



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	120A	Dispute Resolution	12/9/2008
Subchapter:	2	General Provisions For Division Dispute Resolution And Administrative Hearings	
Section	6	Eligibility for continued service and status (N.J.A.C. 10:120A-2.6)	

§10:120A-2.6 Eligibility for continued service and status

(a) Upon receipt of a request for a dispositional review or an administrative hearing which has been received in accordance with N.J.A.C. 10:120A-2.5(a) and (b), the status quo shall be continued or reinstated at an unreduced level until the agency decision or initial decision is rendered when any of the following circumstances apply:

1. Disruption of the status quo shall place a child at risk of child abuse or neglect pursuant to N.J.S.A. 9:6-8.8 et seq.;
2. Disruption of the status quo shall significantly compromise the appellant's ability to have the Division action reversed or modified through the appeal process;
3. The appellant has new information that was not known or not available at the time of the Division action; or
4. An administrative law judge determines that the issue is one of fact rather than law or policy.

(b) Upon receipt of a request for a dispositional review or an administrative hearing for appealing a Division action in accordance with N.J.A.C. 10:120A-2.5(a) and (b), the status quo shall not be continued or reinstated when continuing or reinstating the service would pose a risk of harm or injury to a child, adult client or other adult related to the issue in dispute, including, but not limited to, the following circumstances:

1. The Division shall not return a child to the out-of-home placement from which a child has been removed because the child or any other child in the out-of-home placement has been abused or neglected or has been alleged to have been abused or neglected pursuant to N.J.S.A. 9:6-8.8 et seq. or when the out-of-home placement fails to meet the standards for continued approval, except as permitted in N.J.A.C. 10:122C-2.5(b) and 2.6(f);

2. The Division shall not return a child to the out-of-home placement from which the child has been removed, when the child has been returned to his or her parents or relatives, united or reunited with separated siblings or placed in an adoptive home;

3. The Division shall not continue or reinstate services or status pending the outcome of a dispositional review or administrative hearing when the appellant's behavior poses a threat to himself, herself or others;

4. The Division shall not continue or reinstate services or status pending the outcome of a dispositional review or administrative hearing when the matter is pending the results of an IAIU investigation; or

5. The Division shall not continue or reinstate services or status pending the outcome of a dispositional review or administrative hearing when the Division has determined that a child in an out-of-home placement or other care in a home or facility subject to the regulatory jurisdiction of the Department is in imminent risk of harm as a result of conditions in the home or facility.