

CHILDREN AND FAMILIES

DIVISION OF CHILD PROTECTION AND PERMANENCY

Services

Proposed Readoption with Amendments: N.J.A.C. 10:133E

Authorized By: Allison Blake, Ph.D., L.S.W., Commissioner, Department of Children and Families.

Authority: N.J.S.A. 30:4C-4(h).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2014-211.

Submit written comments by January 30, 2015, to:

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The agency proposal follows:

Summary

As the Division has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 10:133E, Services, is scheduled to expire on October 23, 2014. Since this notice of rules proposed for readoption with amendments has been filed with the Office of Administrative Law prior to October 23, 2014, the expiration date of this chapter is extended 180 days to April 21, 2015, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Division of Child Protection and Permanency has reviewed these rules and has determined that, as amended, they continue to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978).

These rules were originally adopted effective May 19, 1997, and subsequently readopted effective April 26, 2002, and October 23, 2007.

The Division of Child Protection and Permanency (“CP&P” or “Division”) proposes the readoption of, and amendments to, the rules governing the Division's provision of services. The purpose of this chapter is to state for the public which services the Division shall provide to each client and which services the Division shall consider providing. These services are the ones identified in N.J.A.C. 10:120A-1.3 as the services for which a denial, reduction, suspension, or termination results in a Division service issue. Applicants and clients can appeal a denial, reduction, suspension, or termination of a Division service issue.

N.J.A.C. 10:133E-1.1 states the purpose of the chapter. The Division proposes to amend N.J.A.C. 10:133E-1.1(a) from "Division of Youth and Family Services" to “Division of Child Protection and Permanency.” The proposed amendment reflects the current and standard language used by the Division since the creation of the Division on June 29, 2012, pursuant to N.J.S.A. 9:3A-9.

N.J.A.C. 10:133E-1.2 states the scope of chapter.

N.J.A.C. 10:133E-1.3 references the definitions used in this chapter as defined in N.J.A.C. 10:133, Service Delivery General Provisions. The Division proposes to amend the heading of the cross-reference in N.J.A.C. 10:133E-1.3, from “Initial Response and Service Delivery General Provisions” to “Service Delivery General Provisions” to reflect the current Chapter 133 heading.

N.J.A.C. 10:133E-1.4 discusses how an applicant or client applies for services; how the services are provided; and the availability or limitations of services.

N.J.A.C. 10:133E-2.1 states that the Division shall provide case management as part of the case plan to each client whose case is open or in accordance with N.J.A.C. 10:129-6.1 and 6.2.

N.J.A.C. 10:133E-2.2 discusses services for children in out-of-home placement.

N.J.A.C. 10:133E-2.3 lists services to consider for the case plan. The Division proposes to amend N.J.A.C. 10:133E-2.3(b)15iv to include “kinship care.” Kinship care is a type of out-of-home placement.

Social Impact

The Division’s assessment of the social impact of the rules proposed for readoption with amendments on the applicants and clients of the Division is positive. This information is helpful to those who want a service from the Division because it informs them of what services are available and under what circumstances they are available. The services CP&P clients receive are related to needs identified in an assessment. The services are monitored and adjusted if needed.

In 2013, the Division received 59,963 child protective service reports and 16,010 referrals for family services. As of July 31, 2014, the Division reported having 49,796 children under the supervision of a CP&P local office. The rules proposed for readoption with amendments may be

applicable to each child for whom a report or referral is received. They cover each child for whom services are provided.

Economic Impact

The rules proposed for readoption with amendments have no economic impact on the clients. They merely describe services provided by the Division, which are consistent with those required in order to qualify for Federal appropriations under the Federal Social Security Act.

Federal Standards Statement

In order to receive Federal appropriations under Titles IV-B and IV-E of the Social Security Act, the State must have a state plan requiring a case plan and a case review for each child in out-of-home placement pursuant to 42 U.S.C. §§ 671(a)(16) and 622(b)(8)(A)(ii) and (iii). The terms "case plan" and "case review system" are defined at 42 U.S.C. §§ 675(1) and (5). 42 U.S.C. § 622(b)(8)(A)(iv) also requires a state to have a program of pre-placement preventive services to help children remain safely with their families.

The rules proposed for readoption with amendments support and do not exceed Federal standards or requirements, and a Federal standards analysis is not required for this rulemaking.

Jobs Impact

The Division anticipates no loss of jobs as a result of the rules proposed for readoption with amendments.

Agriculture Industry Impact

The rules proposed for readoption with amendments have no impact on the agriculture industry.

Regulatory Flexibility Statement

Neither the rules proposed for readoption, nor the proposed amendments, impose reporting, recordkeeping, or compliance requirements on small businesses. These rules state the services that the Division shall provide and shall consider for applicants and clients. Neither the Division nor its applicants and clients are small businesses. Therefore, a regulatory flexibility analysis is not necessary.

Housing Affordability Impact Analysis

The rules proposed for adoption with amendments will have no impact on affordability housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average cost associated with housing because the rules pertain to services the Division provides to its clients.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and

Redevelopment Plan in New Jersey because the rules pertain to the Division of Child Protection and Permanency's services.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:133E.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

10:133E-1.1 Purpose

(a) The purposes of this chapter are to list the services [which] **that** the Division of [Youth and Family Services] **Child Protection and Permanency**:

1.-2. (No change.)

10:133E-1.3 Definitions

The definitions in N.J.A.C. 10:133, [Initial Response and] Service Delivery General Provisions, are hereby incorporated into this chapter by reference.

SUBCHAPTER 2. SERVICES

10:133E-2.3 Services to consider for the case plan

(a) (No change.)

(b) The Division representative shall consider each of the following services:

1.-14. (No change.)

15. Out-of-home placement, which includes:

i.-iii. (No change.)

iv. Kinship care;

Recodify existing iv through viii as **v. through ix.** (No change in text.)

16.-23. (No change.)