

Authority: N.J.S.A. 18A:70-1 et seq., 30:1-1 et seq., and 30:4C-1 et seq.

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

Proposal Number: PRN 2016-138.

Submit written comments by November 5, 2016, to:

Pamela Wentworth, M.S.W., L.S.W.
Office of Policy and Regulatory Development
Division of Child Protection and Permanency
PO Box 717
Trenton, New Jersey 08625
or electronically at rules@dcf.state.nj.us

The agency proposal follows:

Summary

As the Division has provided a 60-day comment period on 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.

This chapter was adopted as an emergency rule in 1975 and recodified to its present location in the New Jersey Administrative Code in 1981. It was adopted as exempt from expiration because it was adopted in compliance with Federal regulations. As such, the Division has not amended or readopted the rule.

Pursuant to Section 408 of the Social Security Act, the chapter sets out the requirements that the State needs to adhere to in order to be eligible for funding under the Federal Aid to Families with Dependent Children (AFDC) Foster Care program. The Federal government reimbursed the State under Title IV-A of the Social Security Act for money spent to provide placement and treatment services for eligible children at the rates of 50:50 and 75:25 Federal financial participation.

The Federal government repealed section 408 of the Social Security Act in 1980. This repealed the AFDC Foster Care program. The Adoption Assistance and Child Welfare Act of 1980 replaced it with Title IV-E of the Social Security Act. Title IV-E also provides Federal financial participation to the State for eligible children in foster care.

The Division proposes to repeal this chapter because it sets State standards for a Federal program that no longer exists.

Social Impact

The repeal of this chapter has no social impact. New Jersey's foster care program is operated in accordance with Title IV-E of the Social Security Act.

Economic Impact

The repeal of this chapter does not have any economic impact on the State. This chapter implemented a Federal statute now repealed.

Federal Standards Statement

The chapter is not subject to any Federal standards, as the relevant Federal standards were repealed in 1980. No Federal standards analysis is required.

Jobs Impact

The Division does not expect that the rules proposed for repeal will result in the generation or loss of any jobs.

Agriculture Industry Impact

The rules proposed for repeal have no impact on the agriculture industry.

Regulatory Flexibility Statement

The Division is not considered a small business under the terms of N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. Since this chapter is proposed for repeal, no reporting, recordkeeping, or other compliance requirements are imposed on small businesses.

Housing Affordability Impact Analysis

The rules proposed for repeal have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average cost associated with housing, as these rules pertain to the AFDC Foster Care Plan which no longer exists.

Smart Growth Development Impact Analysis

The rules proposed for repeal 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 AFDC Foster Care Plan which no longer exists.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 10:122A.

(a)

DIVISION OF CHILD PROTECTION AND PERMANENCY

Services

Proposed Repeals: N.J.A.C. 10:133E

Proposed Amendments: N.J.A.C. 10:120A-1.3 and 10:129-6.1

Authorized By: Allina 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 an explanation of exception to calendar requirement.

Proposal Number: PRN 2016-139.

Submit written comments by November 5, 2016, to:

Debra A. Hayes
Office of Policy and Regulatory Development
Division of Child Protection and Permanency
PO Box 717
Trenton, New Jersey 08625
rules@dcf.state.nj.us

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.

These rules were originally adopted on May 19, 1997, and subsequently readopted on April 26, 2002, October 23, 2007, and April 21, 2015.

The Division of Child Protection and Permanency (CP&P) proposes to repeal the rules governing the Division's provision of services, with proposed amendments to N.J.A.C. 10:120A, Dispute Resolution, and 10:129, Child Protection Investigations. N.J.A.C. 10:133E, Services, states for the public which services the Division shall provide to each client and which services the Division shall consider providing.

The Division proposes to amend N.J.A.C. 10:120A-1.3 and 10:129-6.1 to remove all references to N.J.A.C. 10:133E, Services.

The proposed repeal of N.J.A.C. 10:133E, Services, and amendment to N.J.A.C. 10:120A-1.3, definition of "Division service issue," does not alter the list of services for clients who are appealing the denial, reduction, suspension, or termination of services by a Division representative. The list of services remains part of the definition of "Division service issue."

The Division does not anticipate that the repeal of N.J.A.C. 10:133E, Services, nor the proposed amendments to N.J.A.C. 10:120A-1.3 or 10:129-6.1, will have a negative impact on the general public or the clients served by the Division. A list of services offered by the Division for its clients is available in each local office where clients are served, throughout the Division's policy manual, and on the Department of Children and Families' webpage, <http://www.state.nj.us/DCF/>.

Social Impact

The Division does not believe the social impact of the proposed repeal of these rules or proposed amendments will have a negative impact on the public. The proposed repeal of the rules will have no effect on the quality or quantity of services offered to CP&P clients. Parents, children, and

resource family parents will continue to receive services as appropriate to the case plan of the child and family.

Economic Impact

The proposed repeal of these rules and proposed amendments has no economic impact on the clients and the service providers. The Division does not anticipate any changes to the Federal appropriations under the Federal Social Security Act due to the proposed repeal of N.J.A.C. 10:133E and the proposed amendments.

The Division does not anticipate that the proposed repeal of these rules or the proposed amendments will have a negative effect on the Division’s income. These rules are not a requirement by the Federal Social Security Act in order for the Division to receive annual Federal appropriations under Titles IV-E and IV-B.

The rules proposed for repeal along with the proposed amendments of N.J.A.C. 10:129-6.1 and 10:120A-1.3 will not impact the Federal requirements for each child in placement to have a case plan, which assures that services are provided to the parents, child, and the resource parents. In addition, the State will continue to ensure pre-placement services to help children remain safely with their families. The Federal requirement that children in placement be reviewed by a case review system by requiring that placement reviews and Child Placement Review Board reviews are provided will not be altered by the repeal of these rules nor the proposed amendments. These requirements are in 42 U.S.C. §§ 622(b)(8)(A)(ii), (iii), and (iv); 671(a)16; 675(1); and 675(5)(B).

Federal Standards Statement

The rules proposed for repeal and amendment 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 repeal or the proposed amendments.

Agriculture Industry Impact

The rules proposed for repeal and the proposed amendments have no impact on the agriculture industry.

Regulatory Flexibility Statement

Neither the rules proposed for repeal, nor the proposed amendments of N.J.A.C. 10:129-6.1 and 10:120A-1.3, 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, the process for dispute resolution, and child protection investigations. Neither the Division nor its applicants and clients are small businesses. While a service agency may be a small business, these rules require no reporting, recordkeeping, or compliance requirements for anyone, as they merely remove cross-references to rules that are proposed for repeal. Therefore, a regulatory flexibility analysis is not necessary.

Housing Affordability Impact Analysis

The rules proposed for repeal and the proposed amendments will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the repeal of these rules or the proposed amendments would evoke a change in the average cost associated with housing because the rules pertain to services the Division provides to its clients, child protection investigations, and dispute resolution.

Smart Growth Development Impact Analysis

The rules proposed for repeal and the proposed amendments have no impact on smart growth and there is an extreme unlikelihood that the repeal of N.J.A.C. 10:133E, or the proposed amendments to N.J.A.C. 10:129-6.1 and 10:120A-1.3 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, dispute resolution, and child protection investigations.

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

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

CHAPTER 120A
DISPUTE RESOLUTION

SUBCHAPTER 1. INTRODUCTION AND OVERVIEW

10:120A-1.3 Definitions

(a) The definitions in N.J.A.C. 10:122B-1.3 and 10:133-1.3 are hereby incorporated by reference. In addition, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...
 “Division service issue” means a Division action affecting a case goal or a case plan necessary to achieve a case goal, as allowed in N.J.A.C. 10:133D-1, and limited to: the denial of a request for, or the reduction, suspension, or termination by a Division representative of the following services, as defined in N.J.A.C. 10:133-1.3 [and listed in N.J.A.C. 10:133E-2]: adoption subsidy, child care, discharge planning and aftercare services, domestic violence services, CP&P Legal Guardianship Subsidy Program, educational support, emergency maintenance service, family preservation services, health care services, homemaker service, mentor services, out-of-home placement, post-adoption services, pre- and post-natal services, psychological/therapeutic services, respite care, self-sufficiency skills, substance abuse services, Title XIX Medicaid, or transportation; parent and child visitation as described in N.J.S.A. 9:6B-4 and N.J.A.C. 10:122D-1; or the failure of a Division representative to act with reasonable promptness on a request for any of the above services.
 ...

(b) (No change.)

CHAPTER 129
CHILD PROTECTION INVESTIGATIONS

SUBCHAPTER 6. SERVICES AND REMOVAL DURING INVESTIGATION

10:129-6.1 Services on an emergency basis

The Department representative shall offer the family services [which are listed in N.J.A.C. 10:133E-2.1 and 2.2] that are needed on an emergency basis pursuant to N.J.S.A. 30:4C-13 and 9:6-8.11, before completing the child protection investigation and until the child protection investigation is completed.

CORRECTIONS

(a)

THE COMMISSIONER

Records

Proposed Readoption with Amendments: N.J.A.C. 10A:22

Proposed Amendments: N.J.A.C. 10A:31-6.10 and 10A:34-1.6

Authorized By: Gary M. Lanigan, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6, 30:1B-10, 2C:52-1 et seq., 47:1A-1 through 47:1A-5, and 2A:4A-60 et seq.

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

Proposal Number: PRN 2016-149.

Submit written comments by November 5, 2016, to:

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 Administrative Rules Unit
 Office of the Commissioner
 New Jersey Department of Corrections
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