

**CHAPTER 133D**

**CASE MANAGEMENT**

**Authority**

N.J.S.A. 30:4C-25 and 44 and 9:6-8.15.

**Source and Effective Date**

R.1998 d.523, effective October 8, 1998.  
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 133D, Case Management, expires on April 5, 2004. See: 35 N.J.R. 5004(a).

**Chapter Historical Note**

Chapter 133D, Case Management, was adopted as R.1993 d.534, effective November 1, 1993 and R.1993 d.587, effective November 15, 1993. See: 25 N.J.R. 2209(a), 25 N.J.R. 4934(a), 25 N.J.R. 2210(a), 25 N.J.R. 5168(b).

Pursuant to Executive Order No. 66(1978), Chapter 133D, Case Management, was readopted as R.1998 d.523, effective October 8, 1998. As a part of R.1998 d.523, Subchapter 4, In-Person Visits With Clients and Substitute Care Providers, was recodified as Subchapter 3, effective November 2, 1998. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 4. (RESERVED)**

**SUBCHAPTER 1. (RESERVED)**

**SUBCHAPTER 2. CASE PLAN**

**10:133D-2.1 Purpose**

The purpose of this subchapter is to describe the process of developing a case plan, to identify the participants in the development of the case plan, and to identify the contents of the case plan.

**10:133D-2.2 Scope**

The provisions of this subchapter shall apply to each client, family member, out-of-home placement provider, Division representative, and other person participating in the case plan development.

Amended by R.1998 d.523, effective November 2, 1998.  
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Substituted "out-of-home placement provider" for "caregiver" following "member,".

**10:133D-2.3 Definitions**

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

**10:133D-2.4 When a case plan is developed**

(a) A case plan shall be developed for each family for whom services will be provided. The Division representative shall prepare the case plan:

1. Within 45 calendar days of receipt of a referral or application; or
2. Within 30 calendar days of a child entering out-of-home placement, whichever comes sooner.

(b) The Division representative shall also prepare the case plan at least once every six months after the previous case plan.

(c) The case plan may be revised more often than the standard set in (a) and (b) above, if the case situation warrants.

Amended by R.1998 d.523, effective November 2, 1998.  
See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).  
Rewrote the section.

**10:133D-2.5 Participants in developing the case plan**

(a) The Division representative shall develop the case plan with the child's parent, unless he or she is unwilling to participate, any person appointed by the court for this purpose and the child, if the Division representative determines that the child is willing and able to participate in the development of the case plan, in accordance with this subchapter. Other interested parties or service providers may be invited to participate.

(b) In addition to (a) above, when the child lives in an out-of-home placement, the Division representative shall develop the case plan in consultation with the child's out-of-home placement provider.

Amended by R.1998 d.523, effective November 2, 1998.  
Sec: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (b), substituted "provider" for "caregiver" at the end.

**10:133D-2.6 Process of developing the case plan**

(a) Participation in developing the case plan shall include providing information, identifying problems, identifying services and actions which are needed to resolve the problems and achieve the case goal, suggesting the time frames for beginning and completing the identified services and actions and specifying who is responsible for completing the identified services and actions.

(b) The participants in the case plan may participate by:

1. Meeting together with the Division representative to discuss the case plan;
2. Meeting individually with the Division representative;
3. Providing written information to the Division representative; or
4. Talking with the Division representative by telephone.

(c) The Division representative shall prepare a written case plan.

**10:133D-2.7 Contents of the written case plan**

(a) The written case plan for a family with the child living at home shall include:

1. The reasons for the Division's involvement with the family;
2. The case goal for each family member receiving services;
3. The schedule for contacts between the Division representative and the family members, pursuant to N.J.A.C. 10:133D-3, In-Person Visits with Clients and Out-of-Home Placement Providers;

4. The services offered to and used by the family since the last case plan was developed, for each case plan after the initial case plan and if any service is court-ordered;

5. The behavioral and other changes expected;

6. The services or activities which are intended to facilitate the changes and who will accomplish or provide them; and

7. Progress toward achieving the case goal for each family member receiving services.

(b) The written case plan for a child in an out-of-home placement shall include:

1. Whether a court ordered the placement or the parent signed a voluntary agreement authorizing the placement;

2. The efforts made to prevent placement, the reasons for making the placement or for continuing the placement, all efforts made to reunify the family and the impact of those efforts;

3. The case goal for the child, the progress towards its achievement, and any obstacles to reaching it;

4. An assessment of the safety and appropriateness of the current placement;

5. The efforts made to find a missing parent or relative, pursuant to N.J.S.A. 30:4C-12 et seq.;

6. The schedule for contacts between the Division representative and the family members, pursuant to N.J.A.C. 10:133D-3, In-Person Visits with Clients and Out-of-Home Placement Providers;

7. The plan for visits between the child and parents, siblings and other relatives (see N.J.A.C. 10:122D-1);

8. The views of the child, family, and out-of-home placement provider concerning the placement and the case plan;

9. The needs of the child, the parent, and the child's out-of-home placement provider in order to meet the case goal;

10. The behavioral and other changes expected; and

11. The services or actions intended to meet the identified needs and who is responsible to provide the services and complete the activities, with projected time frames. See N.J.A.C. 10:122D-2, Services to Children in Foster Home Placement.

(c) The written case plan for a child in an out-of-home placement and whose case goal is either adoption, long-term foster care custody or permanency with a relative or family friend, shall include the steps the Division representative is taking to find an adoptive or other permanent family for the child, including the use of adoption resource exchanges in accordance with N.J.A.C. 10:121C-2.4.

(d) The written case plan shall include a compelling reason why the Division representatives have decided that it would not be in the child's best interests to petition the court to terminate parental rights in the following circumstances:

1. (Reserved);
2. A court has determined a child to be abandoned; or
3. A court has determined that a child's parent:
  - i. Committed murder of another child of the parent;
  - ii. Committed voluntary manslaughter of another child of the parent;
  - iii. Aided, attempted, conspired or solicited to commit murder or voluntary manslaughter of any child of the parent; or
  - iv. Committed a felony assault resulting in serious bodily injury to any child of the parent.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Rewrote the section.

#### 10:133D-2.8 Notice of the case plan

(a) The Division representative shall ask each person who participated in developing the case plan to sign the case plan to indicate his or her participation in developing the case plan.

(b) The Division representative shall give a copy of the case plan to each person who signs the case plan, including the out-of-home placement provider, and to each parent who declines to participate in or sign the case plan.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (b), substituted "out-of-home placement provider" for "caregiver".

### SUBCHAPTER 3. IN-PERSON VISITS WITH CLIENTS AND OUT-OF-HOME PLACEMENT PROVIDERS

#### 10:133D-3.1 Authority

N.J.S.A. 30:4C-25 requires the Division of Youth and Family Services, Department of Human Services to regularly visit all children under its care, custody, and supervision.

#### 10:133D-3.2 Purpose

The purpose of this subchapter is to establish criteria for determining the frequency and nature of in-person visits by a Division representative with each child, parent, and out-of-home placement provider.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Substituted "out-of-home placement" for "substitute care" at the end.

#### 10:133D-3.3 Scope

The provisions of this subchapter shall apply to each child receiving services from the Division, his or her parent, and each out-of-home placement provider of a Division supervised child, and to the Division.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Substituted "out-of-home placement" for "substitute care" preceding "provider".

#### 10:133D-3.4 Definitions

(a) The definitions in N.J.A.C. 10:133-1.3, Definitions, are hereby incorporated into this subchapter by reference.

(b) The following terms shall have the following meanings within this subchapter, unless the context clearly indicates otherwise:

"Related para home" means a private family residence in which a person biologically or legally related to a child provides care to the child and where someone other than the Division placed the child and where the Division pays for the child's care after the Division approves the home.

"Unrelated para home" means a private family residence in which a person psychologically or emotionally connected to the child, but not legally or biologically connected, provides care to the child and where someone other than the Division placed the child and where the Division pays for the child's care after the Division approves the home.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Added a new (b).

#### 10:133D-3.5 Purpose of in-person visits by the Division representative

(a) Each in-person visit by the Division representative shall be made for one or more of the following purposes:

1. To determine whether the child is receiving appropriate care and is safe from harm;
2. To determine whether the objectives of the case plan are being met;
3. To determine what progress is being made toward achieving the case goal;
4. To determine whether barriers to achieving the case goal are being alleviated; or
5. For a child in out-of-home placement, to determine the child's adjustment to and progress in the out-of-home placement and to obtain information and concerns about the child from the out-of-home placement provider.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (a), added a new 5.

#### 10:133D-3.6 Establishing a schedule for in-person visits

(a) The Division representative and supervisor shall establish a schedule for each child, his or her parent, and out-of-home placement provider, based on the following:

1. The services to be provided directly by the Division representative;
2. The services to be provided by non-Division service providers;
3. The case goal; and
4. The assessed risk to the child.

(b) The supervisor and the Division representative shall monitor and modify the schedule when appropriate.

(c) Each established schedule for in-person visits shall fall between a range of once every week to once every 12 weeks, except as provided in (d) and (f) below.

(d) The office manager may approve an in-person visitation schedule of once every six months for a child, parent, or out-of-home placement provider, when a child resides in:

1. A related or unrelated para home where the only Division service is financial, and appropriate parenting has been demonstrated over a six-month period of time during which the Division representative has made frequent in-person visits;
2. A formalized long-term foster care custody placement per P.L. 1992, c.139 and the foster parents have demonstrated the ability to handle all parental responsibilities without close monitoring by the Division;
3. An out-of-State treatment-based out-of-home placement program that precludes in-person visitation more frequently than once every six months; or
4. An out-of-State foster home that precludes in-person visitation more frequently than once every six months.

(e) In addition to the in-person visitation required in (d)4 above, a New Jersey child who has moved with his or her foster family to another state is also supervised by an agency pursuant to the Interstate Compact on the Placement of Children, N.J.S.A. 9:23-5 et seq.

(f) The office manager may approve:

1. An in-person visitation schedule of once every six months for a parent when the parent lives out-of-State at a distance which precludes more frequent in-person visitation and the case plan indicates a continuing need for interaction between the parent and the Division representative; or

2. No in-person visitation schedule for a parent who lives out-of-State at a distance which precludes routine in-person visitation, the parent is unwilling to schedule regular in-person visitation and the case plan does not indicate a continuing need for interaction between the parent and the Division representative.

(g) Whenever an in-person visitation schedule of once every six months has been approved under the provision of (d) above, the Division representative shall maintain monthly telephone contact between visits with all parties as well as with collateral individuals; for example, school personnel.

(h) The Division representative shall advise each child, his or her parent, and the out-of-home placement provider of the schedule for in-person visits and any changes in the schedule.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Rewrote the section.

#### 10:133D-3.7 In-person visitation when a child is placed out of his or her own home

(a) In addition to the visits made in accordance with the provisions of N.J.A.C. 10:133D-3.6, Establishing a schedule for in-person visits, whenever a child is placed out of his or her own home:

1. Individual in-person visits with the child, the prior custodial parent, and the out-of-home placement provider shall be made by the Division representative within five working days following the child's placement out of his or her own home;
2. The visit with the child shall occur in the home of the out-of-home placement provider; and
3. The Division representative shall, whenever possible or appropriate, have an in-person visit in the home of the prior custodial parent or in the office within five working days following the child's placement.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (a), updated an N.J.A.C. reference in the introductory paragraph and substituted "out-of-home placement" for "substitute care" preceding "provider" in 1 and 2.

#### 10:133D-3.8 Change in placement

Following a change in the child's out-of-home placement, the Division representative shall have an in-person visit within five working days with the child and new out-of-home placement provider.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

Substituted "out-of-home provider" for "substitute care" at the end.

**10:133D-3.9 Placement in a treatment-based out-of-home placement program**

(a) The Division representative shall telephone the child within five working days of the child's placement in a treatment-based out-of-home placement program, unless contraindicated by the individual treatment plan for the child.

(b) Within 20 working days of placement in a treatment-based out-of-home placement program, the Division representative shall visit the child and attend the treatment conference if one is scheduled at the time of the visit.

Amended by R.1997 d.209, effective May 19, 1997.  
See: 28 N.J.R. 2490(a), 29 N.J.R. 2479(a).

Amended section name; in (a), deleted "residential" following "of the child's" and inserted "in a treatment-based out-of-home placement program,"; and in (b), inserted "in a treatment-based out-of-home placement program," and made a nonsubstantive change.

**10:133D-3.10 Initial in-person visit**

(a) In addition to the standards set by N.J.A.C. 10:133D-3.7, 3.8 and 3.9, the Division representative shall make an in-person visit in the child's residence within 20 working days when:

1. A case initially opened for services with the Division is assigned to the Division representative; or

2. The case is transferred from one Division representative to another. In this instance, the newly assigned Division representative shall make the in-person visit.

Amended by R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

In (a), updated N.J.A.C. references in the introductory paragraph.

**10:133D-3.11 In-person visitation with a child alone**

During any in-person visitation, a Division representative may interview a child receiving services from the Division alone.

New Rule, R.1998 d.523, effective November 2, 1998.

See: 30 N.J.R. 2418(a), 30 N.J.R. 3963(b).

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SUBCHAPTER 4. (RESERVED)