

CHAPTER 133H**GENERAL PLACEMENT PROVISIONS****Authority**

N.J.S.A. 30:4C-4(c), (f) and (h) and 30:4C-50 et seq., and 30:4C-101 et seq.

Source and Effective Date

R.2005 d.95, effective February 23, 2005.
See: 36 N.J.R. 4203(a), 37 N.J.R. 902(a).

Chapter Expiration Date

Chapter 133H, General Placement Provisions, expires on February 23, 2010.

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

Subchapter 5, Tuition Program, was adopted as new rules by R.2004 d.271, effective July 19, 2004. See: 35 N.J.R. 4836(a), 36 N.J.R. 3426(a).

Chapter 133H, General Placement Provisions, was readopted as R.2005 d.95, effective February 23, 2005. See: Source and Effective Date. See, also, section annotations.

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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;
 - 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.

Amended by R.2005 d.95, effective March 21, 2005.

See: 36 N.J.R. 4203(a), 37 N.J.R. 902(a).

In (a), deleted N.J.A.C. reference in 5i.

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-1;
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.

Amended by R.2009 d.318, effective October 19, 2009.

See: 41 N.J.R. 1929(a), 41 N.J.R. 3930(b).

In (a)3, updated the N.J.A.C. reference.