

CHAPTER 133H**GENERAL PLACEMENT REQUIREMENTS****Authority**

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

Source and Effective Date

R.1999 d.338, effective September 8, 1999.
See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Executive Order No. 66(1978) Expiration Date

Chapter 133H, General Placement Requirements, expires on September 8, 2004.

Chapter Historical Note

Chapter 133H, General Placement Requirements, was adopted as R.1994 d.532, effective October 17, 1994. See: 25 N.J.R. 5752(a), 26 N.J.R. 4188(a).

Pursuant to Executive Order No. 66(1978), Chapter 133H, General Placement Requirements, was readopted as R.1999 d.338, effective September 8, 1999. See: Source and Effective Date. As a part of R.1999 d.338, Subchapter 4, Review of Children Placed in New Jersey by Another State, was adopted as new rules, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

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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 OR CARE PROVIDED BY A RELATIVE****10:133H-3.1 Scope**

The provisions of this subchapter shall apply to the Division and to each child in out-of-home placement or cared for by a relative in accordance with N.J.A.C. 10:133H-3.10, each parent, any legal counsel for the child, the parent or the Division, and each out-of-home placement provider or relative providing care for a child in accordance with N.J.A.C. 10:133H-3.10. The provisions of this subchapter shall not apply to those situations cited in N.J.A.C. 10:133H-3.11.

Recodified from N.J.A.C. 10:133H-3.2 and amended by R.1999 d.338, effective October 4, 1999.

See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Rewrote the section. Section was "Authority".

10:133H-3.2 Definitions

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

Recodified from N.J.A.C. 10:133H-3.3 by R.1999 d.338, effective October 4, 1999.

See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Former N.J.A.C. 10:133H-3.2, Scope, recodified to N.J.A.C. 10:133H-3.1.

10:133H-3.3 Purpose of a placement review

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

1. The safety of the child;

2. Whether the out-of-home placement or care provided by a relative should continue, consistent with the provisions of N.J.A.C. 10:133H-3.4;

3. If reasonable efforts to reunify are not required when a court has made a determination pursuant to N.J.S.A. 30:4C-11.3;

4. The extent of compliance with the case plan and the extent of progress made toward alleviating or mitigating the causes which necessitate placement;

5. 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-4.5;

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 or relative providing care for the child, 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 or relative providing care for the child, 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 unless (a)3 above applies;

v. Whether the Division has made reasonable 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 or care provided by a relative of the child is appropriate and in the best interest of the child;

6. A likely date by which the child can safely be returned home or, if the child cannot be returned home, placed for adoption or legal guardianship or in another permanent living arrangement; and

7. Whether to prepare for a permanency hearing, pursuant to 42 U.S.C. § 675(5)(C).

Recodified from N.J.A.C. 10:133H-3.4 and amended by R.1999 d.338, effective October 4, 1999.

See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Rewrote the section heading and the section. Former N.J.A.C. 10:133H-3.3, Definitions, recodified to N.J.A.C. 10:133H-3.2.

10:133H-3.4 Determination of whether out-of-home placement or care provided by a relative should continue

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

1. The safety of the child;

2. Whether the circumstances and reasons originally necessitating the out-of-home placement or care provided by a relative of the child continue to exist or if additional or different circumstances have occurred which support continued out-of-home placement or care provided by a relative;

3. Whether the Division in the provision of services has made reasonable efforts 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;

4. 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;

5. Whether continued out-of-home placement or care provided by a relative serves the best interest of the child;

6. Whether a less or more restrictive out-of-home placement would better meet the child's needs;

7. Whether an out-of-home placement or care provided by a relative in closer proximity to the child's family is available and if it would better serve the child's needs; and

8. Whether the child should be placed with any of his or her siblings and what efforts have been made to place the siblings together.

Recodified from N.J.A.C. 10:133H-3.5 and amended by R.1999 d.338, effective October 4, 1999.

See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

In the section heading and throughout the section, inserted "or care provided by a relative", in (a), inserted 1, renumbered former 1 to 7 as 2 to 8, in 3, substituted "reasonable efforts" for "every effort", and in 8, inserted "the child should be placed with any of his or her siblings and what". Former N.J.A.C. 10:133H-3.4, Purpose of the placement review, recodified to N.J.A.C. 10:133H-3.3.

10:133H-3.5 Frequency of placement reviews

(a) At least once every six months, the Division shall:

1. Conduct a placement review in accordance with N.J.A.C. 10:133H-3.7;

2. Participate in a review by the Child Placement Review Board pursuant to N.J.S.A. 30:4C-50 et seq. and N.J.A.C. 10:133H-3.8; or

3. Participate in another professional case review in accordance with (b) below.

(b) Another professional case review, including, but not limited to, a Case Assessment Resource Team review, a meeting to develop or revise a child's treatment plan in accordance with N.J.A.C. 10:127-6.2 or 10:128-6.1, or a court hearing, may substitute for the placement review only when:

1. The review is held during the required time frame in accordance with (a) above;

Recodified from N.J.A.C. 10:133H-3.10 and amended by R.1999 d.338, effective October 4, 1999.

See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Inserted “, until the final judgment of adoption is entered by the Family Court”. Former N.J.A.C. 10:133H-3.9, Division Responsibility to the Child Placement Review Board, recodified to N.J.A.C. 10:133H-3.8.

10:133H-3.10 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.

Recodified from N.J.A.C. 10:133H-3.11 by R.1999 d.338, effective October 4, 1999.

See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Former N.J.A.C. 10:133H-3.10, Review of adoption placement, recodified to N.J.A.C. 10:133H-3.9.

10:133H-3.11 Living arrangements not subject to a placement review or review by the Child Placement Review Board

(a) Each child in the following living arrangements or circumstances is not subject to a placement review or review by the Child Placement Review Board. The Division shall not conduct a placement review or 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 or permanency services;
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 or care provided by a relative. The Division provides a different type of review for a child in these circumstances in accordance with N.J.A.C. 10:133H-4.

Recodified from N.J.A.C. 10:133H-3.12 and amended by R.1999 d.338, effective October 4, 1999.

See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

In the section heading and in (a), inserted “or review by the Child Placement Review Board”, in (a), inserted “conduct a placement review or”, in (a)1, inserted “or permanency services”, and in (a)3, added “or care provided by a relative. The Division provides a different type of review for a child in these circumstances in accordance with N.J.A.C. 10:133H-4.”. Former N.J.A.C. 10:133H-3.11, Living arrangements subject to a placement review, recodified to N.J.A.C. 10:133H-3.10.

10:133H-3.12 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.

Recodified from N.J.A.C. 10:133H-3.13 by R.1999 d.338, effective October 4, 1999.

See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Former N.J.A.C. 10:133H-3.12, Living arrangements not subject to a placement review, recodified to N.J.A.C. 10:133H-3.11.

10:133H-3.13 (Reserved)

Recodified to 10:133H-3.12 by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Section was “Termination of providing information to Child Placement Review Board”.

**SUBCHAPTER 4. REVIEW OF CHILDREN
PLACED IN NEW JERSEY BY ANOTHER
STATE**

10:133H-4.1 Purpose

The purpose of the subchapter is to ensure that each child placed in New Jersey by another state and for whom New Jersey provides courtesy supervision pursuant to N.J.S.A. 9:23-5 et seq., the Interstate Compact on the Placement of Children, has a regular review of his or her situation by a Division representative who has no responsibility for supervision of the child or delivery of service to the child.

10:133H-4.2 Scope

(a) The provisions of this subchapter shall apply to:

1. Each Division representative;

2. Each child placed in New Jersey by the responsible sending state with a foster parent, with an adoptive parent adopting the child through an out-of-State public agency, or with a parent or relative, when New Jersey provides courtesy supervision pursuant to N.J.S.A. 9:23-5 et seq.; and

3. Each foster parent, adoptive parent adopting a child through an out-of-State public agency, and parent or relative caring for a child placed in New Jersey by the responsible sending state when New Jersey provides courtesy supervision pursuant to N.J.S.A. 9:23-5 et seq.

10:133H-4.3 Definitions

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

10:133H-4.4 Purpose of review

(a) The purpose of a Division review of a child placed in New Jersey by the responsible sending state is to:

1. Assure the child's safety;
2. Assure the child's permanency as determined by the responsible sending state;
3. Assess the services used by the child or provided on the child's behalf;
4. Assess compliance with the child's case plan as developed by the responsible sending state's staff; and
5. Compile information needed by the responsible sending state's staff to assess and amend the child's case plan.

10:133H-4.5 Notice of review

(a) A Division representative shall provide adequate prior written notice of the review to:

1. The child, if age appropriate;
2. The foster parent, adoptive parent adopting the child through a public agency, or parent or relative caring for a child placed in New Jersey by the responsible sending state when New Jersey provides courtesy supervision pursuant to N.J.S.A. 9:23-5 et seq.;
3. The child's case manager in the responsible sending state; and
4. The New Jersey Division of Youth and Family Services Interstate Services Unit.

10:133H-4.6 Participation in the review

(a) A Division representative who has no responsibility for supervision of the child or delivery of services to the child or the foster parent, adoptive parent, parent or relative with whom the child is living in New Jersey shall schedule, conduct and make a written record of the results of the review.

(b) The Division representative who provides courtesy supervision of the child living in New Jersey and that Division representative's supervisor shall participate.

(c) Any other Division representative having relevant information to share may participate or submit written information prior to the review.

(d) The child's case manager in the responsible sending state may participate in the review by attending the review, submitting written information, or speaking with a Division representative by telephone either before or during the review.

10:133H-4.7 Conducting the review

(a) The Division representative conducting the review shall ensure that the following are assessed:

1. The child's safety in his or her current living arrangement;
2. The child's progress toward achieving the permanent plan as determined by the responsible sending state;
3. The use and effectiveness of any services the child or the foster parent, adoptive parent, parent or relative with whom the child lives in New Jersey receives as part of the responsible sending state's case plan;
4. Any other service identified by the Division which the Division may recommend to the responsible sending state; and
5. Compliance with the responsible sending state's case plan.

10:133H-4.8 Frequency of review

A Division representative shall conduct a review of a child placed in New Jersey by another state and for whom New Jersey provides courtesy supervision at least once every six months as long as the child remains in New Jersey pursuant to N.J.S.A. 9:23-5 et seq.