

CHAPTER 133
SERVICE DELIVERY GENERAL PROVISIONS

Authority

N.J.S.A. 30:4C-4(h).

Source and Effective Date

R.2010 d.108, effective May 20, 2010.
See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

Chapter Expiration Date

Chapter 133, Service Delivery General Provisions, expires on May 20, 2015.

Chapter Historical Note

Chapter 133, Initial Response and Service Delivery General Provisions, was adopted as new rules by 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).

Pursuant to Executive Order No. 66(1978), Chapter 133, Initial Response and Service Delivery General Provisions, was readopted by R.1998 d.73, effective December 31, 1997. See: 29 N.J.R. 4277(a), 30 N.J.R. 550(a). Chapter 133 expired on December 31, 2002.

Chapter 133, Initial Response and Service Delivery General Provisions, was adopted as new rules by R.2004 d.439, effective December 6, 2004. See: 35 N.J.R. 4999(a), 36 N.J.R. 5354(b).

Chapter 133, Initial Response and Service Delivery General Provisions, was readopted as R.2010 d.108, effective May 20, 2010. As a part of R.2010 d.108, Chapter 133 was renamed Service Delivery General Provisions, effective June 21, 2010. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10:133-1.1 Purpose
- 10:133-1.2 Scope
- 10:133-1.3 Definitions
- 10:133-1.4 Rights of applicants and clients
- 10:133-1.5 Responsibilities of applicants and clients
- 10:133-1.6 Responsibilities of the Division
- 10:133-1.7 Service limitations
- 10:133-1.8 Appeals

SUBCHAPTER 1. GENERAL PROVISIONS

10:133-1.1 Purpose

(a) The purpose of the series of chapters on 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 an abuse or neglect report, referral or application for 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 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.

Amended by R.2010 d.108, effective June 21, 2010.
See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

In (a), deleted "initial response and" preceding "service delivery", substituted "an abuse or neglect report," for "a" preceding "referral", deleted "those" preceding the second occurrence of "services", and deleted a comma following the third occurrence of "Division" and following "clients"; and in (b), deleted "initial response from the Division and" preceding "service delivery".

10:133-1.2 Scope

The provisions of this chapter and this series of chapters apply to each Division representative, each applicant for services from the Division, each client receiving services from the Division, each person referred for Division services, each person making an abuse or neglect report or referral to the Division and each out-of-home placement provider for a child under the supervision of the Division.

Amended by R.2010 d.108, effective June 21, 2010.
See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

Inserted "an abuse or neglect report or", substituted "referrals" for "referral" and deleted a comma following the fifth occurrence of "Division".

10:133-1.3 Definitions

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

"Abuse or neglect report" means an account or statement describing a specific incident or set of circumstances of suspected abuse or neglect.

"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 himself or herself, 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.

"Adoption subsidy" means financial payments made for the care, maintenance and medical and surgical expenses of a special needs child, as defined in N.J.A.C. 10:121-1.1, to the person with whom the child has been placed for adoption or by whom the child has been adopted or to a medical provider when such medical and surgical payments are applied for prior to adoption.

"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 child welfare services. For the purposes of N.J.A.C. 10:133 through 10:133K, the term "applicant" does not include those persons applying to become resource 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.

"Camp" means a set of recreational and developmental activities on either a day or residential basis for limited duration during the summer months, as licensed by the Department of Health and Senior Services.

"Case management" means the method by which the Division addresses the client's needs and develops and administers a case plan through the direct activities of the Division's representatives who provide or coordinate the delivery of appropriate 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 advocate" means a person specializing in the field of child advocacy who demonstrates his or her education and/or experience in that field to the satisfaction of the Division, but is limited to such persons who have had direct involvement in permanency planning for the child. Child advocates include, but are not limited to, Court Appointed Special Advocates (CASA) and Law Guardians.

"Child care" means a series of comprehensive and coordinated activities provided to each individual child for a portion of the day, which provides direct personal care, attention, and supervision, which may include education, socialization, nutritional, referral and transportation activities, and which is provided in a licensed child care center or school-age child care program, in a registered family day care home, or in the child's own home by an individual approved by the Division.

"Child welfare information" means every record, computer file, verbal or written report and evaluation relating to any service provided by the Division except records defined as protective service information.

"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.