

**DIVISION CIRCULAR #39
(N.J.A.C. 10:46A)**

DEPARTMENT OF HUMAN SERVICES

DIVISION OF DEVELOPMENTAL DISABILITIES

EFFECTIVE DATE: March 21, 2011

DATE ISSUED: April 4, 2011

(Rescinds DC #39 issued on April 20, 2005)

I. TITLE: FAMILY SUPPORT SERVICE SYSTEM

II. PURPOSE: The Division, in conjunction with the New Jersey Developmental Disabilities Council, must create a system of family support that is flexible and designed to strengthen and promote families that provide care at home for a family member with a developmental disability.

III: SCOPE: The circular applies to all eligible individuals with developmental disabilities and their families. The circular also applies to providers under contract with the Division or regulated by the Department.

IV. GENERAL STANDARDS:

The remainder of the circular is the adoption of the "Family Support Services System" as it appears at N.J.A.C. 10:46A.



Dawn Apgar, Ph.D, LSW, ACSW
Deputy Commissioner

DA:DB:s
Attachment

SUBCHAPTER 1 - GENERAL PROVISIONS

10:46A-1.1 Purpose; authority

- (a) Pursuant to N.J.S.A. 30:6D-33 et seq., the Division of Developmental Disabilities, in conjunction with the New Jersey Council on Developmental Disabilities (NJCDD), must create a system of family support that is flexible and designed to strengthen and promote families that provide care at home for a family member with a developmental disability.
- (b) A Statewide family support policy must acknowledge that families themselves are able to define their own needs and select their own services; within available resources, family supports must be chosen by the families, controlled by families and monitored by families.
- (c) The system of Family Support shall include, but not be limited to:
 - 1. After school care;
 - 2. Cash subsidies;
 - 3. Communication and interpreter services;
 - 4. Counseling services;
 - 5. Crisis intervention;
 - 6. Day care;
 - 7. Equipment and supplies;
 - 8. Estate and transition planning;
 - 9. Home and vehicle modification;
 - 10. Home health services;
 - 11. Homemaker assistance;
 - 12. Housing assistance;
 - 13. Medical and dental care not otherwise covered;
 - 14. Parent education and training;
 - 15. Personal assistance services;
 - 16. Recreation services;
 - 17. Respite care for families;
 - 18. Self advocacy training;
 - 19. Service coordination;
 - 20. Specialized diagnosis and evaluation;
 - 21. Specialized nutrition and clothing;
 - 22. Therapeutic or nursing services;
 - 23. Transportation;
 - 24. Vouchers; and
 - 25. Other services as identified by the family in accordance with N.J.A.C. 10:46A-2.3.
- (d) The Commissioner shall establish income, need and other criteria in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., to ensure that

the expenditures for the Family Support System are within the limits of available funding.

- (e) The amounts of funds for family support services shall be subject to the funding available in the current fiscal year.
- (f) Adults with developmental disabilities should be afforded the opportunity to make decisions for themselves, live in typical homes within their own communities and exercise their full rights as citizens. Adults with developmental disabilities should have options for living separately from their families, but, when this is not the case, families should be provided the supports they need, within available funding limits.

10:46A-1.2 Scope

The provisions of this chapter shall apply to all eligible persons with developmental disabilities and/or their families. The provisions of this chapter also apply to agencies under contract with the Division of Developmental Disabilities, or regulated by the Department of Human Services.

10:46A-1.3 Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

"Adult" means any individual 18 years of age and older.

“Developmental Disabilities” means a severe, chronic disability of a person which:

1. Is attributable to a mental or physical impairment or combination of mental or physical impairments;
2. Is manifest before age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitations in three or more of the following areas of major life activity, that is:
 - i. Self-care;
 - ii. Receptive and expressive language;
 - iii. Learning;
 - iv. Mobility;
 - v. Self-direction;
 - vi. Capacity for independent living; and/or
 - vii. Self-sufficiency.

5. Reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated; and
6. Developmental disability includes, but is not limited to, severe disabilities attributable to intellectual disability, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met. (N.J.S.A. 30:6D-25.)

"DDD Family Support Coordinator" means an employee of DDD designated by the Regional Administrator to coordinate the region's family support service system.

"Division" or "DDD" means the Division of Developmental Disabilities within the Department of Human Services.

"Family" means the family member with a developmental disability and his or her parents, siblings, spouse, and/or children, or uncompensated caregiver.

"Family support" means a coordinated system of on-going public and private supports, services, resources, and other assistance, which are designed to maintain and enhance the quality of life of a family member with a developmental disability and his or her family.

"Family Support Coordinator" means a coordinator working under the direction of the New Jersey Council on Developmental Disabilities (NJCDD) who shall be a person qualified by training and experience to perform the duties of his or her office.

"Functional services" means those services and programs available to provide a person with a developmental disability: education, training, rehabilitation, adjustment, treatment, care and protection. (N.J.S.A. 30:4-23)

"Level of service" means the contracted number of units of service to be delivered and the actual number of units of service delivered.

New Jersey Council on Developmental Disabilities (NJCDD) means the Federally-mandated State planning and advisory board composed of 28 members appointed by the Governor.

"Parent" means the biological or adoptive parent or uncompensated foster parent or legal guardian.

"Resident" means a person who is a domiciliary of New Jersey for other than a temporary purpose and who has no present intention of moving from the State.

"Supports" means those services other than residential services provided by the Division, which will help the individual remain in his or her living situation.

"Uncompensated caregiver" means the person, including, but not limited to, a parent, sibling, spouse, child, grandparent, step family member, aunt, uncle, cousin or legal guardian, who without monetary payment cares for the family member with a developmental disability and with whom the family member with a developmental disability resides.

SUBCHAPTER 2. ELIGIBILITY CRITERIA

10:46A-2.1 General Eligibility

- (a) A person determined to have a developmental disability in accordance with the requirements of N.J.A.C. 10:46 and who is a resident of the State of New Jersey, shall be eligible for family support services.
 - 1. In accordance with N.J.A.C. 10:46, a person with a developmental disability can be determined to be eligible for functional services.
- (b) A person with a developmental disability must either live with a family member or an uncompensated caregiver. The requested family support services are provided to support the family.
- (c) The DHS and any publicly funded agency which provides family support services shall assist families in obtaining all other sources of funding, such as Medicaid or private insurance, before using funds available for the purpose of this chapter.

10:46A-2.2 Who May Apply for Family Support Services

- (a) Requests for family support services may be made by:
 - 1. A competent adult on his or her own behalf;
 - 2. An uncompensated caregiver;
 - 3. A parent, family member or a legal guardian of an incompetent adult; or
 - 4. The parents or legal guardian of a minor.

10:46A-2.3 Requests for Family Support Services

- (a) Requests for family support services shall be made to a regional office of the Division.
 - 1. An individual not previously determined eligible for Division services and who is requesting family support services shall contact the regional intake worker to initiate the eligibility process.

2. If an individual is eligible for functional services of the Division, requests for family support services shall be made to the assigned case manager.

(b) The request shall be made by telephone, in writing or by appearing in person to the appropriate regional office of the Division as noted below.

Northern Region: (serving Sussex, Warren, Morris, Bergen, Passaic and Hudson Counties)

1-B Laurel Drive
Flanders, NJ 07836
Phone: (973) 927-2600
Fax: (973) 927-2689

100 Hamilton Plaza
Room 905
Paterson, NJ 07505
Phone: (973) 977-4004
Fax: (973) 279-5069

Upper Central Region: (serving Essex, Somerset and Union Counties)

110 E. 5th Street
Plainfield, NJ 07060
Phone: (908) 226-7800
Fax: (908) 412-7900

153 Halsey St., 2nd Fl.
PO Box 47013
Newark, NJ 07101
Phone: (973) 693-5080
Fax: (973) 648-3999

Lower Central Region: (serving Mercer, Middlesex, Ocean, Hunterdon, and Monmouth Counties)

11A Quakerbridge Rd.
Hamilton, NJ 08619
Mailing Address:
PO Box 706
Trenton, NJ 08625
Phone: (609) 588-2727
Fax: (609) 584-1402

Juniper Plaza
Suite 1011
3499 Rt. 9 North
Freehold, NJ 07728
Phone: (732) 863-4500
Fax: (732) 863-4406

Southern Region: (serving Camden, Atlantic Salem, Cape May, Gloucester, Cumberland and Burlington Counties)

5218 Atlantic Ave.
Suite 205
Mays Landing, NJ 08330
Phone: (609) 476-5200
Fax: (609) 909-0656

221 Laurel Road, Ste 21
Voorhees, NJ 08043
Phone: (856) 770-5900
Fax: (856) 770-5935

- (c) Minimum information submitted shall include, but not be limited to:
 - 1. The name of the person for whom family support services is requested and the presenting disability;
 - 2. The specific family support services requested;
 - 3. The length of time specific family support services will be needed, if known;
 - 4. The name, address and telephone of a family contact person; and
 - 5. Such other information as needed, by the Division, to consider a person's request.
- (d) The family shall be notified within 10 working days by telephone, or in writing, by a DDD regional family support coordinator or casemanager of the approval, denial, modification or status of the requested family support services.
- (e) A DDD regional family support coordinator, in conjunction with the individual, family and regional staff, will evaluate the needs of individuals and their families who are receiving family support services and the availability of family support resources on an ongoing basis.
- (f) Individuals who disagree with a Family Support Service decision may appeal the decision in accordance with the provisions of N.J.A.C. 10:48, Appeal Procedure.

SUBCHAPTER 3. FAMILY SUPPORT COORDINATOR

10:46A-3.1 Role of the Coordinator

- (a) The Family Support system shall be administered by the Division, in conjunction with the Family Support Coordinator working under the direction of the New Jersey Council on Developmental Disabilities (NJCDD).
- (b) The Division of Developmental Disabilities shall develop an agreement with the New Jersey Council on Developmental Disabilities regarding the role and authority of the Coordinator.
- (c) The Family Support Coordinator shall:
 - 1. Coordinate efforts by the Regional Family Support Planning Councils and public and private agencies, including but not limited to:
 - i. Identification of services provided by different agencies; and

- ii. Planning with all entities to insure that gaps in services are filled.
- 2. Adopt, review and revise, no less than annually, a State Family Support Plan, that is based on the annual reports of the Regional Family Support Planning Councils, which shall:
 - i. Assess needs, establish goals, and set priorities for the provision of family supports for individuals with developmental disabilities;
 - ii. provide for outreach and coordinated delivery of family supports;
- 3. Provide administrative support services to each of the Regional Family Support Planning Councils and the Statewide Council;
- 4. Participate as a non-voting member of the Statewide Family Support Council;
- 5. Develop and implement a training plan for family support as identified by the Regional Family Support Planning Council in the annual reports; and
- 6. Respond to public inquiries and requests for information regarding family support.

SUBCHAPTER 4. REGIONAL FAMILY SUPPORT PLANNING COUNCILS

10:46A-4.1 Membership

- (a) The need to establish additional councils or merge existing councils shall be evaluated within one year and annually thereafter by the Statewide Family Support Council in conjunction with the Regional Family Support Planning Council(s). Councils can be added or merged as the needs indicate. Minimally, there shall be one council per region.
- (b) Each Regional Family Support Planning Council shall be comprised of no more than 11 members. All members shall be either a person with a developmental disability or a family member of a person with a developmental disability.
- (c) All members shall serve a two year term. No member shall serve for more than seven consecutive years.
- (d) All Regional Family Support Planning Council members shall receive initial orientation and ongoing training and support.

- (e) The Regional Family Support Planning Council members will nominate members to reflect the cultural, economic, ethnic, geographic and disability diversity of the region it serves by soliciting information of interested individuals.
- (f) As terms expire, individuals will be nominated by the Regional Family Support Planning Council membership, reflecting the cultural, economic, ethnic, geographic and disability diversity of the region it serves.
- (g) Names of individuals interested in Regional Family Support Planning Council membership shall be maintained by the Regional Family Support Planning Council and/or Family Support Coordinator. Nominees shall be taken from this list.
- (h) All Regional Family Support Planning Council members shall be appointed by the Commissioner, Department of Human Services.
- (i) A chairperson and vice-chairperson shall be elected for each Regional Family Support Planning Council. These individuals, or two other designated representatives as chosen by the Regional Family Support Planning Council, shall serve on a Statewide Family Support Council.
- (j) The Regional Family Support Planning Council members shall serve without compensation beyond reimbursement for reasonable transportation, child care and other costs related to serving on the council.
- (k) Regional Family Support Planning Councils shall meet at least quarterly. Individual councils may establish more frequent meeting schedules based on the needs of the council.
- (l) No member of the Regional Family Support Planning Council who is an employee or board member of an agency under contract with the DDD providing family support services shall cast a vote on any matter which would provide a direct financial benefit to that agency.

10:46A-4.2 Responsibilities of the Regional Family Support Planning Councils

- (a) Each Regional Family Support Planning Council shall work to establish and expand family support in its region.
- (b) Each Regional Family Support Planning Council shall develop and implement a method of obtaining public input that provides the opportunity to express comments and share concerns and information about family support.
 - 1. Public input shall include public meetings, that are held locally at a time and place that is convenient for the families.

2. Attendance records and written minutes shall be made available to the Family Support Coordinator and the DDD.
 3. Based on the needs of the region the Regional Family Support Planning Council serves, at least two additional means of obtaining public input shall also be utilized to ensure all interested individuals are represented.
- (c) Each Regional Family Support Planning Council shall monitor the implementation of the family support system to ensure that the system is meeting the mandates of the legislation and the extent to which family-centered outcomes are achieved. Monitoring shall, at a minimum, address the following:
1. The effectiveness of the public awareness and outreach activities supported by the Division of Developmental Disabilities and the New Jersey Council on Developmental Disabilities;
 2. The diversity of the individuals and families accessing the system in comparison to the demographics of the area;
 3. Individual and family satisfaction with regard to the system;
 4. The practices of DDD and provider agencies, as it relates to Family Support, including the implementation of the eligibility criteria;
 5. A review of family support resources to determine the extent to which they meet the needs of the individuals and families in the region; and
 6. Levels of service.
- (d) Each Regional Family Support Planning Council shall receive from DDD by December 15, of each year, figures representing the allocation of existing resources for family support at State and regional levels.
- (e) Each Regional Family Support Planning Council will be informed by DDD about any anticipated funds for family support no later than fifteen (15) days following the release of the proposed State Budget. Within thirty (30) additional days, each Regional Family Support Planning Council will submit for discussion an initial written proposal regarding the expenditure of those funds to DDD in accordance to the needs represented by the families in their region.
- (f) Each Regional Family Support Planning Council will be formally notified about any new funds for family support no later than 15 days following the Division's notification of receipt of funds. Within 30 additional days, each Regional Family

Support Planning Council and DDD Regional Office will finalize the recommendations for the expenditure of those funds.

- (g) Each Regional Family Support Planning Council shall receive notification from DDD 90 days prior to the expiration of a family support contract for the council's input regarding reallocation of funds, modification of Annex A's or B's and/or discontinuation of the contract.
- (h) Based on the results of the public input and monitoring activities, each Regional Family Support Planning Council shall develop, by June of each year, an annual report for submission to the Office of Constituent Relations and Community Outreach, the appropriate Regional Assistant Director and the Family Support Coordinator which shall include:
 - 1. A description of information gathering process from the previous year;
 - 2. Monitoring results and data collected;
 - 3. Evaluation of the family support system for the area of the region the council serves including an analysis of the equal distribution of funds;
 - 4. Long and short-term recommendations for new programs or supports that can best meet the needs of the families that reside within the region that the Council services;
 - 5. Identification of training needs for family support;
 - 6. Summary of the ongoing recommendations for reallocation of funds within existing family support contracts, including recommendations for the reallocation of funds within an existing family support contract, modification Annex A's and B's, and discontinuation of an existing contract identified as not meeting needs; and
 - 7. Recommendations of additional funding needs for the next fiscal year.
- (i) Each Regional Family Support Planning Council's annual report shall be made available, upon request, through the Family Support Coordinator.

10:46A-4.3 Statewide Family Support Council

- (a) The membership and responsibilities of the Statewide Family Support Council shall be as follows:

1. The Council shall be comprised of a chairperson and a vice-chairperson, or two other designated representatives, from each Regional Family Support Planning Council.
 2. The Council shall elect a chairperson and a vice-chairperson each of whom will serve for a minimum one year term.
 3. The Council shall meet a minimum of once every six months.
 4. The Council shall come together for sharing of information, concerns and problem solving. Attendance records and written minutes will be made available to each Regional Family Support Planning Council and the Family Support Coordinator.
 5. The Council shall annually approve the Statewide Family Support Plan adopted by the Coordinator for submission to the Commissioner and the Director of DDD.
- (b) The Statewide Family Support Plan shall be made available, upon request, through the Family Support Coordinator.