

“Waiting list” means a roster of eligible individuals with developmental disabilities waiting for community-based services who are not currently receiving residential services, are awaiting residential or day services while in placement from another funding source.

“Waiting list initiative” means new funding provided in the Division’s budget specifically for the purpose of serving persons from the priority waiting list.

Amended by R.1996 d.219, effective May 20, 1996.
See: 28 N.J.R. 1177(a), 28 N.J.R. 2614(a).

Added “Caregiver”, “Emergency placement”, “Generic geographical location”, “Guardian”, “Long term placement”, “Placement” and “Specific geographic region”; amended “Placement review team” and “Waiting list”.

Amended by R.1998 d.479, effective September 21, 1998.
See: 30 N.J.R. 1012(a), 30 N.J.R. 1255(a), 30 N.J.R. 3518(a).

Added “Waiting list initiative”.
Amended by R.2000 d.110, effective March 20, 2000.
See: 31 N.J.R. 1302(a), 32 N.J.R. 1021(a).

Inserted “Competitively employed”, “Day program”, “Emergency day program placement”, and “Supported employment” definitions.
Amended by R.2001 d.471, effective January 7, 2002.
See: 33 N.J.R. 2438(a), 34 N.J.R. 277(a).

Inserted “Behavioral supports”, “In-home supports”, “Medical needs”, “Physical support”, “Psychiatric care” and “Self-determination process”; amended “Waiting list” and “Waiting list initiative”.

10:46C-1.4 Waiting list assignment for residential services

(a) At the time of eligibility, the applicant shall be informed of the residential and day program waiting list. The waiting list category shall be specified at the time the individual is found eligible for functional services if the individual or legal guardian requests waiting list assignment at that time.

(b) If the individual does not request waiting list assignment at the time he or she is found eligible, he or she may request an assignment at any time. The waiting list assignment or lack of a waiting list assignment and desire to be added to the waiting list shall be reassessed no less than annually.

(c) If an individual is over 18 years of age and is competent and expresses a desire to leave his or her current living arrangement, the Division shall evaluate the individual against the criteria contained in this chapter. Unless the individual meets the priority criteria, he or she shall be assigned to the general waiting list.

(d) The waiting list system shall consist of three categories: priority, priority deferred and general waiting list, as follows:

1. The priority category will be assigned when the individual is in need of a placement because he or she is determined to be at significant risk.

i. Assignment to the priority category may be requested by the individual, his or her legal guardian, or a caregiver. The PRT shall determine if the criteria for

assignment to this category, as provided in (d)liii below have been met;

ii. The priority category may be assigned only when the individual or legal guardian would accept his or her preferred service if it were offered. In the case of children, the requirements of N.J.A.C. 10:46C-1.9 shall also apply;

iii. Satisfaction of one or more of the following criteria shall create a presumption that the individual or family is at risk:

(1) Both of the birth or adoptive parents are 60 years or older;

(2) Parents between 55 and 60 may be assigned to the priority waiting list if the Placement Review Team believes that the individual requires psychiatric care, physical supports or behavioral supports.

(3) An individual living with a person other than the birth or adoptive parents who is providing care voluntarily and without pay and the voluntary caregiver indicates he or she can no longer care for the individual.

(4) Where the parent or guardian is under age 55, satisfaction of one or more of the following criteria shall create a presumption that the individual or family is at risk. The individual may be assigned to the priority category if:

(A) There is a clear risk of abuse, neglect or exploitation;

(B) There is a clear risk to the individual’s health and safety;

(C) There is a single parent as the head of household who requires a minimum of 40 hours of specialized or generic supports from the Division each month in order to keep a full time job;

(D) There is a single parent as the head of household who is the primary caregiver to more than one person with a disability and those persons have significant direct care needs, that is, feeding, bathing and/or toileting;

(E) The individual’s behavior(s) present a risk to self or others which cannot be effectively managed by the parents even with generic or specialized supports provided by the Division; or

(F) There are physical care needs such as lifting or bathing or medical needs which cannot be managed by the parents even with generic specialized supports provided by the Division.

2. The “Priority Deferred” category may be assigned by the Division if the person is on the priority waiting list and an offer of placement is made and declined, or if the person is on the priority waiting list and agrees to accept

in-home supports in lieu of a residential placement. The Division shall announce the maximum amount available to an individual for in-home supports annually in the New Jersey Register at the beginning of each fiscal year.

i. The individual assigned to the priority deferred category shall retain his or her original date of assignment to the priority category;

ii. The individual may request restoration to the priority category at any time provided that he or she would be willing to accept an offer of residential placement.

iii. Once a person is added to the priority category, he or she shall have their original date restored and he or she shall be included in the next available initiative unless an emergency placement is required.

iv. The Division will send an annual form letter requesting an update of the waiting list status. The individual or his or her legal guardian shall be responsible to return the completed form to the Division.

v. The individual or his or her legal guardian may also notify the Division in writing when he or she is willing to accept a residential placement and wishes to be restored to the priority category.

3. When requested by an individual or his or her legal guardian or caregiver, or if the individual does not meet the criteria for assignment to the priority category, assignment to the general waiting list shall be made by the Division if placement is not desired or needed now but is anticipated at some time in the future.

(e) In the event that two or more individuals have the same assignment date to the priority category of the waiting list, the person with the earlier date shall have the higher priority, as follows:

1. The first criteria used to break the tie shall be the original (initial) date of assignment of the person to any category of the waiting list.

2. If more than one person has the same original date of assignment to the waiting list, the second criteria used to break the tie shall be the date the person was determined eligible for functional services.

Amended by R.1996 d.219, effective May 20, 1996.

See: 28 N.J.R. 1177(a), 28 N.J.R. 2614(a).

Rewrote section.

Amended by R.1998 d.479, effective September 21, 1998.

See: 30 N.J.R. 1012(a), 30 N.J.R. 1255(a), 30 N.J.R. 3518(a).

Added (e).

Amended by R.2000 d.110, effective March 20, 2000.

See: 31 N.J.R. 1302(a), 32 N.J.R. 1021(a).

Amended by R.2001 d.471, effective January 7, 2002.

See: 33 N.J.R. 2438(a), 34 N.J.R. 277(a).

Rewrote the section.

10:46C-1.5 Initial notification for residential services

(a) The initial waiting list assignment will be made by the person's Intake Team if the individual is requesting placement at the time of initial application. When an individual is assigned to a category or when a person is reviewed for a change in the category, the results of the review will be forwarded in writing by Division staff to the individual, if competent, or his or her legal guardian within 30 days of the determination.

(b) The category shall be included in the person's IHP.

(c) At the time of the determination of eligibility and assignment to a waiting list, the Division shall identify the individual's preferences and the environmental support needed.

(d) The individual and/or his or her legal guardian, with input from the family where desired by the individual, shall determine the preference for services.

(e) Wherever possible, there should be a consensus among the individual, guardian, and the caregiver as to the preference. Division staff shall have no role in deciding preference except to advocate for the wishes of the individual. However, when there is no consensus reached, the Division shall note that there is a disagreement.

(f) Where no consensus is reached and the individual can express a clear and reasonable preference, the wishes of the individual shall be the preference recorded by the Division.

(g) If the individual cannot express a clear preference, the wishes of his or her legal guardian shall be recorded by the Division.

(h) Where there is no guardian appointed or pending, the wishes of the caregiver shall be recorded by the Division.

(i) Where the Bureau of Guardianship Services (BGS) serves as guardian to the individual, the requirements of N.J.A.C. 10:45 shall be followed concerning the preferences of the individual and/or family.

(j) Preferences shall be prioritized and address the following:

1. Where the individual wishes to live (that is, geographic location, either specific or generic);

2. With whom the individual wishes to live (that is, alone, with one other person, with several others). The individual may identify specific individuals; and

3. How geographically close to family and friends the individual wishes to live.

(k) The environmental support needs of the individual shall be identified by the individual, guardian, family (where desired by the individual), voluntary caregiver and Division staff.