



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

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| Manual: | CP&P | Child Protection and Permanency | Effective Date: |
| Volume: | IV | Out of Home Placement | |
| Chapter: | E | Residential Placement | 8-30-1993 |
| Subchapter: | 1 | Residential Placement | |
| Issuance: | 300 | Court Ordered Placement | |

Referrals from the Court 8-30-93

The court may order adjudicated juvenile delinquents or children with a Juvenile-Family Crisis into the care of CP&P, but it may not direct or specify the service to be provided, i.e., residential placement. If the court persists in ordering residential placement the Worker considers the directive a referral which, like any other referral, he is "bound to consider and bound to meet unless/until he advises the court otherwise and the order is either stayed or vacated." The Supervisor advises the Deputy Attorney General of the possibility of a disagreement with the court's directive. No child can be "ordered" into any non-correctional facility.

Assessment 8-30-93

As in every referral for services, the Worker assesses the child's situation and obtains all pertinent history and evaluations necessary for the formulation of a case plan independent of the court. See [CP&P-III-C-6-100](#). After completing the assessment, the Worker notifies the court in writing of the case plan, reason for the case plan, and the date the case plan is to be implemented. If the case plan concurs with the court's referral, the Worker implements the case plan as soon as possible. If the case plan is different from the court's order, the Worker advises the court in writing giving a full description of the case plan, reasons for it, and states specifically the date the case plan will take effect unless otherwise directed by the court.

Appeals 8-30-93

If the court is still not in agreement with the CP&P case plan and continues to order residential care, the court's directive is binding unless it is vacated or modified or stayed pending appeal. Consult with the appropriate DAG regarding any action to be taken. Pending and during an appeal, the Worker must comply with the court order.

**Procedures Related to Referrals from the Court-Agreement with CP&P Case Plan
8-30-93**

| RESPONSIBILITY | ACTION REQUIRED |
|-------------------|---|
| Worker | 1. Consider court's directive to place a child residentially as a referral for service. |
| Worker/Supervisor | 2. Discuss the case situation. |
| Worker | 3. Complete assessment of the child's situation, obtaining a social history and all evaluations necessary for formulating an independent case plan. |
| Worker/Supervisor | 4. Advise the court in writing of the case plan and specify the date the case plan will take effect unless otherwise directed by the court. |
| Court | 5. Concur with the CP&P case plan and advise Worker. |
| Worker | 6. Implement the plan as soon as possible. |
| | 7. Document assessment and case plan in the child's case record. |

**Procedures Related to Referrals from the Court-Disagreement with CP&P Case Plan
8-30-93**

| RESPONSIBILITY | ACTION REQUIRED |
|-------------------|---|
| Worker | 1. Consider court's directive to place a child residentially as a referral for service. |
| Worker/Supervisor | 2. Discuss the case situation. |
| Worker | 3. Complete assessment of the child's situation, obtaining a social history and all evaluations necessary for formulating an independent case plan. |

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| Worker/Supervisor | 4. Advise the court in writing of the case plan and specify the date the case plan will take effect, unless otherwise directed by the court. |
| Court | 5. Do not concur with the case plan and advise the Worker. |
| Worker | 6. Implement the court's original directive. |
| Worker/Supervisor | 7. Discuss case situation and determine that appellate relief is necessary. |
| Supervisor | 8. Notify the D.A.G. of the request to appeal the court's order, including the reasons for the decision and the alternative plan. |
| | 9. Document assessment and case plan in the child's case record. |