

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

N.J.S.A. 30:4C-4(c), (f) and (h), 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**

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from February 23, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

**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.

**10:133H-5.1 Purpose**

The purpose of this subchapter is to establish criteria for eligibility and a standard procedure for providing State paid post-secondary tuition for students between the ages of 16 to 23 years, who meet the eligibility requirements specified in N.J.A.C. 10:133H-5.4 and in accord with P.L. 2003, c.132.

**10:133H-5.2. Scope**

The provisions of this subchapter apply only to those persons who meet the eligibility requirements listed in N.J.A.C. 10:133H-5.4, and to the Tuition Waiver Program as described in N.J.S.A. 30:4C-101 et seq. This subchapter does not apply to other scholarships or grants which are provided by the Department or any of the Divisions within the Department.

**10:133H-5.3 Definitions**

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context already indicates otherwise.

“Department” means the Department of Human Services.

“Division” means the Division of Youth and Family Services.

“Program” means the Tuition Program as described in N.J.S.A. 30:4C-101 et seq. and as set out in this subchapter.

“Renewal” means any application submitted subsequent to the initial application by the Tuition Program applicant, including, but not limited to, program applicants whose first application was rejected.

“Satisfactory academic progress” means the standard that an institution adopts to determine eligibility for Federal student aid programs under Title IV of the Higher Education Act of 1965, as amended, and its implementing regulations and rules.

“Tuition” means, for the purposes of this Program, the tuition charges and fees imposed by a New Jersey public institution of higher education or county vocational school providing post-secondary vocational education for enrollment at the institution or school.

**10:133H-5.4 Eligibility requirements**

(a) A Tuition Program applicant will be determined eligible for the Program upon meeting the following criteria:

1. At the time of the initial application, the Tuition Program applicant shall be 16 to 23 years of age;
2. The Tuition Program applicant shall:
  - i. Have been in the care and custody of the Division of Youth and Family Services for a period of nine cumulative months or more following the Tuition Program applicant’s 16th birthday;

- ii. Be or have been residing in an independent living arrangement, or a transitional living program established pursuant to P.L. 1999, c.224 (N.J.S.A. 9:12A-2 et seq.), operated or approved for payment by the Division; or

- iii. Be or have been residing in a transitional living program located in the State of New Jersey and approved for payment by the Federal government pursuant to the Federal “Runaway and Homeless Youth Act,” Title III of Pub. L. 93-415 (42 U.S.C. §§ 5701 et seq.).

3. The Tuition Program applicant shall have received a high school diploma or a certificate of high school equivalency; and

4. The Tuition Program applicant shall have been granted full-time admission to a New Jersey public institution of higher education or county vocational school.

(b) The Program is limited to five years from the application date.

(c) The Program is limited to students admitted and enrolled in a full-time degree, diploma or certificate program or course of undergraduate study.

(d) The Tuition Program participant shall maintain satisfactory academic progress.

**10:133H-5.5 Initial application process**

(a) Each Tuition Program applicant shall submit to the U.S. Department of Education a completed Free Application for Federal Student Aid, which can be obtained at [www.fafsa.ed.gov](http://www.fafsa.ed.gov), a local library, any college, university or county vocational school.

(b) Each Tuition Program applicant shall obtain a Tuition Program Application from:

1. The Department website at [www.state.nj.us/human-services](http://www.state.nj.us/human-services); or
2. Department of Human Services  
Division of Youth and Family Services  
Tuition Program  
PO Box 717  
Trenton, New Jersey 08625-0717

(c) Application procedures are as follows:

1. In order to apply for Tuition Program eligibility, the student must complete a Tuition Program Application, the requirements of which are described in N.J.A.C. 10:133H-5.4, and submit it to the Department.

2. The applicant shall also provide the following:

i. Acceptable proof of high school diploma or certificate of high school equivalency. Such proof may be a photocopy of the diploma or certification, a notarized letter from the institution which issued the diploma or certification attesting to the Tuition Program applicant's receipt of such diploma or certification or other reliable documentation;

ii. Two letters of support from an adult involved in the Tuition Program applicant's life who can attest to his or her suitability for the Program. Such letter may be from a foster parent, teacher, mentor, community service provider, clergy, DYFS caseworker, or other similar adult; and

iii. An essay written by the Tuition Program applicant on the subject: "How the Tuition Program Will Help Achieve My Personal Educational Goals."

(d) The date of the application shall be the date the Department receives the application.

(e) Deadline dates for the Tuition Program Application shall be established annually by the Department to comply with the State's fiscal year, Federal grant timelines and to allow for academic term expenditure control, and can be obtained from:

Department of Human Services  
Division of Youth and Family Services  
Tuition Program  
PO Box 717  
Trenton, New Jersey 08625-0717

#### 10:133H-5.6 Initial application determination

Upon receipt of the application package, the Department shall review the application package to determine if the Tuition Program applicant meets the program criteria, as listed in N.J.A.C. 10:133H-5.4, and has fully completed the application process and procedures as described in N.J.A.C. 10:133H-5.5.

#### 10:133H-5.7 Student notification

Tuition applicants shall be notified of eligibility by the Department's Tuition Program.

#### 10:133H-5.8 Public institution notification and award and recipient notification

The New Jersey public institution or county vocational school, to which a program applicant has been admitted, shall notify the Department of the amount of the tuition and the Department shall notify the appropriate institution and the recipient regarding an applicant's approval for funds through the Tuition Program.

#### 10:133H-5.9 Verification of enrollment and academic performance

(a) Before payment may be made by the Department on behalf of an eligible student, the Department shall determine that the student is eligible. The institution shall certify that the student has registered as a full-time student for an academic term.

(b) Students on whose behalf funds are being paid from the Tuition Program shall maintain satisfactory academic progress as defined by the institution that they are attending.

(c) The academic standing and progress of all students on whose behalf Tuition Program funds are being paid must be monitored by the institutions at least once a year, prior to the fall semester.

(d) Students who fail to achieve the standards set forth in this section shall be ineligible to participate in the Tuition Program until such time as the institution certifies that they are in good academic standing and are achieving satisfactory academic progress. The student is responsible for asking the institution to notify the Department when he or she returns to good academic standing.

#### 10:133H-5.10 Payment

The Department shall provide payment directly to the institutions on behalf of the Tuition Program applicant. Listings of eligible students shall be provided to each institution.

#### 10:133H-5.11 Award combinations and overawards

Tuition Program funds provided on behalf of students may consist of various combinations of awards. If the sum of the tuition waiver plus other Federal, State and institutional student financial assistance, except loans, exceeds the total cost of the student's tuition, the tuition waiver shall be reduced by the amount exceeding that cost.

#### 10:133H-5.12 Award adjustments, refunds and collections

(a) If a refund is due a student under the institution's refund policy and the student received a grant from the Tuition Program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Department: amount of Tuition Program award for the payment period divided by the total amount of financial aid (minus Federal Work-Study earnings and loans) awarded for the period.

(b) "Payment period" as used in (a) above means the time between the first day of classes for an academic term and the end of that term according to the institutional calendar.

(c) The formula in (a) above shall be applied if a student reduces his or her academic course load to less than full-time prior to the end of the institutional refund period. However, if the student reduces his or her academic course load to less than full-time after the end of the institutional refund period, a refund to the Tuition Program is not required.

**10:133H-5.13 Student's obligation to report changes in institution**

Any changes in institution choice which occur after student notification, as described in N.J.A.C. 10:133H-5.7, shall be reported immediately, in writing by the student, to the Department in order that the student's continued eligibility may be calculated and prompt payment provided.

**10:133H-5.14 Renewal process**

In order to continue to have Tuition Program funds provided on their behalf, students must continue to be enrolled full time in an undergraduate degree program and remain in good academic standing at their institution. A non-profit agency, under contract with the Department for this purpose, shall obtain the information from the institution necessary for a student to continue to receive funds through the Tuition Program.

**10:133H-5.15 Appeals**

Any person included in the scope of this series of chapters, as described at N.J.A.C. 10:133-1.2, shall refer to N.J.A.C. 10:120A, Dispute Resolution, to determine any opportunity available to resolve a dispute with the Department.