



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

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Abortion Services (Termination of Pregnancy) - Definition 2-23-2004

Abortion is a medical procedure legally available to all New Jersey citizens regardless of age for terminating a pregnancy, through a licensed physician, hospital, or clinic. Under certain conditions abortion services may be provided to eligible New Jersey Medicaid recipients through the Medicaid Program, or eligible CP&P clients through CP&P funds.

Abortion Services - Policy 6-5-81

The Division of Child Protection and Permanency is responsible to assure that all medical services and treatment procedures which are available to New Jersey's population at large are also available to those children whose care and maintenance or guardianship is entrusted to CP&P. Abortion is a legal medical alternative to a pregnant minor not maintained by CP&P and is, therefore, an alternative to the pregnant minor who is maintained by CP&P in accordance with CP&P policy and procedures.

Therefore, minors under the supervision of CP&P who believe they are pregnant and who share this information with their Worker regardless of their plans concerning the pregnancy, must in all cases, be referred immediately to a physician for medical care. Resource parents must notify the Worker when it is learned that the child is pregnant to ensure that the child receives care from a physician.

CP&P does not accept cases for supervision or effect placement of a child in a substitute living arrangement solely for purposes of rendering abortion services. Abortion is ancillary to the Division's primary child welfare services and is not in itself a primary service program of the agency. CP&P information and counseling services regarding family planning do not include abortion as a means to an adequate child spacing or birth control program. Abortion is discussed only as a means of dealing with a present pregnancy. Alternatives such as:

- keeping the child,
- surrendering the child for adoption,

- placing the child temporarily in resource care,
- referral to family planning clinics,
- financial assistance through the Municipal Welfare Department during pregnancy and the CWA after the child is born, and
- CP&P medical and social services on behalf of the unborn child, see [CP&P-V-A-1-600](#), must be discussed with clients prior to a discussion of abortion as one of the alternatives open to a client in dealing with her present pregnancy. The results of these discussions must be documented in the client's case record.

The Worker may assist the client in setting up an appointment with a physician, family planning clinic, and Birthright or abortion clinic. The Worker may provide transportation for her (purchased or directly provided), to the clinic or hospital desired or to the physician or clinic where the abortion is to be performed. The LO Manager, through the Supervisor, must be notified of all case situations involving abortion prior to the minor or Worker making arrangements for the procedure.

Consent of Minors for Medical Care Related to Pregnancy 2-23-2004

The provision of medical care related to the minor's pregnancy does not require the consent of the minor's parents or guardians or of the putative father. The Worker encourages the minor to discuss her decision, whether or not to have an abortion performed, with her family, provided that this discussion would be in the best interests of the minor, and would not be harmful to her. The Worker offers supportive services to the minor, such as acting as an intermediary with her family or simply being present at the discussion, if requested.

Circumstances may arise where the best interests of the minor are not served by working with the family unit. The minor's parents, guardians, or the putative father of the unborn may be irreconcilably opposed to the course of action favored by the client. In such instances, the minor's choice of alternative prevails unless:

- a court of law has determined the minor to be incompetent or otherwise unable to reach an informed decision. In such cases where the minor is found to be incompetent the child's guardian acts, or
- the case history, medical history or the Worker's experiences with the child call into question the child's competency in making such a decision. In such cases the consultation of other professionals is sought preferably when the child is first seen by a physician.

The DAG must also be consulted in these situations so that the Worker may be given guidance as to how to proceed.

Abortion Services (Termination of Pregnancy) - Medicaid Policy 2-23-2004

The Division of Medicaid Assistance and Health Services (DMAHS) provides reimbursement for the medically necessary termination of pregnancy to Medicaid or New Jersey FamilyCare beneficiaries when performed by a licensed physician. These services are reimbursed through fee-for-service for all beneficiaries, including individuals enrolled in an HMO, but may require medical orders by the client's primary care physician.

A physician may take the following factors into consideration in determining whether a termination of pregnancy is medically necessary, as specified in Administrative Code, the DMAHS Physician Manual, N.J.A.C. 10:54-5.43(b):

- To save the life of the mother
- The pregnancy was the result of an act of rape
- The pregnancy was the result of an act of incest
- Physical, emotional and psychological factors
- Family reasons
- Age

Reimbursement is made to Medicaid providers for medically necessary termination of pregnancy when these services are performed in a licensed hospital, licensed physician's office or licensed independent abortion clinic. All providers (including physicians and anesthesiologists) rendering abortion services through Medicaid complete a Physician's Certification Form FD-179, and attach it to their Medicaid claim form.

Clients Eligible for CP&P Paid Abortion Services 2-23-2004

Any minor in placement outside of her home, dependent upon CP&P for her support and maintenance, has the right to seek an abortion as one of the alternatives open to her in responding to her pregnancy even though she does not qualify for abortion services paid through the Medicaid Program. Funds for such services are available to these individuals through CP&P in accordance with this policy regarding payments made to the providers of the abortion services. Funds for such services are also available to individuals beyond the age of 18 who continue to be maintained by CP&P.

Clients Ineligible for CP&P Paid Abortion Services 2-23-2004

Adults not dependent upon CP&P for maintenance are not eligible for abortions paid by CP&P. Minors supervised by CP&P, residing in their own homes and not dependent upon CP&P for maintenance or Code 65 medical services, are generally not eligible for abortions paid through CP&P. A pregnant minor residing in her own home may have access to the abortion alternative through private medical insurance or other community resources (e.g., free clinic, private medical providers, etc.). Responsibility for payment of such services may rest with the legally responsible person, or the minor herself, if the exceptions below do not apply.

In addition, CP&P will not pay for an abortion if the service is:

- obtainable in the community free, or
- available through Medicaid.

Exceptions for Clients Otherwise Ineligible for CP&P Paid Abortion Services 2-23-2004

CP&P may consider payment for abortion services for a competent minor under agency supervision in situations where:

- the minor has been informed of all alternatives and remains committed to her decision to obtain an abortion,
- resources to pay for the services are neither available, nor obtained free in the community, nor available through Medicaid, and
- CP&P believes the abortion to be in the best interests of the pregnant minor and the Local Office Manager recommends payment for the abortion.

The LO Manager must evaluate all requests for CP&P payment of abortion services. Payment for services is made through CP&P Form [K-100](#). The form should indicate that the service is not available through Medicaid.

Casework Activity in the Provision of Abortion Services 2-23-2004

When any client seeks advice regarding her pregnancy, the Worker counsels the client and discusses all alternatives to dealing with the pregnancy including referral to other counseling agencies such as Family Planning. As part of such work, the Worker informs a pregnant minor of the availability of abortion services. After initial counseling, all clients who are seeking abortion as an alternative to their pregnancy are referred to a licensed physician or a licensed family planning agency for further service. Medicaid eligible clients are referred to Medicaid providers who render abortion services.

Clients not seeking abortion may be directed to other appropriate agencies (Birthright, etc.).

When a minor receiving financial maintenance from CP&P does not qualify for abortion services through Medicaid (the physician does not justify medical necessity), and the minor continues to remain committed to her decision to have an abortion, the Worker notifies his Supervisor. The Supervisor seeks approval to pay for the abortion through the LO Manager.

Upon written approval from the LO Manager, the Worker assists the minor in arranging for the abortion through a licensed physician, clinic or hospital. Payment to the provider is through CP&P Form [K-100](#) at the established Medicaid rate of reimbursement. Any exceptions to the Medicaid rate of reimbursement must also be approved by the LO Manager using CP&P Form [16-76](#). A copy of the Special Approval Request, CP&P Form [16-76](#), approved by the LO Manager must accompany the CP&P Form [K-100](#) when forwarded to Central Office for payment.

If the abortion requires inpatient hospital services, the hospital bill is submitted for payment attached to a separate, properly completed CP&P Form [K-100](#). The hospital is informed that payment is made at prevailing Medicaid reimbursement rates.

Procedures for Providing Abortion Services 2-23-2004

RESPONSIBILITY	ACTION REQUIRED
Worker	1. Refer pregnant minor to a licensed physician.
	2. Counsel client regarding her pregnancy and discuss all alternatives in responding to the pregnancy.
	3. Refer client to licensed family planning agency
	4. Assist client with services if she chooses to have the child. <ul style="list-style-type: none"> a. Ensure client receives prenatal care. b. Refer client to resources in the community which may provide health care assistance. c. Begin adoption planning, if requested. d. Begin resource home planning, if requested. e. Provide birth control information, if requested, through a family planning agency.

	5. Notify LO Manager through immediate Supervisor if client selects the abortion alternative.
	6. Assist client in receiving service from a licensed clinic, hospital or physician, if client selects abortion.
	7. Determine medical necessity for Providing Abortion.
	8. Provide the service and bill the Medicaid Program, if medical necessity exists.
	9. Evaluate client's situation determining what resources are available if client seeks abortion paid by CP&P.
	10. Seek outside professional opinion and contact the DAG for guidance as to how to proceed, if there is a question of the minor's ability to make an informed decision.
	11. Complete CP&P Form 16-76 , Special Approval Request. Forward to LO Manager for approval for payment.
LO Manager	12. Review and approve Special Approval Request, CP&P Form 16-76 .
Worker	13. Arrange for abortion upon approval of LO Manager or Administrator, Program/Adoption Operations.
	14. Furnish provider with a CP&P Form K-100 and assist in completion.
	15. Attach a copy of signed CP&P Form 16-76 to the properly completed CP&P Form K-100 and forward to the DCF Office of Accounting.
	16. Document service provision in case record and NJS.