

**CHAPTER 133I**  
**REASONABLE EFFORTS**

**Authority**

42 U.S.C. § 670 et seq., 42 U.S.C. 620 et seq., 42 U.S.C.  
671(a)(15), N.J.S.A. 30:4C-4(h), 30:4C-11.1 to 11.3,  
9:6-8.8 and 9:6B-1 et seq.

**Source and Effective Date**

R.2001 d.54, effective January 17, 2001.  
See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 133I, Reasonable Efforts, expires on January 17, 2006.

**Chapter Historical Note**

Chapter 133I, Reasonable Efforts; Reasonable and Diligent Efforts; and Necessary Activities to Achieve a Case Goal, was adopted as R.1996 d.56, effective February 5, 1996. See: 27 N.J.R. 433(a). 28 N.J.R. 1071.

Pursuant to Executive Order No. 66(1978) Chapter 133I, Reasonable Efforts, was readopted as R.2001 d.54 on January 17, 2001. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**10:133I-1.1 Purpose**

(a) The purpose of this chapter is to describe the procedures used by the Division to:

1. Make reasonable efforts to prevent or alleviate the need for out-of-home placement of a child unless there is a judicial determination that reasonable efforts to prevent placement are not necessary in accordance with N.J.A.C. 10:133I-1.6(b);

2. Make reasonable efforts to return a child home safely when an out-of-home placement has been necessary unless there is a judicial determination that reasonable efforts to reunify are not necessary in accordance with N.J.A.C. 10:133I-4.3; and

3. Provide permanency through adoption, or through an alternative permanent placement when a child cannot return home without endangering the child's health and safety.

Recodified from N.J.A.C. 10:133I-1.2 and amended by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Rewrote the section. Former N.J.A.C. 10:133I-1.1, Authority, was repealed.

**10:133I-1.2 Scope**

The provisions of this chapter shall apply to any child who is otherwise eligible for Division services pursuant to N.J.S.A. 30:4C-1 et seq. and 9:6-1 et seq., any child who is in an out-of-home placement and his or her family, any child who is at risk of out-of-home placement and his or her family and Division representatives. The Division shall provide services to achieve a case goal pursuant to N.J.A.C. 10:133C-4, except as limited in N.J.A.C. 10:133-1.7.

Recodified from N.J.A.C. 10:133I-1.3 and amended by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

In the second sentence, substituted "limited" for "delimited". Former N.J.A.C. 10:133I-1.2, Purpose, recodified to N.J.A.C. 10:133I-1.1.

**10:133I-1.3 Definitions**

The definitions in N.J.A.C. 10:133-1.3 are incorporated by reference herein.

Recodified from N.J.A.C. 10:133I-1.4 by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Former N.J.A.C. 10:133I-1.3, Scope, recodified to N.J.A.C. 10:133I-1.2.

**10:133I-1.4 Financial responsibility**

(a) The Division shall seek financial contributions or reimbursement for services provided to children from the appropriate person, association, system or organization pursuant to N.J.S.A. 30:4C-29.1 and 30:4C-22.

(b) Nothing in these rules shall obviate the financial responsibilities of any school district for the enrollment of children for educational purposes pursuant to N.J.S.A. 18A:46-1 et seq., N.J.S.A. 30:4C-26, U.S.P.L. 94-142 or N.J.A.C. 6:28-1.

Recodified from N.J.A.C. 10:1331-1.5 by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Former N.J.A.C. 10:1331-1.4, Definitions, recodified to N.J.A.C. 10:1331-1.3.

#### 10:1331-1.5 Family response and child protection

(a) Refusal by or failure of the parent or relative to participate with the Division in the development of a case plan or to access, utilize, cooperate with or benefit from services shall not be construed to mean, in and of itself, that the Division has failed to make reasonable efforts pursuant to N.J.A.C. 10:1331-2 and 4.

(b) Nothing in this chapter shall preclude the Division from removing a child from his or her own home or from the home of a relative or any home of an individual standing in loco parentis when it appears that the child has been seriously harmed or is at imminent risk of serious harm, pursuant to N.J.S.A. 9:6-1 et seq. or N.J.S.A. 30:4C-1 et seq.

Recodified from N.J.A.C. 10:1331-1.6 and amended by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Rewrote (a). Former N.J.A.C. 10:1331-1.5, Legally responsible person, recodified to N.J.A.C. 10:1331-1.4.

#### 10:1331-1.6 Reasonable efforts to prevent placement not required

(a) When determining whether reasonable efforts are required to prevent placement, the health and safety of the child shall be of paramount concern.

(b) The Division shall not be required to provide reasonable efforts to prevent placement pursuant to N.J.S.A. 30:4C-11.2, if a court of competent jurisdiction has determined that efforts to prevent placement were not reasonable due to risk of harm to the child's health or safety and:

1. The parent has subjected the child to aggravated circumstances of abuse, neglect, cruelty, or abandonment. Aggravated circumstances may include, but are not limited to, torture and chronic or severe abuse;

2. The parent has been convicted of murder, aggravated manslaughter or manslaughter of a child; aiding or abetting, attempting, conspiring or soliciting to commit murder, aggravated manslaughter or manslaughter of a child; committing or attempting to commit an assault that resulted, or could have resulted, in the significant bodily injury to a child; or committing a similarly serious criminal act which resulted, or could have resulted, in the death or significant bodily injury to a child;

3. The rights of the parent to another of the parent's children have been involuntarily terminated; or

4. Removal of the child was required due to imminent danger to the child's life, safety or health.

New Rule. R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Former N.J.A.C. 10:1331-1.6, Family response, child protection and permanent plan, recodified to N.J.A.C. 10:1331-1.5.

### SUBCHAPTER 2. REASONABLE EFFORTS TO MAINTAIN A CHILD IN HIS OR HER OWN HOME

#### 10:1331-2.1 Assessment, protection and case plan

(a) The Division shall:

1. Conduct a screening of the referral in accordance with N.J.A.C. 10:133A and an assessment in accordance with N.J.A.C. 10:133C-3;

2. Provide information and referral in accordance with N.J.A.C. 10:133B;

3. Conduct an investigation in accordance with N.J.A.C. 10:129A when child abuse or neglect has been alleged;

4. Take such measures as are necessary to assure the immediate physical safety of the child and the provision of necessary medical treatment pursuant to N.J.S.A. 9:6-1 et seq.;

5. Seek to identify each parent, each relative in accordance with N.J.S.A. 30:4C-12.1, and each family friend resource who may be willing and able to assist the family; and

6. Select a case goal pursuant to N.J.A.C. 10:133C-4.4 and make a written case plan pursuant to N.J.A.C. 10:133D-2 to provide services.

Amended by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Rewrote (a)5 and updated N.J.A.C. reference in (a)6.

#### 10:1331-2.2 Case management and services

(a) The Division shall provide case management and services, according to the case plan, to the family pursuant to 42 U.S.C. § 620 et seq., N.J.S.A. 30:4C-1, 30:4C-3, 30:4C-74 to 83 or 9:6B-4, and insure that the family has access to services by:

1. Enlisting the assistance of relatives and, where appropriate, family friends in the provision of services to the family;

2. Providing services directly; or

3. Arranging for, referring to or contracting with community service providers.

(b) The Division shall monitor the effectiveness of the service and change the services as needed on an ongoing basis, through:

1. Consultation with the family or service provider or using direct observations to assess the use, benefit and accessibility of services; and

2. Identification of barriers to service provision or service utilization and the development and implementation of strategies to overcome the barriers within service limitations.

(c) The parent is responsible for making the necessary changes, identified in the case plan in accordance with N.J.A.C. 10:133D-2, for the child to be safely maintained in the home.

(d) The Division shall advise the family of the potential consequences if they fail to make the necessary changes, comply with the case plan or utilize the service(s).

(e) The Division shall advise the family of their rights and opportunities to dispute Division actions or decisions.

Amended by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Inserted (c); recodified former (c) as (d) and inserted "make the necessary changes.;" and recodified (d) as (e).

### SUBCHAPTER 3. PREPARATION FOR OUT-OF-HOME PLACEMENT

#### 10:133I-3.1 Authority for placement

The Division shall place a child only with appropriate authority for the out-of-home placement of the child pursuant to N.J.S.A. 9:6-1 et seq., 30:4C-11, 30:4C-12 or 30:4C-5.

Recodified from N.J.A.C. 10:133I-3.3 by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

#### 10:133I-3.2 Out-of-home placement

(a) When out-of-home placement of a child is necessary, the Division shall:

1. Inform the child's parents of the date of out-of-home placement, the type of out-of-home placement, the reasons for out-of-home placement and the efforts or exceptions to reasonable efforts, in accordance with N.J.A.C. 133I-1.6, made to prevent out-of-home placement;

2. Provide notice of the child's out-of-home placement to the Family Part of the Chancery Division of the Superior Court pursuant to N.J.S.A. 30:4C-53 et seq.;

3. Make a referral to the Case Assessment Resource Team, CART, when the child is a member of the target population of clients as designated in N.J.S.A. 30:4C-69;

4. Prepare the child for out-of-home placement according to the age and maturity of the child and the time available for the preparation based on the emergent nature of the out-of-home placement activity; and

5. Establish a visitation plan for each child in out-of-home placement and, if the child is in foster care, the visitation plan shall be in accordance with N.J.A.C. 10:122D-1.

(b) The Division shall place the child in the least restrictive, most familiar, most proximate out-of-home placement available that can meet the child's needs pursuant to 42 U.S.C. §§ 620 et seq., N.J.S.A. 9:6B-1 et seq. or N.J.S.A. 30:4C-50 et seq. by:

1. Exploring maternal and paternal relatives, pursuant to N.J.S.A. 30:4C-12.1, and family friend resources, and by making efforts to place siblings together to achieve the most familiar setting that can meet the child's needs; and

2. Considering, for a repeat placement of a child, the child's previous foster home as a placement resource pursuant to N.J.S.A. 30:4C-53.3(c)(5).

(c) The Division shall document in the child's case record the activities associated with (b)1 and 2 above.

Recodified from N.J.A.C. 10:133I-3.4 and amended by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Rewrote the section. Former N.J.A.C. 10:133I-3.2, CART referral, was repealed.

#### 10:133I-3.3 (Reserved)

Recodified to 10:133I-3.1 by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

#### 10:133I-3.4 (Reserved)

Recodified to N.J.A.C. 10:133I-3.2 by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

### SUBCHAPTER 4. REASONABLE EFFORTS TO RETURN A CHILD HOME FROM AN OUT-OF-HOME PLACEMENT, AND EXCEPTIONS TO REASONABLE EFFORTS

#### 10:133I-4.1 Reasonable efforts to reunify

(a) The Division representative shall make the following reasonable efforts to reunify:

1. Inform the parent at appropriate intervals of the child's progress, development and health pursuant to N.J.S.A. 30:4C-15.1c, in accordance with the child's case plan;

2. Facilitate appropriate visitation for the child and his or her parent, siblings and interested relatives pursuant to N.J.A.C. 10:122D and N.J.S.A. 30:4C-15, 15.1 and 9:6B-4, in accordance with the child's case plan;

3. Inform the parent at appropriate intervals of changes, circumstances or conditions necessary to achieve family reunification, in accordance with the case plan, pursuant to N.J.A.C. 10:133D-2; and

4. Inform the parent that if those changes, circumstances, or conditions necessary for reunification are not achieved within the time frame specified in the case plan, there will be consequences, such as the Division arranging an alternative permanent home or permanency plan or filing a termination of parental rights petition, unless an exception to termination of parental rights is documented by the Division.

(b) The Division shall make a written case plan pursuant to N.J.A.C. 10:133D-2, shall review the progress of the case plan and advise the parent of the potential consequences, such as the examples given in (a)4 above, if he or she fails to:

1. Comply and participate with the case plan;
2. Utilize the service(s); or
3. Correct the problem that caused the placement.

(c) The Division shall seek to identify and evaluate relatives, pursuant to N.J.S.A. 30:4C-12.1, and family friend resources who may be willing and able to provide services to the family or the child.

(d) The Division shall advise the parent, interested relatives and interested family friend resources of their rights and opportunities to dispute Division actions or decisions in accordance with N.J.A.C. 10:120A.

(e) The Division shall advise the parent and other persons specified in N.J.S.A. 30:4C-50 et seq., N.J.A.C. 10:133H-3.6, N.J.S.A. 30:4C-61.2b, 9:6-8.19a, 30:4C-12.2 and 30:4C-26.14 of their right to participate in child placement reviews, permanency hearings, and other reviews and hearings authorized by law.

Amended by R.2001 d.54, effective February 20, 2001.  
See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).  
Rewrote the section.

#### 10:133I-4.2 Case management and services

(a) The Division shall establish a case goal pursuant to N.J.A.C. 10:133C-4.4 and 4.5.

(b) The Division shall manage the case and provide services to the family according to the case plan, and pursuant to 42 U.S.C. §§ 670 et seq., 42 U.S.C. §§ 620 et seq., N.J.S.A. 30:4C-1, 30:4C-3, 30:4C-74 to 83 and 9:6B-1 et seq. by:

1. Enlisting the assistance of relatives or family friends in the provision of services to the family;
2. Providing services directly; or
3. Arranging for, referring to or contracting with community providers for services.

(c) The Division shall monitor the effectiveness of the services by assessing the outcomes of services in the context of safety, permanency and child and family well-being and change the services, as needed, on an ongoing basis, through:

1. Consultation with the family or service provider or using direct observations to assess the use, benefit and accessibility of services; and
2. Identification of barriers to service provision or service utilization and development and implementation of strategies to overcome the barriers within service limitations.

(d) The Division shall facilitate and participate in periodic review of the out-of-home placement pursuant to N.J.S.A. 30:4C-50 et seq., 42 U.S.C. §§ 620 et seq. and N.J.A.C. 133H-3.

(e) The Division shall participate in ongoing CART reviews when appropriate.

Amended by R.2001 d.54, effective February 20, 2001.  
See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).  
Rewrote the section.

#### 10:133I-4.3 Reasonable efforts to reunify not required

(a) The Division shall not be required to provide reasonable efforts to reunify the child with a parent pursuant to N.J.S.A. 30:4C-11.3 if a court of competent jurisdiction has determined that:

1. The parent has subjected the child to aggravated circumstances of abuse, neglect, cruelty or abandonment. Aggravated circumstances may include, but are not limited to, torture and chronic or severe abuse;
2. The parent has been convicted of murder, aggravated manslaughter or manslaughter of a child; aiding or abetting, attempting, conspiring or soliciting to commit murder, aggravated manslaughter or manslaughter of a child; committing or attempting to commit an assault that resulted, or could have resulted, in significant bodily injury to a child; or committing a similarly serious criminal act which resulted, or could have resulted, in the death of or significant bodily injury to a child; or

3. The rights of the parent to another of the parent's children have been involuntarily terminated.

(b) This section shall not be construed to prohibit the Division from providing reasonable efforts to reunify if the Division determines that family reunification is in the child's best interests.

(c) When determining whether reasonable efforts are required to reunify the child with the parent, the health and safety of the child and the child's need for permanency shall be of paramount concern.

(d) The court shall hold a permanency hearing, pursuant to N.J.S.A. 30:4C-61.2, that provides review and approval by the court of the placement plan within 30 days after a determination that reasonable efforts to reunify the child with the parent are not required pursuant to N.J.S.A. 30:4C-11.3.

New Rule, R.2001 d.54, effective February 20, 2001.  
See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

## SUBCHAPTER 5. REASONABLE EFFORTS TO ACHIEVE A PERMANENT PLACEMENT

### 10:133I-5.1 Permanent placement plan

(a) The Division representative shall begin to make permanent plans for a child when the Division determines that services will be provided. When a child enters placement, the Division representative may plan concurrently for reunification and for an alternative permanency plan, such as adoption, when circumstances indicate that the parent may be unable to provide a home which ensures the child's health and safety. These circumstances may include, but are not limited to, the following examples:

1. The parent shows characteristics that severely impede his or her ability to care adequately for a child and has not accepted or responded to treatment interventions in the past. Examples are: chronic substance abuse, chronic psychosis, and severe personality disorder;

2. The parent is intellectually impaired, demonstrating significant self-care difficulties and does not have access to a family support system to help raise the child;

3. The parent has killed or seriously injured a child through abuse or neglect, especially where abuse was the result of intentional parental actions or was sadistic in nature;

4. The parent has had his or her parental rights to a child terminated by the court and the parental circumstances have not changed;

5. The parent has failed to comply with previous reunification plans and his or her circumstances have not altered significantly;

6. The parent has a history of severe or chronic child neglect despite social service intervention;

7. The parent has sexually abused his or her child and has severe problems for which he or she refuses help;

8. The parent shows a pattern of frequent or long-term incarceration necessitating out-of-home placement for his or her child;

9. The parent places his or her child in out-of-home placement at birth and demonstrably lacks family and friends willing and able to raise the child;

10. The parent clearly and substantially abandons his or her child, such as in the case of a foundling or infant left at a hospital or other setting following birth;

11. A situation exists which strongly indicates the parent's inability or unwillingness to achieve reunification; or

12. A child has had repeat placements into out-of-home care.

(b) The Division representative shall pursue an alternative permanent plan, taking into consideration the best interests, safety and well being of the child, when:

1. Reasonable efforts to return the child home pursuant to N.J.A.C. 10:133I-4.1 and 4.2 have failed to enable the child to return home; and the Division's search for and assessment of relatives pursuant to N.J.S.A. 30:4C-12.1 indicate there are no relatives known, able and willing to meet the needs of the child; and the Division has determined that grounds exist pursuant to N.J.S.A. 30:4C-15 and 15.1 to petition the court to terminate parental rights;

2. The parent has relinquished or intends to voluntarily relinquish his or her parental rights to the child or the parental rights have been terminated in a court of competent jurisdiction or the parent's identity or whereabouts are unknown;

3. Reasonable efforts to return the child home pursuant to N.J.A.C. 10:133I-4.1 and 4.2 have failed to enable the child to return home and there is a relative or family friend willing and able to care for the child on a permanent basis with or without a termination of parental rights;

4. The child is orphaned or abandoned pursuant to N.J.S.A. 9:6-1 and N.J.S.A. 30:4C-15 and 15.1; or a court of competent jurisdiction has determined that the parent has committed certain crimes; or the child has been in placement for 15 of the most recent 22 months; and no exception has been documented by the Division, pursuant to N.J.S.A. 30:4C-15 and 15.3;

5. The circumstances of a child in a foster home meet the criteria for long-term foster care custody as established in N.J.S.A. 30:4C-26.10 et seq.;

6. The child does not want to return home and is of sufficient age and maturity to make that determination, based upon a demonstration by the child to the Division representative that the child possesses such maturity; or

7. The psychological, medical, physical or educational needs of the child require an alternative permanent plan.

Amended by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Rewrote the section.

#### **10:1331-5.2 Reasonable efforts to achieve a permanent plan**

(a) The Division shall pursue reasonable efforts to achieve a case goal of permanency when family reunification is not possible, through adoption, permanent placement with a relative or family friend, long-term foster care custody, independent living or other long-term, specialized care.

1. The Division shall continue to inform the parent at appropriate intervals of the child's progress, development, education and health unless parental rights have been terminated or surrendered or the whereabouts of the parent are unknown.

2. The Division shall utilize available resources including recruitment, publicity, and use of interstate adoption exchanges, to identify permanent out-of-home placement resources in accordance with the best interests of the child.

3. The Division shall facilitate, as appropriate, a permanent legal relationship between a child and an adoptive parent, a child and a relative or family friend, or a child and a foster parent whenever the legal or custodial relationship between the child and the birth parent has been surrendered, terminated or limited.

(b) The Division shall pursue such permanency planning as will enable the child and his or her parent or new family to function independent of Division intervention, supervision or direct services. There are exceptions for subsidized adoption in accordance with N.J.A.C. 10:121-2.2(f) and for long-term foster care with custody pursuant to N.J.S.A. 30:4C-26.10 et seq.

(c) The Division shall provide services and supports to enable the child to function independently when the case goal is independent living.

Amended by R.2001 d.54, effective February 20, 2001.

See: 32 N.J.R. 3776(a), 33 N.J.R. 665(a).

Rewrote the section.