

CHAPTER 133**INITIAL RESPONSE AND SERVICE DELIVERY
GENERAL PROVISIONS****Authority**

N.J.S.A. 30:4C-44 and 9:6-8.15.

Source and Effective Date

R.1993 d.19, effective January 4, 1993 (operative July 1, 1993).
See: 23 N.J.R. 3714(a), 25 N.J.R. 132(a).

Executive Order No. 66(1978) Expiration Date

Chapter 10:133, Initial Response and Service Delivery General Provisions, expires on January 4, 1998.

Chapter Historical Note

Chapter 10:133, Initial Response and Service Delivery General Provisions, was adopted as new rules by R.1993 d.19. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**10:133-1.1 Purpose**

(a) The purpose of the series of chapters on initial response and service delivery is to describe certain services provided by the Division, the processes used by the Division to determine what actions to take in response to a referral or application for those services, what applicants and clients may expect of the Division, and any standards and requirements for applicants, clients, and the Division related to those services.

(b) The purpose of this chapter is to provide certain general provisions and to define certain words and terms to be used throughout the chapters on initial response from the Division and service delivery by the Division which follow, so as to provide standardization and ease of accessibility to the user of the New Jersey Administrative Code.

10:133-1.2 Scope

The provisions of this chapter and this series of chapters apply to all Division representatives, all applicants for services from the Division, all clients receiving services from the Division, all persons referred for Division services, and all persons making referrals to the Division.

10:133-1.3 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Abused or neglected child” means a child:

1. Less than 18 years of age:
 - i. Whose parent or guardian inflicts, or allows to be inflicted upon such child, physical injury by other than accidental means, which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
 - ii. Whose parent or guardian creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
 - iii. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child;
 - iv. Whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his or her parent or guardian to exercise a minimum degree of care:
 - (1) In supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so, or though offered financial or other reasonable means to do so; or
 - (2) In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court;
 - v. Who has been willfully abandoned by his or her parent or guardian;
 - vi. Upon whom excessive physical restraint has been used under circumstances which do not indicate that the child’s behavior is harmful to herself or himself, others or property; or

vii. Who is in an institution other than a day school, and:

(1) Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being; or

(2) Has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

2. No child who in good faith is under treatment by spiritual means alone, through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, shall for this reason alone be considered to be abused or neglected.

"Adoption" means the legal transfer of all parental rights and responsibilities from the parent to a person willing to assume those rights and responsibilities.

"Applicant" means a person, either adult or minor, who requests services from the Division, for himself or herself or his or her family; or a person referred by another person or agency for non-protective services. For the purposes of N.J.A.C. 10:133 through 133G, the term "applicant" does not include those people who request or need information only, nor does it include persons applying to become foster parents, adoptive parents or other providers of service.

"Assessment" means the gathering of information, evaluation of the information gathered to determine the client's service needs, and the determination of who shall provide the needed services.

"Case plan" means a written statement of the Division's intervention on behalf of a child, which includes identification of the problems which necessitate Division involvement with the family, the services or actions needed, who will accomplish or provide them, and the planned time frame for providing each service.

"Child" means any person less than 18 years of age, except as otherwise provided by N.J.S.A. 9:17B-2f.

"Child welfare services" or "welfare services" or "services" means consultation, counseling, and referral to or utilization of available resources, for the purpose of determining and correcting or adjusting matters and circumstances which are endangering the welfare of a child, and for the purpose of promoting his or her proper development and adjustment in the family and the community; also, as defined under Title IV-B of the Social Security Act, 42 U.S.C. 620 et seq., as from time to time amended.

"Client" means any person including an applicant receiving a service from the Division or any person referred to the Division for services.

"Collateral contact" means a contact made with a person other than the referral source or those who are subject(s) of the referral in order to collect additional information.

"Custody" means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both. (N.J.S.A. 30:4C-2(d))

"Day school" means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

"Delinquency" means the definition given in N.J.S.A. 2A:4A-23.

"Dependency" means the state of being a child under the age of 18 who has been deprived of parental support or care by reason of the death, continued absence from the home or physical or mental incapacity of a parent.

"Director" means the Director of the Division of Youth and Family Services in the Department of Human Services.

"Dispositional conference" means a formal review of a Division decision, which is made by Division administrative personnel not involved in making the original decision.

"Division" or "DYFS" means the Division of Youth and Family Services in the Department of Human Services.

"Division representative" means a professional or para-professional employee of the Division of Youth and Family Services.

"Foundling" means an infant or young child found abandoned, who cannot be identified and whose family cannot be identified.

"Independent living" means the maintenance of a child in a living arrangement that allows that child to function eventually on his or her own when circumstances preclude the child from returning to the person or persons with whom he or she resided at the time of referral or application for services, no appropriate relative or family friend is able or willing to assume care of the child, no family is able or willing to provide long-term foster care custody or to legally adopt the child, or the child rejects each of these living arrangements.

"Information only" means the provision of information in response to an inquiry, when the person making the inquiry is not alleging or in any way indicating that a child is an abused or neglected child.

“Information and referral” means the activity of informing an applicant or person referred for Division services about services available from public and private sources, based on a determination of need, knowledge of Division and community resources, and follow up where indicated.

“Long-term foster care custody” means the establishment of a Division-initiated, court-ordered, legal relationship between a foster parent and a foster child when neither return home, permanency with a relative or family friend, nor adoption is an appropriate permanent plan, although one or more of these case goals have been diligently but unsuccessfully pursued, pursuant to P.L.1992, c. 139.

“Maintenance” means monies expended by the Division to procure board, lodging, clothing, medical, dental, psychological and hospital care, or any other similar or specialized commodity or service furnished to or on behalf of, or for a child.

“Maintenance in own home” means keeping a child in the home of the person or persons with whom he or she is residing at the time of referral or application for services or keeping the child in the home where the child has been returned or placed following out-of-home placement, regardless of the child’s biological or legal ties to the person or persons, and when the circumstances do not necessitate removal from the home.

“Other long-term, specialized care” means the out-of-home placement or maintenance of the out-of-home placement of a child in a long-term, specialized care living arrangement when no appropriate family is able or willing to care for and meet the needs of a child with a serious medical, physical, emotional or mental disability.

“Out-of-home placement” or “placement” or “substitute care” means physically locating a child by the Division, or with the Division’s approval, in any out-of-home setting, including foster care, group home, shelter care, or a residential facility for temporary treatment or long-term care.

“Parent” means any birth parent, adoptive parent, stepparent, guardian or any person who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care.

“Parent or guardian” means any natural parent, adoptive parent, foster parent, stepparent, or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care. Parent or guardian includes a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child’s welfare and any other staff person of an institution, regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school.

“Permanency with a relative or family friend” means the placement of a child with a biological relative, a relative by marriage or a family friend when circumstances preclude the child from living with or returning to the person or persons with whom he or she resided at the time of referral or application for services, or the person or persons whom the child previously related to as a “parent.”

“Referral” means a verbal or written statement made to the Division by a referral source which indicates a possible need for a child protective service investigation or child welfare services for a child or family.

“Referral source” means a relative, agency, association, public official, or anyone having a special interest in a child or family, or the child himself or herself who makes a referral or application to the Division.

“Response” means all those activities conducted by the Division between application or referral and the initiation of an assessment or child protective service investigation and includes the provision of any services needed on an emergency basis.

“Return home” means putting a child with a parent when the circumstances necessitating placement out of the home have been resolved.

“Screening” means the introductory information gathering activity which takes place during the initial contact or during contact subsequent to a referral or request for services regarding a client between the Division and the applicant or the referral source and collateral contacts to determine whether the referral or application for service is appropriate for the Division.

Amended by R.1994 d.531, effective October 17, 1994.
See: 26 N.J.R. 1285(a), 26 N.J.R. 4186(a).

10:133-1.4 Rights of applicants and clients during initial response

(a) Any person who currently resides in New Jersey shall have the right to apply for any child welfare services or child protective services provided by the Division.

(b) Any person within New Jersey may apply for child welfare services or protective services as specified in N.J.S.A. 30:4C-11.

(c) Anyone requesting in person to apply for services shall be given the opportunity to do so immediately.

(d) An applicant or client may orally or in writing authorize a representative to speak and act on his or her behalf. If the applicant or client is incompetent or incapacitated or in an emergency, the application may be signed for him or her by someone determined by the Division to be able to act responsibly on his or her behalf, including a Division repre-

sentative. The Division shall help the client, applicant, or representative complete the application, if necessary.

(e) The applicant, client, or representative requesting or requiring services shall have the right to make application in writing.

(f) The applicant, client, or representative shall receive a copy of the completed application.

(g) The applicant or client shall receive written information about:

1. The Division's authority to provide service and conduct protective service investigations;
2. Services available through the Division;
3. The Division's mission;
4. The role of the Division representative;
5. The rights of applicants and clients including their right to consult an attorney;
6. When and how an applicant or client may appeal an action taken by or decision made by the Division;
7. The definition of an abused or neglected child;
8. The purpose and general procedures for a child protective service investigation;
9. The purpose and general procedures for an assessment;
10. Parental financial responsibilities when receiving Division services;
11. How to reach the Division by telephone during normal working hours and after working hours; and
12. Child Placement Review and internal placement reviews when placement has been requested or is otherwise indicated.

(h) The applicant or client shall have the right to have the information collected about his or her family considered confidential. The applicant has a right to know that information will be released, only with his or her written consent or pursuant to N.J.S.A. 9:6-8.10a. In addition, he or she has the right to know that he or she may have access to information about his or her family not otherwise protected by law, for example, under N.J.S.A. 9:6-8.10a, or 42 U.S.C. 5101 et seq.

(i) The Division shall not discriminate against an applicant or client on the basis of race, color, national origin, handicapping condition, gender, religion, or marital, parental, or birth status.

(j) The applicant, client or referral source, if a request is made, shall have the right to receive a written disposition from the Division as soon as practical but not later than 45 calendar days from the date of application or referral.

(k) Each applicant or client shall be informed of:

1. The Division's responsibilities, as listed in N.J.A.C. 10:133-1.6;
2. Eligibility factors used by the Division;
3. The Division's legal responsibility to investigate certain referrals;
4. Other resources in the community or courses of action, which might meet his or her needs;
5. Why the Division is involved with him or her and the family, if the person did not ask for help;
6. What the Division expects from him or her and the child; and
7. What services can be provided.

(l) An applicant or client shall have the right to have the rules of this chapter followed.

(m) The applicant or client shall have the right to refuse any involvement or services not wanted, unless a court order requires the Division to provide them, and the court order requires the applicant or client to utilize the service.

10:133-1.5 Responsibilities of applicants and clients

(a) A person applying for or receiving certain social services shall provide information necessary to determine his or her eligibility for social services including requested financial information.

(b) A person applying for or receiving social services shall report within seven days to the Division representative any changes in the number or relationship of family members, changes in address or residence, changes in financial circumstances, changes in employment or any other change in circumstances which may affect eligibility for services.

10:133-1.6 Responsibilities of the Division

(a) The Division, through a Division representative, is responsible for:

1. Explaining why the Division is involved with a family;
2. Helping ensure that the family's children are protected from abuse or neglect;
3. Telling the applicant what is expected from him or her and his or her children;
4. Explaining to the family the procedures to obtain the services requested;
5. Providing only those services agreed upon unless there is a court order or otherwise authorized in N.J.S.A. 30:4C-12 and 15 and N.J.S.A. 9:6-8.18 and 29;
6. Listening and offering to help find solutions to problems;