



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

## New Jersey Department of Children and Families Policy Manual

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Subchapter:	4	Discharge	
Issuance:	200	<b>Unplanned Discharge</b>	

### Definition of an Unplanned Discharge 3-8-85

An unplanned discharge is a discharge that is necessary because the child has demonstrated an inability to continue functioning in the program of the residential treatment facility, group home or teaching family home. Unplanned discharges are usually the result of a combination of factors such as:

- The inability of the program to continue to serve the child due to changes in the child's functioning which result in the program being inappropriate for the child;
- The child's severe and repetitive conflict with the peer group which interferes with the child's ability to function in the program;
- The child's severe and repetitive conflict with facility personnel, such as educational staff, clinical staff or child care staff which interferes with the child's ability to function in the program;
- The child's inability to cope with requirements of, or changes in, the educational, clinical or residential programming;
- Destructive or dangerous behavior;
- Psychotic behavior;
- Parental sabotage of placement, or
- Unanticipated reduction in the facility's capacity or service provision.

### Crisis Situations 3-8-85

When a child presents a danger to himself or others because of mental illness or criminal activity, the facility may arrange for placement in a detention or psychiatric

facility. The residential facility must follow all legal procedures in effecting such a placement. A child may be referred as a voluntary patient to a psychiatric hospital only if the child is mentally ill and cannot be treated in the residential facility. If the child is unwilling or incapable of requesting voluntary admission and there is a substantial probability that the child will be dangerous to himself, others, or property in the reasonably foreseeable future due to his mental illness, the child may be involuntarily committed to a psychiatric hospital. A child may be placed in detention only if a chargeable offense under the law has been committed.

The unplanned closing of a facility or the loss of physical space due to fire or other emergency situation requires immediate action to arrange alternative placements for many or all of the children in the facility.

The facility must inform the parent(s) and the Worker immediately about the emergency discharge of a child. If the emergency discharge occurs after office hours or on a weekend, the SCR number, 1-877-652-2873, is used to notify CP&P.

### **CP&P Response in Non-Crisis Situations 3-8-85**

The Worker is not expected to remove a child immediately from the facility. Although the decision to discharge ultimately rests with the facility, the Worker must be afforded a reasonable amount of time to develop an alternative placement plan for the child.

According to the regulations in the CP&P Manual of Standards for Residential Child Care Facilities and the Manual of Standards for Group Homes, the facility is required to provide at least 10 days' written notice to the Worker before the placement is terminated.

The Worker must also be offered the opportunity to discuss the termination with facility representatives. This discussion includes the nature of the problem, the facility's attempt to deal with the problem, possibility of alternative responses, and the results of the facility's efforts. The facility must justify an unplanned discharge by showing that they have exhausted their capacity and resources for providing appropriate services. This should occur and be reviewed by the Worker before the child is discharged. The facility then documents its efforts in a written explanation which can be used to develop alternate arrangements and aid in further casework efforts with the child. The facility also has a responsibility to assist the Worker and "use its best efforts" to secure an appropriate alternative placement.

In situations where the unplanned discharge is due to an anticipated reduction in capacity or service provision, the CP&P Manuals of Standards require that the facility provide no less than 30 days written notice of this change to the Worker.

### **Alternatives 3-8-85**

The Worker has several alternatives available. The child may be able to return home, if not permanently, then at least until another appropriate residential placement can be found. If a return home is out of the question, any interested relatives of the child who would consider providing temporary care should be considered. If such alternatives also are not available, the worker should determine if emergency foster placement, hospitalization, or placement in a shelter, is the appropriate interim plan for the child. All of these alternatives require time to arrange. The cooperation and assistance of the facility is expected.

When no alternative placement is available and CP&P wishes to return the child home and return is contrary to the placement plan approved by the Child Placement Review court order, or if conditions required for return in the court order have not been met, CP&P cannot return the child home without court permission. When there is not sufficient time for a special review board review to be conducted to consider the return, CP&P requests that the court grant an Emergency Waiver of the special review and approve the return home. CP&P visits the child's home and forwards to the court a report of the visit along with the waiver request. If the court approves the return, CP&P returns the child home and notifies the Board so that a special review is conducted within 15 days. CP&P must visit the child in the home at least twice within 10 days after the return and forward a report of each visit to the court and to the Board. See [CP&P-IV-A-3-200](#) for a discussion of the emergency waiver in the Return Home Review section.

If a waiver is not approved, one of the interim placements listed above may be used. The Worker/Supervisor may consult with the DAG when there is question about the court order.

**Evaluation 3-8-85**

It is in the best interests of the child that once a suitable alternative placement is found that the failure of the placement be explored in greater detail. The Worker requests a complete discharge report from the facility including, if available, all diagnostic and evaluative materials necessary for a new referral process. This report must be provided by the facility within 30 days of the child's discharge.

The Worker then discusses the failure of the placement with the child and family. It is necessary to work with the child and family regarding the reasons why the placement failed, the child's and family members' feelings, and the changes that will take place as a result of the discharge. The Worker offers assurance of continued efforts to find and effect an alternative plan.

**Procedures Related to Unplanned Discharges 3-8-85**

RESPONSIBILITY	ACTION REQUIRED
Worker	1. Request an explanation Request an explanation for the discharge and agree upon a reasonable

	amount of time to develop an alternative plan within contracted time frames.
	2. Request a complete written report from the facility including all diagnostic, educational, and evaluation materials.
Supervisor/Case Manager/Facility Worker	3. Develop an appropriate case plan and discuss placement alternatives.
	4. Develop an appropriate case plan and discuss placement alternatives.
	5. Contact the child in person, or by telephone if distance is a factor, to discuss discharge.
	6. If necessary, contact relatives and friends to evaluate their interest and capabilities in providing an interim placement for the child.
	7. If necessary, explore emergency foster care or shelter care.
Residential Facility	8. If hospitalization is required, make necessary arrangements.
Worker	9. If shelter care is necessary, arrange for child to be admitted.
Worker/Supervisor	10. If CP&P decides to return the child home, but return home is contrary to the Child Placement Review Court order or a condition required for return in the court order has not been met, visit the child's home and forward a report of the visit to the court and request an Emergency Waiver of the Special Review Board review.
Court	11. Review CP&P' request for waiver and either approve or deny the waiver.
Worker/Supervisor	12. Plan to return the child home and notify the review board if the court approves the waiver.
	13. If the court denies the waiver, decide on an alternative placement, such as a shelter or emergency foster home.
Supervisor	14. Approve alternative placement plan.
Worker	15. Notify the facility of the alternative placement plan and arrange to transport the child.
	16. Transport the child from the facility to the alternative placement.
	17. Update NJS.
	18. Discuss the failure of the placement with the child and family.
Supervisor/Worker	19. Re-evaluate the case plan with the child and family to determine whether the child should be referred for residential treatment in another

	facility.
Worker	20. If return home was contrary to the CPR order but the court granted an Emergency Waiver, make at least two home visits within 10 days of return home and forward a report of each visit to the court and review board.
Review Board	21. Schedule and conduct a special review of the child's return home within 15 days of the date the child is returned home.
Worker	22. Attend the review board review.
Review Board	23. Complete the review and within 5 days forward board recommendations regarding the placement to the court.
Court	24. Review the board recommendations and issue an order regarding the child's placement.
Worker/Supervisor	25. Review and comply with the order.
	26. Consult with the DAG if there is disagreement or question about the court order.

### **Definition of a Contested Discharge 3-8-85**

A contested discharge is the planned discharge of a child from residential placement with which the parents/caregivers do not agree. A contested discharge is usually the result of factors such as:

- The parents' fear of being unable to deal with the child's behavior at home;
- The parents' perception that the local school district will be unable to provide an appropriate educational program for the child;
- The parents' perception that there is a lack of community resources to deal with a child's particular handicapping condition;
- The parents' desire that the child complete high school at the residential facility, despite the fact that the child has obtained maximum benefit from the program.

### **CP&P Response to Parents in Cases of Contested Discharge 3-8-85**

When a child has completed a residential program and is ready for discharge from residential placement, the Worker must notify the parents and the local school system responsible for the educational portion of the funding for residential placement in writing at least 45 days prior to the proposed discharge date. See [CP&P-IV-E-4-100](#), in the Effecting the Discharge section. The notification includes the CP&P philosophy regarding a planned discharge and advises the parents of their right to request an Administrative Review if they are dissatisfied with the decision to discharge their child. By including the local school system in the notification process, both parties have an

opportunity for input regarding the discharge plan, and to be part of the process in the event of an Administrative Review. At the time the working discharge plan is developed after the child is in placement, the Worker may become aware in many cases of the parents' reluctance to have their child return home. In such situations it is very important that parents and the local school district are notified well in advance of the 45 day period before discharge. This allows additional time to prepare for an Administrative Review.

The Worker should be understanding of the parents' anxieties regarding the return of their child. However, the Worker also reinforces the basic tenets that parents have the primary responsibility for the care of their children in the least restrictive environment, the child's own home, and that it is usually in the best interest of the child to be in a less restrictive setting than a residential facility. The Worker also advises the parents of the community support systems that will be available to them when the child returns home.

In order to minimize disruption to the child, and because there is no obligation to continue placement until an Administrative Review is held, parents are asked to call or write to the Worker within seven days if they wish to request an Administrative Review. The Worker writes a summary in memo format of the case situation for the approval of his immediate supervisor. The memo is sent through the Local Office Manager to the Administrative Hearings Unit within one week of the request from the parents. If the CP&P Director determines that an Administrative Review will be conducted, the person assigned responsibility for the Administrative Review informs the parents and the Worker of the date, time and place of the review.

### **Case Documentation for an Administrative Review                      3-8-85**

The Worker must have the following documentation in the child's case record:

- The plan for the child;
- Reports from the residential facility, including evaluations of the child's progress during placement, psychiatric and psychological reports, education reports, medical reports, and the prognosis for the child;
- Contacts with the child's family as reflected in the case plan, CP&P Form [26-81](#), which indicate the parents' ability to care for the child;
- The types and availability of supportive community resources and services which can be used by the child at discharge (for example, vocational counseling, mental health center, alcoholism and drug counseling programs, county probation office); and
- The local school system's ability to provide an appropriate program for the child.

### **Administrative Review Process in a Contested Discharge                      3-8-85**

In an Administrative Review, the case is examined by a CP&P employee, assigned by the CP&P Director, who has had no involvement in the decision made to discharge the child. CP&P policy, procedures and regulations as they pertain to the case are considered by the reviewer.

The parents are asked to tell why they feel their child should remain in residential placement. The Worker and any other Local Office staff appropriate for the review procedure are asked to tell why the child should be returned to a community setting. The parents may question CP&P staff during the review process.

At the conclusion of the Administrative Review, the CP&P reviewer writes a Recommended Decision, which is sent to the parents and the Worker. Both the parents and the Worker may send written comments to the administration Hearings Unit about the decision. After all comments are received and considered, the CP&P Director reviews the findings in the case and renders a Final Decision. If the parents wish to appeal the decision, they must apply to the Appellate Division of the New Jersey Superior Court.

**Procedures Related to an Administrative Review 3-8-85**

RESPONSIBILITY	ACTION REQUIRED
Parent	1. Contact the child's Worker to request an Administrative Review.
Worker	2. Write a summary of the case, and submit to supervisor for approval.
Supervisor	3. Approve case summary and give to LO Manager for approval.
Local Office Manager	4. Send case summary to Administrative Hearings Unit within one week of the request from the parents.
Administrative Hearings Unit	5. Prepare Director's Discretion form outlining issues and recommending a person to conduct an Administrative Review.
	6. After Director's approval, transmit file to reviewer with instructions to make arrangements for the Administrative Review and to notify parents and Worker of the date, time and place of the Administrative Review.
Worker	7. Provide case documentation as outlined in Case Documentation for an Administrative Review, above, to the Administrative Hearings Unit.
	8. Attend the Administrative Review, bringing relevant material from the case file that may be disclosed to the client. Respond to questions from the parents and the reviewer.

CP&P Reviewer	9. Conduct hearing.
	10. Send Recommended Decision to Worker and parents.
Worker	11. Respond with comments, if appropriate when the Recommended Decision is received from the reviewer.
	12. Carry out the directives in the decision when the Final Decision is rendered.
Administrative Hearings Unit	13. Forward Recommended Decision and comments to the CP&P Director.
	14. Distribute the CP&P Director's Final Decision to the Worker and parents.
	15. Advise the parents that they may go to the Appellate Division of the New Jersey Superior Court if they disagree with the Final Decision.