR COURT ORDER (RESERVED)**

**SUBCHAPTER 3. REVIEW OF CHILDREN IN
OUT-OF-HOME PLACEMENT**

10:133H-3.1 Authority

The Division has the authority to promote the regular review of each child's out-of-home placement in order to

provide the opportunity for eventual return to his or her home or out-of-home placement in an alternative permanent home, pursuant to N.J.S.A. 30:4C-50 et seq.

10:133H-3.2 Scope

The provisions of this subchapter shall apply to the Division and to each child placed by the Division, each parent, any legal counsel for the child, the parent or the Division, and each out-of-home placement provider. The provisions of this subchapter shall not apply to those situations cited in N.J.A.C. 10:133H-3.12.

10:133H-3.3 Definitions

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

10:133H-3.4 Purpose of the placement review

(a) The purpose of a placement review shall be to determine:

1. Whether the out-of-home placement should continue, consistent with the provisions of 10:133H-3.5; and

2. Whether the placement plan required by N.J.S.A. 30:4C-55 is appropriate or should be revised, including specifically:

i. Whether the case goal is still appropriate or should be modified, in accordance with the considerations set forth in N.J.A.C. 10:133C-4.6;

ii. Whether the intermediate objectives relating to the case goal are appropriate or should be modified;

iii. Whether the statement of the duties and responsibilities of the Division, the parent, the out-of-home placement provider, and the child, if age appropriate, including the services to be provided by the Division to the child, the parent, and the out-of-home placement provider, should be modified;

iv. Whether the Division has made reasonable efforts to return the child home, including the provision of visitation in accordance with the applicable law;

v. Whether the Division has made diligent efforts to locate family members who may be willing and able to care for the child; and

vi. Whether the continued out-of-home placement of the child is in the best interest of the child.

10:133H-3.5 Determination of whether out-of-home placement should continue

(a) In deciding whether the out-of-home placement should continue, the Division shall consider and determine the following:

1. Whether the circumstances and reasons originally necessitating the out-of-home placement of the child continue to exist or if additional or different circumstances have occurred which support continued out-of-home placement;
2. Whether the Division in the provision of services has made every effort to return the child home and the failure to achieve that return home is not due to a lack of appropriate Division services or actions, as specified in the case plan, see N.J.A.C. 10:133D-2;
3. Whether the Division has provided ample opportunity for visitation between the child and parent, siblings and relatives, so as to maintain the parent-child and family relationships;
4. Whether continued out-of-home placement serves the best interest of the child;
5. Whether a less or more restrictive out-of-home placement would better meet the child's needs;
6. Whether an out-of-home placement in closer proximity to the child's family is available and if it would better serve the child's needs; and
7. Whether efforts have been made to place siblings together.

10:133H-3.6 Frequency of placement reviews

- (a) The Division shall conduct a placement review between six and a half and seven and a half months from the date of placement and annually thereafter.
- (b) The Division placement review schedule shall alternate with the review schedule of the Child Placement Review Board which is within 45 days following the child's out-of-home placement, and annually thereafter. Thus, out-of-home placement of each child is reviewed no less frequently than once every six months.

10:133H-3.7 Notice of Division placement review

- (a) The Division shall provide adequate prior written notice of the date, time and location of the placement review to the parent, the out-of-home placement provider, the child, if age appropriate, legal counsel for the child, the parent, and the Division if applicable, the Child Placement Review Board, and the Case Assessment Resource Team Coordinator, if the child has been referred to the Case Assessment Resource Team.
- (b) In addition to those persons cited in (a) above, the Division may provide prior written notice of the date, time and location of the placement review to another person(s) or professional(s) providing care or services to the child beyond those services provided by the Division.

- (c) Each person invited to the placement review shall be entitled to attend and participate in the placement review to the extent deemed appropriate by the Division and in concert with the consent of the parent. In the absence of personal attendance, the invited person may submit information in writing to the Division concerning the case goal and case plan for the child.

10:133H-3.8 Convening and conducting the Division placement review

- (a) The Division placement review shall be convened and conducted by a Division representative as defined in N.J.A.C. 10:133-1.3, who has no responsibility for case management or delivery of service to the child who is the subject of the placement review or to the child's parent.
- (b) Division representatives who participate in the Division placement review shall include the designated Division representative who conducts the placement review, the Division representative having direct service responsibility for the child, and that Division representative's supervisor. When the Division representative for the parent is different from that for the child, then that Division representative shall also be present at the placement review or submit information about the parent's situation or circumstances to the Division representative conducting the placement review.

- (c) The Division representative conducting the placement review shall ensure that the following are assessed or determined at the placement review:

1. The circumstances that necessitated the out-of-home placement and the efforts made by the Division to prevent out-of-home placement;
2. The proximity of the child's out-of-home placement to his or her own home and the efforts made by the Division to provide continued contact between the child, parent, and siblings not residing with the child;
3. Whether the continued out-of-home placement of the child is in the child's best interest;
4. Whether the child is making an adequate adjustment to the out-of-home placement, as indicated by the child's behavior;
5. Whether returning the child to his or her own home is contrary to the child's welfare;
6. The current objectives of the case plan and whether they are being implemented and are likely to lead to achieving the case goal;
7. Whether the child's case goal is the most likely to meet his or her needs and whether progress is being made toward its achievement;
8. Whether the services the Division is providing to the child, his or her parent, and the out-of-home placement provider meet the identified service needs;

9. Whether the Division, parent and out-of-home placement provider are fulfilling their respective responsibilities in accordance with the case plan;

10. Whether the parent and the Division are maintaining the visitation schedule;

11. Whether obstacles exist that are preventing achievement of the case goal and the efforts being made by the Division to alleviate the obstacles;

12. Whether progress is being made to identify, search for, and assess relatives of the child in order to determine their appropriateness and willingness to care for the child;

13. Whether the child has siblings in out-of-home placement, what the case plan and case goal are for each of them, and what efforts the Division is making to place the siblings together until they can be reunited with their parent;

14. Whether recommendations by the Child Placement Review Board or court orders are being followed; and

15. The time frame and conditions required for return of the child to his or her own home or an alternate permanent living arrangement.

(d) The Division shall inform the parent and the child, if appropriate, of the outcome of the Division's placement review, except that those persons cited in N.J.A.C. 10:133H-3.7(b) may receive only that information from the placement review which has a direct effect on the care or services being provided by that person or professional.

(e) The Division representative who conducts the placement review shall share critical case information with the office management staff following the placement review.

10:133H-3.9 Division responsibility to the Child Placement Review Board

(a) Pursuant to N.J.S.A. 30:4C-50 et seq., the Division shall provide the following information in its notice of out-of-home placement to the Family Court within five calendar days of a child's out-of-home placement:

1. The reasons for the out-of-home placement;
2. The Division's efforts to prevent out-of-home placement;
3. The short-term placement plan;
4. The case goal; and
5. The names and addresses of all parties, Division and non-Division, who have direct responsibility for or interest in the child.

(b) The Division shall submit to the Child Placement Review Board complete and relevant case information for its initial 45-day review and for its annual review.

(c) Subsequent to the initial placement review by the Division between months six and a half and seven and a half of a child's out-of-home placement, the Division shall submit to the Child Placement Review Board complete and relevant case information. The Division shall continue to submit this information prior to the annually scheduled Child Placement Review Board review.

10:133H-3.10 Review of adoption placement

When a child is legally available for adoption and in a selected adoption home or the consent to foster parent adoption is signed by the office manager, the Division shall continue to conduct a placement review no less frequently than once every six months. Since the Child Placement Review Board shall suspend its review, the Division shall submit to the Child Placement Review Board a status report once every four months stating the progress being made toward adoption finalization.

10:133H-3.11 Living arrangements subject to a placement review

(a) Each child in the following living arrangements or circumstances is subject to a placement review. The Division shall notice the Family Court, under N.J.S.A. 30:4C-53, of these situations:

1. A child who has been placed voluntarily or non-voluntarily by the Division from his or her home, free or with maintenance provided by the Division; and
2. A child who has not been placed by the Division from his or her home but for whom the Division provides maintenance or provides permanency services.

10:133H-3.12 Living arrangements not subject to a placement review

(a) Each child in the following living arrangements or circumstances is not subject to a placement review. The Division shall not notice the Family Court as under N.J.S.A. 30:4C-53 of these situations:

1. A child who is residing with a relative or stepparent at the time of application or referral for services, whose parent made the arrangement, and for whom the Division does not provide maintenance;
2. A child who has been ordered by the Family Court to be placed in a correctional facility, where the Division is not the child's legal guardian; and
3. A child who is placed in New Jersey by an out-of-State agency and that agency retains legal and financial responsibility for the child, with the Division providing courtesy supervision of the out-of-home placement.

10:133H-3.13 Termination of providing information to Child Placement Review Board

(a) The Division shall notice the Family Court of the following circumstances and cease to provide information to the Child Placement Review Board unless otherwise ordered by the Family Court:

1. When a child returns to his or her own home;
2. When a child attains the age of 18; or
3. When the Division transfers the responsibility of a child's care to another agency or otherwise terminates its services.

(b) The Division may continue to hold a placement review at the discretion of the office manager in the above-cited situations if the Division continues services or monitoring of the case.

(c) The Division shall provide notice but no further information to the Child Placement Review Board when:

1. The child is adopted and the final judgment of adoption is entered by the Family Court;
2. The child enters the armed forces;
3. The child marries; or
4. The child dies.