

“Client consent” means written authorization by an adult client or, if the client is a minor, by the parent, permitting the Division to release confidential information about himself or herself or about his or her child to a third party as permitted by statute.

“Clothing allowance” means the provision of a specific amount of money provided at specified times for the purpose of replenishing the basic wardrobe of a child while he or she is in out-of-home placement.

“Collateral contact” means a contact made with a person other than the referral source or those who are subject(s) of the referral in order to collect additional information.

“Contract” means a method of social service delivery in which the Division signs a formal agreement with a service provider to provide units of service at a specified cost to Division clients who meet specific eligibility criteria, pursuant to a case plan.

“Custody” means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both. (N.J.S.A. 30:4C-2(d))

“Day school” means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

“Delinquency” means the definition given in N.J.S.A. 2A:4A-23.

“Dependency” means the state of being a child under the age of 18 who has been deprived of parental support or care by reason of the death, continued absence from the home or physical or mental incapacity of a parent.

“Direct services” or “direct service delivery” means a method of service delivery in which Division representatives or staff, either directly or through a foster parent, provide a service to the client.

“Director” means the Assistant Commissioner of the Division of Youth and Family Services in the Department of Human Services.

“Division” or “DYFS” means the Division of Youth and Family Services in the Department of Human Services.

“Division representative” means a professional or paraprofessional employee of the Division of Youth and Family Services.

“Emergency maintenance service” means the provision of food, clothing, shelter, furniture, appliances and similar

necessities, needed by a client in a crisis, and not available elsewhere.

“Family friend” means a person who is connected to a child and/or the child’s parent by an established positive psychological or emotional relationship and not a biological or legal relationship.

“Family preservation services” means an intensive, in-home, family education and crisis intervention program to prevent out-of-home placement and lasting up to eight weeks, which utilizes the services of a trained professional to provide a variety of contracted services to a client family for up to 24 hours a day.

“Foundling” means an infant or young child found abandoned, who cannot be identified and whose family cannot be identified.

“Government entity” means a Federal, State or local government agency, body or official that has responsibility under the law to protect children from abuse and neglect.

“Homemaker service” means personal care, household tasks and the activities of daily living provided to a client in his or her own home or training in these activities.

“Hospital” means a licensed general hospital or a medical center operating in the State of New Jersey under applicable State law.

“Independent living” means the maintenance of an adolescent in a living arrangement that allows the child to function eventually on his or her own when circumstances preclude the child from returning to the person or persons with whom he or she resided at the time of referral or application for services, no appropriate relative or family friend is able or willing to assume care of the child, no family is able or willing to provide long-term foster care custody or to legally adopt the child, or the child rejects each of these living arrangements.

“Information and referral” means the activity of informing an applicant or person referred for Division services about services available from public and private sources, based on a determination of need, knowledge of Division and community resources, and follow up where indicated.

“Information only” means the provision of information in response to an inquiry, when the person making the inquiry is not alleging or in any way indicating that a child is an abused or neglected child.

“Informed consent” means the voluntary consent or permission of a parent, legal guardian, or legal custodian to the placement of his or her child after receiving, and indicating an understanding of, information about out-of-home placement, the limitations on placement, the alternatives to placement by parental consent, and the parent’s or legal guardian’s or legal custodian’s and the Division’s respective

rights and responsibilities regarding a child in out-of-home placement.

“Investigation” means the activity of gathering information relevant to making a determination as to whether child abuse or neglect occurred.

“Local office” means an office of the Division of Youth and Family Services which provides direct services and referrals to clients within a limited geographic area of New Jersey. The services provided may be child welfare services, child protective services, and adoption services.

“Long-term foster care custody” means the planned permanent living arrangement that is a Division-initiated, court-ordered, legal relationship between a foster parent and a foster child when the Division has documented to the court a compelling reason why neither return home, permanency with a relative or family friend, kinship legal guardianship nor adoption would be in the best interest of the child.

“Maintenance” means monies expended by the Division to procure board, lodging, clothing, medical, dental, psychological and hospital care, or any other similar or specialized commodity or service furnished to or on behalf of, or for a child.

“Maintenance in own home” means keeping a child in the home of the person or persons with whom he or she is residing at the time of referral or application for services or keeping the child in the home where the child has been returned or placed following out-of-home placement, regardless of the child’s biological or legal ties to the person or persons, and when the circumstances do not necessitate removal from the home.

“Media” means a representative of the press, including a reporter, editor, producer or other representative of a newspaper or a magazine, or another written or on-line publication, or a radio or television station, network or system.

“Member of the public” means an individual from the general public who does not represent the media.

“Near fatality” means a serious or critical condition, as certified by a physician, in which a child suffers a permanent mental or physical impairment, a life-threatening injury or a condition that creates a probability of death within the foreseeable future.

“Other long-term, specialized care” means the out-of-home placement or maintenance of the out-of-home placement of a child in a long-term, specialized care living arrangement when no appropriate family is able or willing to care for and meet the needs of a child with a serious medical, physical, emotional or mental disability.

“Out-of-home placement,” “placement” or “substitute care” means physically locating a child by the Division or with the Division’s approval, in any out-of-home setting, including a foster home, relative care permanency support home, group home, shelter care, or a residential facility for temporary treatment or long-term care. The following are the definitions for the different types of out-of-home placement services:

1. “Adoptive placement” means the placement of a child in an adoptive home for the purpose of adoption.

2. “Alternative care home” means an out-of-home placement with providers trained in and using the Teaching Family model for three or fewer children who have unsuccessful histories in their own homes or in one or more foster homes or other out-of-home placements and who receive a structured treatment environment as an alternative to placement in a residential facility or a structured transitional treatment environment after successfully completing a course of treatment in a residential facility.

3. “Foster home” or “foster care” means a private residence, other than a children’s group home, treatment home or shelter home, in which board, lodging, care, and temporary out-of-home placement services are provided by a foster parent on a 24-hour basis to a child under the auspices of the Division or any public or private agency authorized to place children in New Jersey and which is licensed as a foster home in accordance with N.J.A.C. 10:122C.

4. “Group home” means any public or private establishment other than a foster home that provides board, lodging, care and treatment services on a 24-hour basis to 12 or fewer children in a home-like, community-based setting. A group home typically serves children with less severe behavioral and emotional problems, who are capable of functioning in a home-based setting.

5. “Relative care permanency support home” means a private residence in which care is provided by a person approved or pending approval by the Division as a relative caregiver who may be either biologically or legally related to the child or a family friend.

6. “Residential facility” means any public or private establishment that provides room, board, care, and treatment services for 13 or more children on a 24-hour a day basis. A residential facility may provide services for children with emotional or behavioral problems, drug and alcohol treatment needs, psychiatric problems, physical disabilities, or programs that serve children with emotional or behavioral problems using adventure activities as a major treatment component.

7. “Selected adoptive home” means an applicant who has been approved by the Division for the purpose of providing an adoptive home to a child who does not currently reside with the adoptive applicant.

8. "Shelter care" means an out-of-home placement in which shelter, food, and care are provided in a shelter facility or shelter home and available on a 24-hour per day, temporary basis in an emergency, usually not exceeding 30 days.

9. "Supervised transitional living home" means any public or private establishment other than a foster home that provides board, lodging, care and treatment services on a 24-hour basis and which serves 12 or fewer children who are 16 years of age or older, require minimum guidance from staff members in preparation to live independently, and demonstrate maturity to function with minimal adult supervision.

10. "Treatment-based out-of-home placement program" or "treatment-based out-of-home placement" means any public or private facility that provides room, board, care and treatment services for children on a 24-hour a day residential basis. Such facilities shall include Division-contracted or Division-operated programs that provide services such as, but not limited to:

- i. Psychiatric, psychological and medical services;
- ii. Drug and alcohol treatment services;
- iii. Services to children with physical disabilities;
- iv. Behavior modification;
- v. Intensive structure and supervision;
- vi. Individualized educational programs, located on or off grounds;
- vii. Living and vocational skills development;
- viii. Recreational programs; and
- ix. Adventure programs consisting of planned activities of a wilderness or athletic nature that require specially trained staff members and special equipment that is utilized with children with emotional or behavioral problems, or both, to assist in their development of self-confidence and insight.

11. "Treatment home" means a type of group home that is a public or private establishment other than a foster home that provides board, lodging, care and treatment services on a 24-hour basis serving five or fewer children who are capable of community living but who need a small group environment and intensive supervision in order to ameliorate emotional, social and/or behavioral difficulties, in a home-like, community-based setting.

"Parent" means any birth parent, adoptive parent, step-parent, guardian or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care.

"Parent or guardian" means any birth parent, adoptive parent, foster parent, stepparent, or any person, who has assumed responsibility for the care, custody or control of a

child or upon whom there is a legal duty for such care. Parent or guardian includes a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution, regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school.

"Permanency planning" means the full range of case practice activities and services directed toward:

1. Maintaining a child in his or her own home;
2. Returning a child to his or her own home when out-of-home placement has become necessary; or
3. Pursuing an alternate permanent living arrangement for the child in accordance with N.J.A.C. 10:1331-5.2(a) when paragraphs 1 or 2 above are not successful or are not appropriate.

"Permanency with a relative or family friend" means the permanent placement of a child with a biological relative, a relative by marriage or a family friend when circumstances preclude the child from living with or returning to the person or persons with whom he or she resided at the time of referral or application for services, or the person or persons whom the child previously related to as a "parent."

"Placement review" means the periodic review of the circumstances of a child's out-of-home placement, or care provided by a relative, conducted by a Division representative who is not responsible for the case management or delivery of services to either the child who is the subject of the placement review or the child's parent, for the purpose of assuring that the child's permanent plan is being implemented, as required by State and Federal law.

"Police station" means a manned State, county or municipal police station, State trooper barracks, campus police headquarters, housing police, or community policing substations operating within the State of New Jersey.

"Post-adoption services" means all services, other than registry services, offered by or through the auspices of the Division to any party involved in an adoption after finalization of the adoption.

"Pre-and post-natal services" means the provision of social services and maintenance for medical and out-of-home placement services related to pregnancy and childbirth.

"Protective service information" means a report of suspected child abuse or neglect made pursuant to N.J.S.A. 9:6-1 et seq.; every record, computer file, verbal or written report and evaluation developed or received by the Division pursuant to the investigation and evaluation of such report; and every record and report developed and received by the

Division for services and treatment subsequently provided to the family.

“Psychological/therapeutic services” means services to assess and to treat a variety of problems related to behavior, problems of living, or psychopathology.

“Reasonable efforts” means the provision of services to the family that are individually assessed to be relevant to the case goal, coordinated with other services, available and accessible and that have a realistic potential to meet the child’s needs for a safe, secure, and permanent relationship with a family or another permanent arrangement.

“Referral” means a verbal or written statement made to the Division by a referral source which indicates a possible need for a child protective service investigation or child welfare services for a child or family.

“Referral source” means a relative, agency, association, public official, or anyone having a special interest in a child or family, including anonymous callers or the child himself or herself who makes a referral or application to the Division.

“Relative” means any birth or adoptive brother, sister, stepbrother and stepsister, grandparent, uncle, aunt, first cousin, as well as relatives of half blood.

“Respite care” means the provision of temporary child care to give a period of relief for the child’s temporary or permanent caregiver, either in-home or out-of-home.

“Response” means all those activities conducted by the Division between application or referral and the initiation of an assessment or child protective service investigation and includes the provision of any services needed on an emergency basis.

“Return home” means putting a child with a parent when the circumstances necessitating placement out of the home have been resolved.

“Safe Haven for Infants Hotline” means the toll-free 24-hour hotline, established by the Department of Human Services pursuant to N.J.S.A. 30:4C-15.9, housed within and operated by the Division of Youth and Family Services.

“Screening” means the introductory information gathering activity which takes place during the initial contact or during contact subsequent to a referral or request for services regarding a client between the Division and the applicant or the referral source and collateral contacts to determine whether the referral or application for service is appropriate for the Division.

“Self-sufficiency skills” means the basic life skills necessary to make the transition from out-of-home placement to living in society as a productive adult.

“Sexual abuse” means contacts or actions between a child and a parent or caregiver for the purpose of sexual stimulation of either that person or another person. Sexual abuse includes:

1. The employment, use, persuasion, inducement, enticement or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct;
2. Sexual conduct including molestation, prostitution, other forms of sexual exploitation of children or incest; or
3. Sexual penetration and sexual contact as defined in N.J.S.A. 2C:14-1 and a prohibited sexual act as defined in N.J.S.A. 2C:24-4.

“Third party report” means a confidential report prepared by a psychiatrist, psychologist, physician, child study team or other non-Division person or agency, which is shared with the Division.

“Title XIX Medicaid” means medical assistance provided to certain persons with low income and limited resources as authorized under Title XIX (Medicaid) of the Social Security Act (42 U.S.C. § 1396).

“Transportation” means the activity of providing the client access to and from community resources or visitation with family members, as required to implement a case plan, for example, as in N.J.A.C. 10:122D.

Administrative correction.  
See: 37 N.J.R. 666(a).

#### 10:133-1.4 Rights of applicants and clients

(a) Any person who currently resides in New Jersey shall have the right to apply for any child welfare services or child protective services provided by the Division.

(b) Any person within New Jersey may apply for child welfare services or protective services as specified in N.J.S.A. 30:4C-11.

(c) Anyone requesting to apply in person for services shall be given the opportunity to do so immediately.

(d) An applicant or client may orally or in writing authorize a representative to speak and act on his or her behalf. If the applicant or client is incompetent or incapacitated or in an emergency, the application may be signed for him or her by someone determined by the Division to be able to act responsibly on his or her behalf, including a Division representative. The Division shall help the client, applicant, or representative complete the application, if necessary.

(e) The applicant, client, or representative requesting or requiring services shall have the right to make application in writing.