

# **CHAPTER 13. GENERAL PLACEMENT PROVISIONS**

## **Authority**

N.J.S.A. 9:3A-7f and g; 30:4C-4(c), (f), and (h); 30:4C-50 et seq.; and 30:4C-101 et seq.

## **Source and Effective Date**

Effective: March 14, 2019. See: 51 N.J.R. 499(a).

## **Chapter Expiration Date**

Chapter 13, General Placement Provisions, expires on March 14, 2026.

## **Chapter Historical Note**

Chapter 133H, General Placement Requirements, was adopted as R.1994 d.532, effective October 17, 1994. See: 25 N.J.R. 5752(a), 26 N.J.R. 4188(a).

Pursuant to Executive Order No. 66(1978), Chapter 133H, General Placement Requirements, was readopted as R.1999 d.338, effective September 8, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). As a part of R.1999 d.338, Subchapter 4, Review of Children Placed in New Jersey by Another State, was adopted as new rules, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a).

Subchapter 5, Tuition Program, was adopted as new rules by R.2004 d.271, effective July 19, 2004. See: 35 N.J.R. 4836(a), 36 N.J.R. 3426(a).

Chapter 133H, General Placement Provisions, was readopted as R.2005 d.95, effective February 23, 2005. See: 36 N.J.R. 4203(a), 37 N.J.R. 902(a).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from February 23, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter 13, General Placement Provisions, was recodified from N.J.A.C. 10:133H, General Placement Provisions, by administrative change, effective January 3, 2017. As part of the recodification, attendant technical changes were made to the rule text concerning cross-references, agency names, addresses, etc. See: 49 N.J.R. 98(a).

Chapter 13, General Placement Provisions, was readopted with technical changes, effective March 14, 2019. See: Source and Effective Date. See, also, section annotations.

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## **SUBCHAPTER 1. PLACEMENT SELECTION (RESERVED)**

## **SUBCHAPTER 2. AUTHORIZATION FOR PLACEMENT: VOLUNTARY CONSENT OF PARENT OR COURT ORDER (RESERVED)**

## **SUBCHAPTER 3. REVIEW OF CHILDREN IN OUT-OF-HOME PLACEMENT OR CARE PROVIDED BY A RELATIVE**

### **3A:13-3.1 Scope**

The provisions of this subchapter shall apply to the Division and to each child in out-of-home placement or cared for by a relative in accordance with N.J.A.C. 3A:13-3.10, each parent, any legal counsel for the child, the parent or the Division, and each out-of-home placement provider or relative providing care for a child in accordance with N.J.A.C. 3A:13-3.10. The provisions of this subchapter shall not apply to those situations cited in N.J.A.C. 3A:13-3.11.

Recodified from N.J.A.C. 10:133H-3.2 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Rewrote the section. Section was "Authority".

### **3A:13-3.2 Definitions**

The definitions in N.J.A.C. 3A:11-1.3 are hereby incorporated in this subchapter by reference.

Recodified from N.J.A.C. 10:133H-3.3 by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Former N.J.A.C. 10:133H-3.2, Scope, recodified to N.J.A.C. 10:133H-3.1.

### **3A:13-3.3 Purpose of a placement review**

- (a) The purpose of a placement review shall be to determine:
  1. The safety of the child;

2. Whether the out-of-home placement or care provided by a relative should continue, consistent with the provisions of N.J.A.C. 3A:13-3.4;

3. If reasonable efforts to reunify are not required when a court has made a determination pursuant to N.J.S.A. 30:4C-11.3;

4. The extent of compliance with the case plan and the extent of progress made toward alleviating or mitigating the causes which necessitate placement;

5. Whether the placement plan required by N.J.S.A. 30:4C-55 is appropriate or should be revised, including specifically:

i. Whether the case goal is still appropriate or should be modified;

ii. Whether the intermediate objectives relating to the case goal are appropriate or should be modified;

iii. Whether the statement of the duties and responsibilities of the Division, the parent, the out-of-home placement provider or relative providing care for the child, and the child, if age appropriate, including the services to be provided by the Division to the child, the parent, and the out-of-home placement provider or relative providing care for the child, should be modified;

iv. Whether the Division has made reasonable efforts to return the child home, including the provision of visitation in accordance with the applicable law unless (a)3 above applies;

v. Whether the Division has made reasonable efforts to locate family members who may be willing and able to care for the child; and

vi. Whether the continued out-of-home placement or care provided by a relative of the child is appropriate and in the best interest of the child;

6. A likely date by which the child can safely be returned home or, if the child cannot be returned home, placed for adoption or legal guardianship or in another permanent living arrangement; and

7. Whether to prepare for a permanency hearing, pursuant to 42 U.S.C. § 675(5)(C).

Recodified from N.J.A.C. 10:133H-3.4 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Rewrote the section heading and the section. Former N.J.A.C. 10:133H-3.3, Definitions, recodified to N.J.A.C. 10:133H-3.2.

Amended by R.2005 d.95, effective March 21, 2005. See: 36 N.J.R. 4203(a), 37 N.J.R. 902(a). In (a), deleted N.J.A.C. reference in 5i.

### **3A:13-3.4 Determination of whether out-of-home placement or care provided by a relative should continue**

(a) In deciding whether the out-of-home placement or care provided by a relative should continue, the Division shall consider and determine the following:

1. The safety of the child;

2. Whether the circumstances and reasons originally necessitating the out-of-home placement or care provided by a relative of the child continue to exist or if additional or different circumstances have occurred which support continued out-of-home placement or care provided by a relative;

3. Whether the Division in the provision of services has made reasonable efforts to return the child home and the failure to achieve that return home is not due to a lack of appropriate Division services or actions, as specified in the case plan, see N.J.A.C. 3A:12-1;

4. Whether the Division has provided ample opportunity for visitation between the child and parent, siblings and relatives, so as to maintain the parent-child and family relationships;

5. Whether continued out-of-home placement or care provided by a relative serves the best interest of the child;

6. Whether a less or more restrictive out-of-home placement would better meet the child's needs;

7. Whether an out-of-home placement or care provided by a relative in closer proximity to the child's family is available and if it would better serve the child's needs; and

8. Whether the child should be placed with any of his or her siblings and what efforts have been made to place the siblings together.

Recodified from N.J.A.C. 10:133H-3.5 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). In the section heading and throughout the section, inserted "or care provided by a relative", in (a), inserted 1, renumbered former 1 to 7 as 2 to 8, in 3, substituted "reasonable efforts" for "every effort", and in 8, inserted "the child should be placed with any of his or her siblings and what". Former N.J.A.C. 10:133H-3.4, Purpose of the placement review, recodified to N.J.A.C. 10:133H-3.3.

Amended by R.2009 d.318, effective October 19, 2009. See: 41 N.J.R. 1929(a), 41 N.J.R. 3930(b). In (a)3, updated the N.J.A.C. reference.

### **3A:13-3.5 Frequency of placement reviews**

(a) At least once every six months, the Division shall:

1. Conduct a placement review in accordance with N.J.A.C. 3A:13-3.7;
2. Participate in a review by the Child Placement Review Board pursuant to N.J.S.A. 30:4C-50 et seq. and N.J.A.C. 3A:13-3.8; or
3. Participate in another professional case review in accordance with (b) below.

(b) Another professional case review, including, but not limited to, a Case Assessment Resource Team review, a meeting to develop or revise a child's treatment plan in accordance with N.J.A.C. 3A:55-6.1 or 3A:56-6.1, or a court hearing, may substitute for the placement review only when:

1. The review is held during the required time frame in accordance with (a) above;
2. The same people receive prior written notice of the review in accordance with N.J.A.C. 3A:13-3.6(a); and
3. The purpose of the review is the same as that of a placement review conducted in accordance with N.J.A.C. 3A:13-3.3.

Recodified from N.J.A.C. 10:133H-3.6 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Rewrote the section. Former N.J.A.C. 10:133H-3.5, Determination of whether out-of-home placement should continue, recodified to N.J.A.C. 10:133H-3.4.

Amended by R.2005 d.95, effective March 21, 2005. See: 36 N.J.R. 4203(a), 37 N.J.R. 902(a). In (b), amended the N.J.A.C. reference in the introductory paragraph.

### **3A:13-3.6 Notice of Division placement review**

(a) The Division shall provide adequate prior written notice of the date, time and location of the placement review to each of the following, if applicable:

1. The parent;
2. The out-of-home placement provider or relative providing care for the child;
3. The child, if age appropriate;
4. Legal counsel for the child, the parent and the Division;
5. The Child Placement Review Board; and
6. The Case Assessment Resource Team Coordinator.

(b) In addition to those persons cited in (a) above, the Division may provide prior written notice of the date, time and location of the placement review to

another person(s) or professional(s) providing care or services to the child or parent beyond those services provided by the Division.

(c) The out-of-home placement provider or relative providing care for the child shall have the opportunity to be heard at the placement review. Each other person invited to the placement review shall be entitled to attend and participate in the placement review to the extent deemed appropriate by the Division and in concert with the consent of the parent.

(d) In the absence of personal attendance, each invited person may submit information in writing to the Division concerning the case goal and case plan for the child.

Recodified from N.J.A.C. 10:133H-3.7 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Rewrote (a), in (b), inserted "or parent", in (c), substituted "the out-of-home placement provider or relative providing care for the child shall have the opportunity to be heard at the placement review. Each other" for "Each", inserted the (d) designator, and in (d), substituted "each" for "the". Former N.J.A.C. 10:133H-3.6, Frequency of placement reviews, recodified to N.J.A.C. 10:133H-3.5.

### **3A:13-3.7 Convening and conducting the Division placement review**

(a) The Division placement review shall be convened and conducted by a Division representative, as defined in N.J.A.C. 3A:11-1.3, who has no responsibility for case management or delivery of service to the child who is the subject of the placement review or to the child's parent.

(b) Division representatives who participate in the Division placement review shall include the designated Division representative who conducts the placement review, the Division representative having direct service responsibility for the child, and that Division representative's supervisor. The Division representative for the parent of the child being reviewed and for each of the child's siblings shall also be present at the placement review or submit information about the parent's or sibling's situation or circumstances to the Division representative conducting the placement review.

(c) The Division representative conducting the placement review shall ensure that the following are assessed or determined at the placement review:

1. The safety of the child;
2. The circumstances that necessitated the out-of-home placement or care provided by a relative and the efforts made by the Division to prevent out-of-home placement or care provided by a relative unless the circumstances in N.J.A.C. 3A:13-3.3(a)3 apply;
3. The continuing need for out-of-home placement or care provided by a relative;
4. The appropriateness of the out-of-home placement or care provided by a relative;
5. The proximity of the child's out-of-home placement or care provided by a relative to his or her own home and the efforts made by the Division to provide continued contact between the child, parent, siblings not residing with the child and each relative identified in the case plan, as one with whom the child shall visit;
6. Whether the child is making an adequate adjustment to the out-of-home placement or care provided by a relative, as indicated by the child's behavior;
7. Whether returning the child to his or her own home is contrary to the child's welfare;

8. The current objectives of the case plan, the extent of compliance with the case plan, and whether the objectives are being implemented and are likely to lead to achieving the case goal;

9. Whether the child's case goal is the most likely to meet his or her needs and whether progress is being made toward its achievement;

10. Whether the services the Division is providing to the child, his or her parent, and the out-of-home placement provider or relative providing care for the child meet the identified service needs and whether there are obstacles to meeting the identified service needs;

11. Whether the Division, parent and out-of-home placement provider or relative providing care for the child are fulfilling their respective responsibilities in accordance with the case plan;

12. Whether the child is fulfilling any responsibilities in accordance with the case plan;

13. The extent of progress made toward alleviating or mitigating the causes of out-of-home placement or care provided by a relative unless the circumstances in N.J.A.C. 3A:13-3.3(a)3 apply;

14. Whether the parent and the Division are maintaining the visitation schedule;

15. Whether obstacles exist that are preventing achievement of the case goal and the efforts being made by the Division to alleviate the obstacles;

16. Whether the services needed to assist the child, age 16 or over, to make the transition from living in an out-of-home placement or care provided by a relative to living independently are being provided;

17. Whether progress is being made to identify, search for, and assess relatives of the child in order to determine their appropriateness and willingness to care for the child;

18. Whether the child has siblings in out-of-home placement or care provided by a relative, what the case plan and case goal are for each of them, whether the case plan includes placing any of the siblings together, and what efforts the Division is making to place the siblings together until they can be reunited with their parent;

19. Whether recommendations by the Child Placement Review Board or court orders are being followed;

20. The time frame and conditions required for return of the child to his or her own home or an alternate permanent living arrangement;

21. Whether the Division shall initiate a petition to terminate parental rights or shall determine that one of the exceptions listed in N.J.S.A. 30:4C-15.3 exists; and

22. Whether to identify an adoptive parent and conduct a home study as necessary.

(d) The Division shall inform the parent, in accordance with N.J.A.C. 3A:12-1.8(b), the child, if appropriate, and the Child Placement Review Board of the outcome of the Division's placement review, except that those persons cited in N.J.A.C. 3A:13-3.6(a)2 and 6 and (b) may receive only that information from the placement review, which has a direct effect on the care or services being provided by that person or professional. The Division shall inform legal counsel for the child, the parent or the Division of the outcome of the placement review upon the request of each legal counsel.

(e) The Division representative who conducts the placement review shall share the outcomes of the placement review and other critical case information learned at the placement review with each Division representative who has a responsibility to have the information, following the placement review.

Recodified from N.J.A.C. 10:133H-3.8 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Rewrote the section. Former N.J.A.C. 10:133H-3.7, Notice of Division placement review, recodified to N.J.A.C. 10:133H-3.6.

Amended by R.2005 d.95, effective March 21, 2005. See: 36 N.J.R. 4203(a), 37 N.J.R. 902(a). In (c), substituted "N.J.S.A. 30:4C-15.3" for "section 31 of P.L. 1999, c.53" in 21.

Amended by R.2009 d.318, effective October 19, 2009. See: 41 N.J.R. 1929(a), 41 N.J.R. 3930(b). In (d), substituted "1.8(b)" for "2.8(b)" and "and (b)" for "and 3.6(b)", and inserted a comma following the second occurrence of "review".

### **3A:13-3.8 Division responsibility to the Child Placement Review Board**

(a) Pursuant to N.J.S.A. 30:4C-50 et seq., the Division shall provide the following information in its notice of out-of-home placement or care provided by a relative to the Family Court within five calendar days of a child's out-of-home placement or care provided by a relative:

1. The reasons for the out-of-home placement or care provided by a relative;
2. The Division's efforts to prevent out-of-home placement or care provided by a relative;
3. The short-term placement plan;
4. The case goal; and
5. The names and addresses of all parties, Division and non-Division, who have direct responsibility for or interest in the child.

(b) The Division shall submit to the Child Placement Review Board complete and relevant case information for each review at least two weeks before the Board's review.

(c) The Division shall submit to the Child Placement Review Board complete and relevant case information as contained in the case plan within two weeks after each placement review.

Recodified from N.J.A.C. 10:133H-3.9 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Inserted "or care provided by a relative" throughout the section, in (b), substituted "each review at least two weeks before the Board's review" for "its initial 45-day review and for its annual review", and rewrote (c). Former N.J.A.C. 10:133H-3.8, Convening and conducting the Division placement review, recodified to N.J.A.C. 10:133H-3.7.

### **3A:13-3.9 Review of adoption placement**

When a child is legally available for adoption and in a selected adoption home or the consent to foster parent adoption is signed by the office manager, the Division shall continue to conduct a placement review no less frequently than once every six months, until the final judgment of adoption is entered by the Family Court. Since the Child Placement Review Board shall suspend its review, the Division shall submit to the Child Placement Review Board a status report pursuant to N.J.S.A. 30:4C-58.1 once every four months stating the progress being made toward adoption finalization.

Recodified from N.J.A.C. 10:133H-3.10 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Inserted " , until the final judgment of adoption is entered by the Family Court". Former N.J.A.C. 10:133H-3.9, Division Responsibility to the Child Placement Review Board, recodified to N.J.A.C. 10:133H-3.8.

**3A:13-3.10 Living arrangements subject to a placement review**

(a) Each child in the following living arrangements or circumstances is subject to a placement review. The Division shall notice the Family Court, under N.J.S.A. 30:4C-53, of these situations:

1. A child who has been placed voluntarily or non-voluntarily by the Division from his or her home, free or with maintenance provided by the Division; and

2. A child who has not been placed by the Division from his or her home but for whom the Division provides maintenance or provides permanency services.

Recodified from N.J.A.C. 10:133H-3.11 by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Former N.J.A.C. 10:133H-3.10, Review of adoption placement, recodified to N.J.A.C. 10:133H-3.9.

**3A:13-3.11 Living arrangements not subject to a placement review or review by the Child Placement Review Board**

(a) Each child in the following living arrangements or circumstances is not subject to a placement review or review by the Child Placement Review Board. The Division shall not conduct a placement review or notice the Family Court as under N.J.S.A. 30:4C-53 of these situations:

1. A child who is residing with a relative or stepparent at the time of application or referral for services, whose parent made the arrangement, and for whom the Division does not provide maintenance or permanency services;

2. A child who has been ordered by the Family Court to be placed in a correctional facility, where the Division is not the child's legal guardian; and

3. A child who is placed in New Jersey by an out-of-State agency and that agency retains legal and financial responsibility for the child, with the Division providing courtesy supervision of the out-of-home placement or care provided by a relative. The Division provides a different type of review for a child in these circumstances in accordance with N.J.A.C. 3A:13-4.

Recodified from N.J.A.C. 10:133H-3.12 and amended by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). In the section heading and in (a), inserted "or review by the Child Placement Review Board", in (a), inserted "conduct a placement review or", in (a)1, inserted "or permanency services", and in (a)3, added "or care provided by a relative. The Division provides a different type of review for a child in these circumstances in accordance with N.J.A.C. 10:133H-4.". Former N.J.A.C. 10:133H-3.11, Living arrangements subject to a placement review, recodified to N.J.A.C. 10:133H-3.10.

**3A:13-3.12 Termination of providing information to Child Placement Review Board**

(a) The Division shall notice the Family Court of the following circumstances and cease to provide information to the Child Placement Review Board unless otherwise ordered by the Family Court:

1. When a child returns to his or her own home;

2. When a child attains the age of 18; or

3. When the Division transfers the responsibility of a child's care to another agency or otherwise terminates its services.

(b) The Division may continue to hold a placement review at the discretion of the office manager in the above-cited situations if the Division continues services or monitoring of the case.

(c) The Division shall provide notice but no further information to the Child Placement Review Board when:

1. The child is adopted and the final judgment of adoption is entered by the Family Court;



2. The child enters the armed forces;
3. The child marries; or
4. The child dies.

Recodified from N.J.A.C. 10:133H-3.13 by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Former N.J.A.C. 10:133H-3.12, Living arrangements not subject to a placement review, recodified to N.J.A.C. 10:133H-3.11.

### **3A:13-3.13 (Reserved)**

Recodified to 10:133H-3.12 by R.1999 d.338, effective October 4, 1999. See: 31 N.J.R. 1793(a), 31 N.J.R. 2888(a). Section was "Termination of providing information to Child Placement Review Board".

## **SUBCHAPTER 4. REVIEW OF CHILDREN PLACED IN NEW JERSEY BY ANOTHER STATE**

### **3A:13-4.1 Purpose**

The purpose of the subchapter is to ensure that each child placed in New Jersey by another state and for whom New Jersey provides courtesy supervision pursuant to N.J.S.A. 9:23-5 et seq., the Interstate Compact on the Placement of Children, has a regular review of his or her situation by a Division representative who has no responsibility for supervision of the child or delivery of service to the child.

### **3A:13-4.2 Scope**

(a) The provisions of this subchapter shall apply to:

1. Each Division representative;
2. Each child placed in New Jersey by the responsible sending state with a foster parent, with an adoptive parent adopting the child through an out-of-State public agency, or with a parent or relative, when New Jersey provides courtesy supervision pursuant to N.J.S.A. 9:23-5 et seq.; and
3. Each foster parent, adoptive parent adopting a child through an out-of-State public agency, and parent or relative caring for a child placed in New Jersey by the responsible sending state when New Jersey provides courtesy supervision pursuant to N.J.S.A. 9:23-5 et seq.

### **3A:13-4.3 Definitions**

The definitions in N.J.A.C. 3A:11-1.3 are hereby incorporated in this subchapter by reference.

### **3A:13-4.4 Purpose of review**

(a) The purpose of a Division review of a child placed in New Jersey by the responsible sending state is to:

1. Assure the child's safety;
2. Assure the child's permanency as determined by the responsible sending state;
3. Assess the services used by the child or provided on the child's behalf;
4. Assess compliance with the child's case plan as developed by the responsible sending state's staff; and
5. Compile information needed by the responsible sending state's staff to assess and amend the child's case plan.

### **3A:13-4.5 Notice of review**

(a) A Division representative shall provide adequate prior written notice of the review to:

1. The child, if age appropriate;
2. The foster parent, adoptive parent adopting the child through a public agency, or parent or relative caring for a child placed in New Jersey by the responsible sending state when New Jersey provides courtesy supervision pursuant to N.J.S.A. 9:23-5 et seq.;
3. The child's case manager in the responsible sending state; and
4. The Child Protection and Permanency Interstate Services Unit.

Notice of redoption with technical change, effective April 15, 2019. See: 51 N.J.R. 499(a).

### **3A:13-4.6 Participation in the review**

(a) A Division representative who has no responsibility for supervision of the child or delivery of services to the child or the foster parent, adoptive parent, parent or relative with whom the child is living in New Jersey shall schedule, conduct and make a written record of the results of the review.

(b) The Division representative who provides courtesy supervision of the child living in New Jersey and that Division representative's supervisor shall participate.

(c) Any other Division representative having relevant information to share may participate or submit written information prior to the review.

(d) The child's case manager in the responsible sending state may participate in the review by attending the review, submitting written information, or speaking with a Division representative by telephone either before or during the review.

### **3A:13-4.7 Conducting the review**

(a) The Division representative conducting the review shall ensure that the following are assessed:

1. The child's safety in his or her current living arrangement;
2. The child's progress toward achieving the permanent plan as determined by the responsible sending state;
3. The use and effectiveness of any services the child or the foster parent, adoptive parent, parent or relative with whom the child lives in New Jersey receives as part of the responsible sending state's case plan;
4. Any other service identified by the Division which the Division may recommend to the responsible sending state; and
5. Compliance with the responsible sending state's case plan.

### **3A:13-4.8 Frequency of review**

A Division representative shall conduct a review of a child placed in New Jersey by another state and for whom New Jersey provides courtesy supervision at least once every six months as long as the child remains in New Jersey pursuant to N.J.S.A. 9:23-5 et seq.

## **SUBCHAPTER 5. TUITION PROGRAM**

### **3A:13-5.1 Purpose**

The purpose of this subchapter is to establish criteria for eligibility and a standard procedure for providing State paid post-secondary tuition for students between the ages of 16 to 23 years, who meet the eligibility requirements specified in N.J.A.C. 3A:13-5.4 and in accord with P.L. 2003, c.132.

**3A:13-5.2 Scope**

The provisions of this subchapter apply only to those persons who meet the eligibility requirements listed in N.J.A.C. 3A:13-5.4, and to the Tuition Waiver Program as described in N.J.S.A. 30:4C-101 et seq. This subchapter does not apply to other scholarships or grants which are provided by the Department or any of the Divisions within the Department.

**3A:13-5.3 Definitions**

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context already indicates otherwise.

“Program” means the Tuition Program as described in N.J.S.A. 30:4C-101 et seq. and as set out in this subchapter.

Amended by R.2010 d.108, effective June 21, 2010. See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a). Deleted definitions “Department”, “Division”, “Renewal”, “Satisfactory academic progress” and “Tuition”.

**3A:13-5.4 Eligibility requirements**

(a) A Tuition Program applicant will be determined eligible for the Program upon meeting the following criteria:

1. At the time of the initial application, the Tuition Program applicant shall be 16 to 23 years of age;

2. The Tuition Program applicant shall:

i. Have been in the care and custody of the Division of Child Protection and Permanency for a period of nine cumulative months or more following the Tuition Program applicant’s 16th birthday;

ii. Be or have been residing in an independent living arrangement, or a transitional living program established pursuant to P.L. 1999, c.224 (N.J.S.A. 9:12A-2 et seq.), operated or approved for payment by the Division; or

iii. Be or have been residing in a transitional living program located in the State of New Jersey and approved for payment by the Federal government pursuant to the Federal “Runaway and Homeless Youth Act,” Title III of Pub. L. 93-415 (42 U.S.C. §§ 5701 et seq.).

3. The Tuition Program applicant shall have received a high school diploma or a certificate of high school equivalency; and

4. The Tuition Program applicant shall have been granted full-time admission to a New Jersey public institution of higher education or county vocational school.

(b) The Program is limited to five years from the application date.

(c) The Program is limited to students admitted and enrolled in a full-time degree, diploma or certificate program or course of undergraduate study.

(d) The Tuition Program participant shall maintain satisfactory academic progress.

Notice of readoption with technical change, effective April 15, 2019. See: 51 N.J.R. 499(a).

**3A:13-5.5 Initial application process**

(a) Each Tuition Program applicant shall submit to the U.S. Department of Education a completed Free Application for Federal Student Aid, which can be obtained at [www.fafsa.ed.gov](http://www.fafsa.ed.gov), a local library, any college, university or county vocational school.

(b) Each Tuition Program applicant shall obtain a Tuition Program Application from the website at <https://www.embrella.org/njf-scholars-program/>.

(c) Application procedures are as follows:

1. In order to apply for Tuition Program eligibility, the student must complete a Tuition Program Application, the requirements of which are described in N.J.A.C. 3A:13-5.4, and submit it to the Department.

2. The applicant shall also provide the following:

i. Acceptable proof of high school diploma or certificate of high school equivalency. Such proof may be a photocopy of the diploma or certification, a notarized letter from the institution which issued the diploma or certification attesting to the Tuition Program applicant's receipt of such diploma or certification or other reliable documentation;

ii. Two letters of support from an adult involved in the Tuition Program applicant's life who can attest to his or her suitability for the Program. Such letter may be from a foster parent, teacher, mentor, community service provider, clergy, CP&P caseworker, or other similar adult; and

iii. An essay written by the Tuition Program applicant on the subject: "How the Tuition Program Will Help Achieve My Personal Educational Goals."

(d) The date of the application shall be the date the Department receives the application.

(e) Deadline dates for the Tuition Program Application shall be established annually by the Department to comply with the State's fiscal year, Federal grant timelines, and to allow for academic term expenditure control, and can be obtained from:

Department of Children and Families  
Tuition Program  
PO Box 717  
Trenton, New Jersey 08625-0717

Notice of readoption with technical change, effective April 15, 2019. See: 51 N.J.R. 499(a).

### **3A:13-5.6 Initial application determination**

Upon receipt of the application package, the Department shall review the application package to determine if the Tuition Program applicant meets the program criteria, as listed in N.J.A.C. 3A:13-5.4, and has fully completed the application process and procedures as described in N.J.A.C. 3A:13-5.5.

### **3A:13-5.7 Student notification**

Tuition applicants shall be notified of eligibility by the Department's Tuition Program.

### **3A:13-5.8 Public institution notification and award and recipient notification**

The New Jersey public institution or county vocational school, to which a program applicant has been admitted, shall notify the Department of the amount of the tuition and the Department shall notify the appropriate institution and the recipient regarding an applicant's approval for funds through the Tuition Program.

### **3A:13-5.9 Verification of enrollment and academic performance**

(a) Before payment may be made by the Department on behalf of an eligible student, the Department shall determine that the student is eligible. The institution shall certify that the student has registered as a full-time student for an academic term.

(b) Students on whose behalf funds are being paid from the Tuition Program shall maintain satisfactory academic progress as defined by the institution that they are attending.

(c) The academic standing and progress of all students on whose behalf Tuition Program funds are being paid must be monitored by the institutions at least once a year, prior to the fall semester.

(d) Students who fail to achieve the standards set forth in this section shall be ineligible to participate in the Tuition Program until such time as the institution certifies that they are in good academic standing and are achieving satisfactory academic progress. The student is responsible for asking the institution to notify the Department when he or she returns to good academic standing.

### **3A:13-5.10 Payment**

The Department shall provide payment directly to the institutions on behalf of the Tuition Program applicant. Listings of eligible students shall be provided to each institution.

### **3A:13-5.11 Award combinations and overawards**

Tuition Program funds provided on behalf of students may consist of various combinations of awards. If the sum of the tuition waiver plus other Federal, State and institutional student financial assistance, except loans, exceeds the total cost of the student's tuition, the tuition waiver shall be reduced by the amount exceeding that cost.

### **3A:13-5.12 Award adjustments, refunds and collections**

(a) If a refund is due a student under the institution's refund policy and the student received a grant from the Tuition Program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Department: amount of Tuition Program award for the payment period divided by the total amount of financial aid (minus Federal Work-Study earnings and loans) awarded for the period.

(b) "Payment period" as used in (a) above means the time between the first day of classes for an academic term and the end of that term according to the institutional calendar.

(c) The formula in (a) above shall be applied if a student reduces his or her academic course load to less than full-time prior to the end of the institutional refund period. However, if the student reduces his or her academic course load to less than full-time after the end of the institutional refund period, a refund to the Tuition Program is not required.

### **3A:13-5.13 Student's obligation to report changes in institution**

Any changes in institution choice which occur after student notification, as described in N.J.A.C. 3A:13-5.7, shall be reported immediately, in writing by the student, to the Department in order that the student's continued eligibility may be calculated and prompt payment provided.

### **3A:13-5.14 Tuition Program renewal process**

In order to continue to have Tuition Program funds provided on their behalf, students must continue to be enrolled full time in an undergraduate degree program and remain in good academic standing at their institution. A non-profit agency, under contract with the Department for this purpose, shall obtain the information from the institution necessary for a student to continue to receive funds through the Tuition Program.

Amended by R.2010 d.108, effective June 21, 2010. See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a). Section was "Renewal process".

**3A:13-5.15 Appeals**

Any person included in the scope of this series of chapters, as described at N.J.A.C. 3A:11-1.2, shall refer to N.J.A.C. 3A:5, Dispute Resolution, to determine any opportunity available to resolve a dispute with the Department.