

CHILDREN AND FAMILIES

DIVISION OF YOUTH AND FAMILY SERVICES

Manual of Requirements for Resource Family Parents

Adopted Amendments: N.J.A.C. 10:122C

Adopted New Rule: N.J.A.C. 10:122C-2.3

Proposed: June 16, 2008 at 40 N.J.R. 3557(a).

Adopted: December 22, 2008 by Kimberly S. Ricketts, Commissioner, Department of Children and Families.

Filed: December 23, 2008 as R.2009 d.42 with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), with the proposed amendments to N.J.A.C. 10:122C-6.1 not adopted.

Authority: P.L. 2004, c. 130, N.J.S.A. 30:4C-4(h), 30:4C-26a and 30:4C-27.3 et seq.

Effective Date: January 20, 2009.

Operative Date: April 1, 2009.

Expiration Date: February 6, 2011.

Summary of Public Comments and Agency Responses:

Comments were received from the Ronald K. Chen, Acting Child Advocate, Ronald K. Chen, Public Advocate, Janet Farrand, Foster and Adoptive Family Services, and Pat Chisholm and Beth MacDonald, Just Babies L.L.C.

N.J.A.C. 10:122C-1.2 and 1.4

1. COMMENT: The Office of the Child Advocate (OCA) supports the inclusion of civil unions and domestic partnerships within the definition of kinship care and the expansion of kinship care to recognize family friend relationships. OCA assumes that the term marriage includes same sex marriages celebrated in jurisdictions that have adopted full marriage equality (Massachusetts, California or Canada).

RESPONSE: Thank you for your support of these amendments. Pursuant to Attorney General Formal Opinion No. 3-2007, government-sanctioned, same-sex relationships established in other jurisdictions that approximate a New Jersey domestic partnership or a civil union, respectively, are valid in New Jersey and provide all of the rights and obligations of a New Jersey domestic partnership or civil union respectively. Atty.Gen. FO 2007, No. 3.

N.J.A.C. 10:122C-1.3

2. COMMENT: Add definitions for the types of caseworkers who support the resource family parent, specifically resource family specialist, medical unit, and Division nurse. "Caseworker" is currently defined. Additional definitions are necessary to direct a resource family parent when contacting the Division with specific concerns requiring action.

RESPONSE: The Division believes that the definition of caseworker is accurate for the chapter. While the Division currently has resource family specialists, staff in the Child Health Units, including nurses employed through contract, the Division does not consider these persons to be caseworkers with direct supervision of a child in placement. Titles and functions within the Department are subject to change. It is not necessary to regulate the titles used within the Department.

N.J.A.C. 10:122C-1.3(b), 5.4(b) and 6.1(a)3

3. COMMENT: Foster and Adoptive Family Services (FAFS) believes that the Department should amend N.J.A.C. 10:122C-6.1 to include standards to clarify and promote consistency in the area of temporary caregivers.

OCA advises DCF not to delete information on temporary caregivers from N.J.A.C. 10:122C as this information is necessary to provide guidance to the resource family and to protect children. Care rendered by a person unknown to the Division presents one of the most serious safety risks that a child in placement can face: exposure to a person whom the Department has not determined is safe, and with whom the child could, under the proposed rules, reside with for an extended time. Maintain the responsibility of approving potential temporary caregiver within the Office of Licensing.

RESPONSE: The Division agrees with the commenters that the Office of Licensing must continue to approve potential temporary caregivers in order to protect children in resource homes. The Division will not adopt the proposed amendments deleting the evaluation of temporary caregivers by the Office of Licensing.

N.J.A.C. 10:122C-2.1(d)5

4. COMMENT: Add the SAFE Home Study/Psychosocial Tool to N.J.A.C. 10:122C-2.1(d)5, so resource family parents will have notice that they will undergo psychological questioning in addition to general identifying information.

RESPONSE: This comment is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-2.1(e)1

5. COMMENT: The term “life/safety inspection” is undefined. Inspection of a potential kinship home should include a lead hazard assessment for a child less than 72 months. OCA supports this recommendation.

RESPONSE: This comment is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-2.2(c)

6. COMMENT: Specify the timeframe of 150 calendar days in which the application of a resource family parent will be approved or denied pursuant to Modified Settlement Agreement, *Charlie and Nadine H., et al. v. Jon Corzine, as Governor, and Kevin M. Ryan, as Commissioner*, Docket No. 99-3678 (SRC).

RESPONSE: This comment is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-2.2(d)

7. COMMENT: Specify which Division representative at the local office notifies the resource family applicant, within five business days, of the Office of Licensing (OOL) decision to approve or deny a waiver.

RESPONSE: This comment is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-2.3(a)

8. COMMENT: Specify whether OOL personnel or a resource family specialist will conduct the annual inspection and interview household members or clarify if this is a shared responsibility.

RESPONSE: Annual inspections are a part of the regulatory process. They are conducted by employees of the Department of Children and Families. The Division does not believe that it is necessary to regulate by title, which employee will conduct the annual inspection. The Division does inform resource family parents in advance of who is conducting their annual inspection.

N.J.A.C. 10:122C-2.3(a)1

9. COMMENT: The Public Advocate suggests that the annual inspection of pre-1978 homes must include a lead hazard assessment for resource parent who may care for a child of less than 72 months. Resource parents and children in their care shall not be separated while home is made lead-safe. OCA supports this comment.

RESPONSE: This comment is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-3.1 and 3.2

10. COMMENT: It is unclear if these sections will remain unchanged or be deleted. The Department of the Public Advocate urges that they not be deleted. Amend N.J.A.C. 10:122C-3.2 to include lead screening and blood lead results. OCA supports these recommendations.

RESPONSE: This comment is beyond the scope of this rulemaking. The Division did not propose amendments to these two sections, so they remain unchanged.

N.J.A.C. 10:122C-4.1(a)2iii

11. COMMENT: OCA supports the enclosure for swimming pools.

Just Babies is unclear on the proposed pool amendment. Does the new rule require a second barrier around the pool? If so, it will be a financial burden to families.

FAFS is concerned about the expense that resource parents may incur regarding putting up an approved barrier around swimming pools and natural bathing areas. Will the Division assume full responsibility for, or provide assistance in, meeting the expense? How much time will licensed homes have to erect the barrier? Could the inability to immediately provide a barrier disrupt otherwise safe and stable placements?

RESPONSE: The Division thanks the Office of the Child Advocate for their support.

The Division does not expect that a second barrier be placed around a swimming pool. A barrier that meets the current Uniform Construction Code meets the standard in these rules. Everyone who is currently licensed has already met this requirement, as it has been the expectation since this chapter was adopted in 2006. This amendment clarifies the Division's expectation.

The Division does not take responsibility for paying for the necessary barrier. The Division does have limited money available to pay for home improvements if the

resource family parent or applicant meets income limits and needs to make a home improvement in order to meet licensing standards published in this chapter. In accordance with N.J.A.C. 10:122C-1.5(b), the Office of Licensing expects that the resource family parent or applicant will have a plan to comply with the rules within 30 days.

N.J.A.C. 10:122C-4.1(b)5

12. COMMENT: Require that a landline telephone be in service at all times when a child is in the home to ensure ability to contact emergency services.

RESPONSE: This comment is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-4.1(b)8

13. COMMENT: The Public Advocate suggests that N.J.A.C. 10:122C-4.1(b)8 is inadequate because it is effective only after a blood lead test reveals that a child has been lead poisoned. The role of identifying and abating lead hazards belongs to the Department of Children and Families, not the local health department, for children under Department supervision. Paint removal must be done safely. OCA supports this comment.

RESPONSE: This comment is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-4.1(c)

14. COMMENT: The hazard provision, “the home, land and outdoor area shall be free from hazards to the health, safety or welfare of children,” has been moved to N.J.A.C. 10:122C-4.1(c) and is now a Level II requirement. Make it a Level I requirement.

RESPONSE: Although this rule was moved to N.J.A.C. 10:122C-4.1(c), the Division intended for it to remain a level I requirement. The Division has added that it is a level I requirement.

15. COMMENT: Provide each resource parent applicant with the home and safety checklist used by the OOL inspector, so they have the specific requirements necessary for licensure.

RESPONSE: The Division prints these rules in booklet format and distributes them to applicants and resource family parents.

N.J.A.C. 10:122C-4.1(c)4iii

16. COMMENT: Just Babies agrees with the 120 degrees Fahrenheit temperature. It is sometimes impossible for large apartment complexes to meet that standard.

FAFS agrees with the proposed amendment to reduce the maximum hot water temperature from 140 degrees to 120 degrees. Why is there not a temperature range stated?

RESPONSE: Thank you to Just Babies L.L.C. and Foster and Adoptive Family Services for their support.

The Division obtained the 120 degree mark for the hottest water temperature recommended, which avoids burns in children from the American Pediatric Association and the Consumer Product Safety Commission. Neither organization states a temperature range. In order to clarify the requirement, the Division has changed the wording to say “a supply of hot water not to exceed 120 degrees Fahrenheit ...”

The Department understands that a resident of an apartment in a large apartment complex cannot control the hot water temperature at its source. The Division’s staff works with the resource parent to resolve each individual issue.

N.J.A.C. 10:122C-4.1(c)4iv

17. COMMENT: The chipping paint provision has been moved to N.J.A.C. 10:122C- 4.1(c)4iv, making it a mere Level II requirement with which the resource family parent must only be in “substantial compliance.” It applies only to the kitchen and bath areas, not the whole house. Given that the child spends most of his or her time in the bedroom, family areas and play areas, the Public Advocate believes that it makes little sense to restrict the chipping paint provision to the kitchen and bath room portions of the house that are relatively infrequently visited and are likely to have many tile, porcelain, wood and other non-paint surfaces. OCA supports this comment.

The Public Advocate believes that the chipping paint provision is inadequate because it does not include paint that appears intact. Intact paint can also pose a hazard in four ways. First, intact paint may “chalk” and leave a toxic smudge of dust on anything that rubs against it. Second, intact paint on friction surfaces such as doors and windows can generate lead-contaminated dust when the door or window is opened or closed. Third, paint on impact surfaces such as stairs, chair rails, and doors may be intact but especially prone to chipping. Fourth, the Department of Health and Senior Services rules note that chewable surfaces, such as window sills, stair railings, and balusters, can

be “readily mouthed by children” and pose a lead hazard. See N.J.A.C. 8:51-1.3. OCA supports this comment.

RESPONSE: The Division agrees with the comment that the chipping paint provision should be a level I requirement. It was an error that it was not identified as a level I requirement in the notice of proposal. The Division has changed N.J.A.C. 10:122C-4.1(c) to state that the requirements in that subsection are level I’s.

The Division has retained N.J.A.C. 10:122C-4.1(b)8 as a level I requirement regarding lead paint. The Division has also retained recodified N.J.A.C. 10:122C-4.1(d), which requires that any conditions that may endanger a child’s health, safety and well-being must be corrected, as a level II requirement. The Division believes that these two provisions address lead paint and chipping paint issues throughout the house. The Division states that the paint shall be free of flaking, peeling and chipping at N.J.A.C. 10:122C-4.1(c)4iv because of the need for strict standards related to sanitary conditions in the bathroom and kitchen.

N.J.A.C. 10:122C-4.1(g)

18. COMMENT: Do not delete N.J.A.C. 10:122C-4.1(g)1 and 2, which require that the home be maintained to prevent water leaks and that the walls, ceilings and other surfaces be kept clean and in good repair. Lead paint will inevitably deteriorate to pose a health hazard.

RESPONSE: The Division agrees with the commenter that water leaks must be prevented and that the house’s surfaces must be kept clean and in good repair. The Division believes that these requirements are addressed by recodified N.J.A.C. 10:122C-4.1(c) and that it is not necessary to state each potential hazard.

N.J.A.C. 10:122C-4.2

19. COMMENT: Just Babies supports the proposed bedroom standards and the amendment of N.J.A.C. 10:122C-4.2(a)3 to allow an adult to decide whether to sleep in an unfinished attic or basement.

OCA supports the flexible standard on bedroom size because it allows reasonable, appropriate accommodations.

RESPONSE: The Division thanks Just Babies and the Office of the Child Advocate for their support.

20. COMMENT: Amend N.J.A.C. 10:122C- 4.2(a) to add bed and bedding requirements (as formerly located in N.J.A.C. 10:122C-4.2(c)) and permission to allow children of the opposite sex over five years of age to reside in the same bedroom with authorization from the local office manager.

Retain N.J.A.C. 10:122C-4.2(c), (d) and (e). Restore N.J.A.C. 10:122C-4.2(d)3, adding “a child in placement,” rather than “anyone.”

RESPONSE: The Division believes that the language of proposed N.J.A.C. 10:122C-4.2(a)5 adequately addresses bed and bedding requirements, as that paragraph requires that a bedroom provides for the safety, privacy and comfort of the child.

The Division agrees with the comment that the Division should allow children of opposite sexes over the age of five to sleep in the same bedroom, with authorization from the local office manager and approval from the Office of Licensing. Sharing of a bedroom between children of opposite sexes over five years is no longer prohibited by these rules. The Division will address this issue in a future rulemaking.

The Division is deleting N.J.A.C. 10:122C-4.2(c) and (d) as proposed. The requirements formerly contained in these two subsections are now contained in the new N.J.A.C. 10:122C-4.2(a)5, regarding the safety, privacy and comfort of the child. There is no N.J.A.C. 10:122C-4.2(e).

N.J.A.C. 10:122C-4.2(b)

21. COMMENT: Record and report the size of bedrooms in home study to determine appropriateness, to be reviewed by a supervisor.

RESPONSE: The Division will continue to measure the bedroom and record the measurements in the home study, which is reviewed by the supervisor. OOL will also continue to measure the bedroom size as part of its licensing inspection. The Division does not believe that it is required to put this level of administrative detail in the rules.

N.J.A.C. 10:122C-5.2(a)2 and (b)1

22. COMMENT: Just Babies agrees with amendments to medical reference standards.

RESPONSE: Thank you for your support.

N.J.A.C. 10:122C-5.2(c)5iii

23. COMMENT: Change “are” to “may be.” This change allows the personal reference to provide information and the Division, rather than the personal reference, to make a judgment about the actions of the proposed resource parent.

RESPONSE: The Division agrees with the suggested language, which clarifies that the Division makes the judgment regarding the effect of activities in which the applicant engages. The Division is changing N.J.A.C. 10:122C-5.2(c)5iii to state “That the applicant does not engage in activities that may be incompatible with responsible parenting.” The Division believes that this change is necessary to ensure the health, safety and well-being of each child who may be placed with a resource family parent.

N.J.A.C. 10:122C-5.3

24. COMMENT: Reinstate the prescriptive language in N.J.A.C. 10:122C-5.3 in its entirety or incorporate the SAFE Home Study/Psychosocial Tool used by the Division. OCA has serious concerns that applicants will not understand the full breadth of information that must be gathered as part of the SAFE Home Study/Psychosocial Tool.

RESPONSE: The Division agrees that it is important for an applicant to know what the home study consists of. The Division gives this information to the applicant throughout the home study process. The Division does not believe it is necessary to reinstate the information about the home study, which was proposed for deletion.

The comment about adding the SAFE Home Study/Psychosocial Tool is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-5.6(a) and (b)

25. COMMENT: No changes were made to N.J.A.C. 10:122C-5.6(a) although Governor Corzine's Executive Order No. 100 requires the Department to consider supplementing training for resource family parents regarding lead paint hazards. Also consider lead paint hazard training for all inspection staff.

RESPONSE: This comment is beyond the scope of this rulemaking.

N.J.A.C. 10:122C-7.1(a)8

26. COMMENT: Amend N.J.A.C. 10:122C-7.1(a)8 to mandate that age-appropriate lead screening occurs in accordance with N.J.A.C. 8:51A-2.2. OCA supports this comment.

RESPONSE: This comment is beyond the scope of this rulemaking.

27. COMMENT: Retain the current prescriptive language regarding health, mental health, dental and other health care needs, except for N.J.A.C. 10:122C-7.1(a)3 and 6. Resource family parents should be provided with guidelines for appropriate medical care. It is important for the resource family parent to understand their partnership with the child's caseworker to ensure that the child receives the most appropriate treatment. Health care is part of the Child Placement Bill of Rights, N.J.S.A. 9:6B-4k. The existing rule adheres to standards to be met by the State for all children receiving Medicaid.

Include mental health services in the list of required medical services in N.J.A.C. 10:122C-7.1(a).

RESPONSE: The Division agrees that the provision of medical, dental and mental health services are a basic right of all children and that resource families are responsible to ensure these needs are met adequately and promptly, as stated in N.J.A.C. 10:122C-7.1(a)1. The Division has specified the inclusion of mental/behavioral health services to clarify that the Division considers mental/behavioral health as part of health services. The Division is using the term mental/behavioral health here in order to use standard terminology in its rules. The Division recently adopted N.J.A.C. 10:122D, which contains the term mental/behavioral health. In addition, the Division has created Child Health Units to reenforce and ensure that all children in out-of-home placements have all the health entitlements of the Child Placement Bill of Rights Act.

N.J.A.C. 10:122C-7.1(b)

28. COMMENT: FAFS disagrees with and does not understand the amendment to require resource parents to contact a caseworker to obtain medical and dental information. This information should be provided by the caseworker when child is placed or as soon as the caseworker obtains it.

RESPONSE: The Division agrees that it is the caseworker's responsibility to provide medical information to the resource family parent. The Division proposed this amendment to authorize the resource family parent to get this information if it is not forthcoming. The Division is adopting the amendment as proposed.

Summary of Agency-Initiated Change:

The Division is correcting the grammar at N.J.A.C. 10:122C-2.4(c)2 to read "have" instead of "has."

Federal Standards Statement

This chapter of rules is subject to, but does not exceed, any Federal standards. The rules help the State of New Jersey to meet Federal standards at 42 U.S.C. §§671(a)(10), (11), (12), (19), (20) and (24) and at 45 CFR 1356.21(m)(2) and 1356.30(a).

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

CHAPTER 122C
MANUAL OF REQUIREMENTS
FOR RESOURCE FAMILY PARENTS

SUBCHAPTER 1. GENERAL PROVISIONS

10:122C-1.1 Legal authority

(a)-(b) (No change.)

(c) In order to be licensed, a person shall demonstrate to the satisfaction of the Department of Children and Families that he or she complies with all applicable provisions of this chapter.

10:122C-1.2 Scope

(a) (No change.)

(b) The resource family parent shall secure approval from the Department, or from an agency under contract with the Department, to provide one or more of the following services:

1.-2. (No change.)

3. (No change in text.)

4. Kinship care, in which the resource family parent is not a parent of the child in placement but is related to the child through blood, marriage, civil union, domestic partnership, or adoption or is connected to the child or the child's parent by an established positive psychological or emotional relationship; and

5. (No change in text.)

(c) (No change.)

10:122C-1.3 Definitions

(a) (No change.)

(b) The following words and terms, when used in this chapter, shall

have the following meanings, unless the context clearly indicates otherwise:

...

“Caseworker” means a representative of the Division of Youth and Family Services or contract agency having supervision of a child in placement.

...

“Civil union” means the legally recognized union of two eligible individuals of the same sex, established pursuant to P.L. 2006 c. 103. Parties to a civil union shall receive the same benefits and protections and be subject to the same responsibilities as spouses in a marriage.

“Contract agency” means a private agency under contract with the Department to provide services that support children under the auspices of the Department who are in need of placement in a resource family home.

...

“Department” means the New Jersey Department of Children and Families.

“Division” means the Division of Youth and Family Services, New Jersey Department of Children and Families.

“Domestic partnership” means a partnership established pursuant to N.J.S.A. 26:8A-4b and 4.1.

...

“Kinship care” means care provided by a resource parent or applicant who

is:

1. Related to a child in placement through blood, marriage, civil union, domestic partnership, or adoption, and is not the child's parent; or
2. Connected to a child in placement or to the child's parent by an established positive psychological or emotional relationship.

“Level I requirement” means a licensing requirement, as set forth in this chapter, with which a resource family parent or resource family parent applicant must be in full compliance to receive or maintain a license. Level I requirements impact the safety, health and rights of children in placement.

...

“Office of Licensing” or “Office” means the Office of Licensing in the New Jersey Department of Children and Families.

...

“Restrictive behavior management” means the use of physical or mechanical restraint, or exclusion of a child from normal interactions with others, to control or modify the child's behavior. Restrictive behavior management shall not include briefly intervening without undue force in order to calm a child, or holding a child's hand to safely escort the child from one area to another, nor shall it include any situation where a physician has prescribed the use of protective medical equipment that confines the child's movement.

...

*“Temporary caregiver” means a person who provides supervision to a

child in placement on behalf of the resource family parent for more than three consecutive days.*

10:122C-1.6 Nondiscrimination

Neither the Department nor a contract agency shall discriminate with regard to the application or licensure of a resource family parent on the basis of race, color, national origin, age, disability, gender, religion, sexual orientation, parental status, birth status, or marital, civil union, or domestic partnership status.

SUBCHAPTER 2. LICENSING PROCEDURES

10:122C-2.1 Application for a license

(a)-(c) (No change.)

(d) The applicant shall cooperate with the Department or contract agency in the completion of all components of the application and home study process within the time limits established by the Department. The components of the application and home study process for an initial license shall include:

1. Inspection of the resource family home and surrounding area by the Office of Licensing, Division or contract agency;
2. Interviews with each resource family parent, child and other household member;
3. Completion of a home study by the Division or contract agency, as specified in N.J.A.C. 10:122C-5.3;
4. (No change.)
5. Completion and submission by the applicant of the

following:

- i. A Resource Family Parent Home Study/Licensing Application;
- ii. Consent for release of information;
- iii. (No change in text.)

iv. Information necessary for a State and Federal Criminal History Record Information fingerprint background check pursuant to N.J.S.A. 30:4C-26.8 for each applicant and household member 18 years of age or older, each new adult household member and each household member who reaches 18 years of age, as specified in N.J.A.C. 10:122C-5.4;

v. Information necessary for a Child Abuse Record Information background check for each applicant and household member 18 years of age or older, each new adult household member and each household member who reaches 18 years of age, as specified in N.J.A.C. 10:122C-5.5;

Recodify existing viii.-xi. as vi.- ix. (No change in text.)

(e) An applicant seeking to provide kinship care, as specified in N.J.A.C. 10:122C-1.2(b)4, may be approved by the Division to care for a child prior to the issuance of a license, provided that all of the following conditions are met:

1.-3. (No change.)

4. The applicant submits a Resource Family Parent Home Study/Licensing Application within five days following the placement of a child in the home. The Division shall begin the home study immediately after approving the application. If the application is denied, the Division shall identify an appropriate alternative placement for the child.

10:122C-2.2 Issuance of a license

(a) (No change.)

(b) The Office of Licensing may grant a waiver of a level II requirement for a resource family parent or applicant providing kinship care, as specified in N.J.A.C. 10:122C-1.2(b)4.

1.-5. (No change.)

(c) The Office of Licensing shall notify the applicant and the appropriate Division office or contract agency of the decision on licensure.

(d) The Office of Licensing shall notify the appropriate Division office or contract agency of the decision on waivers, if applicable.

(e) If the Office of Licensing determines that the applicant is in full compliance with all applicable level I requirements and in substantial compliance with, but does not meet all applicable level II requirements, and there is no serious or imminent hazard to the rights, education, health, safety, well-being or treatment needs of a child who is or may be placed in the home, the Office shall issue a license to the applicant and indicate in writing the steps the applicant must take to correct the areas not in compliance.

(f) (No change in text.)

(g) The license shall apply to the resource family parent at the home in which the resource family resides at the time of the application.

1.-2. (No change.)

3. The license shall not be transferable, except as specified in (h) below.

Recodify existing (g)-(j) as (h)-(k) (No change in text.)

10:122C-2.3 Annual inspection

(a) The resource family parent shall permit and ensure participation in:

1. An annual inspection of the resource family home by the Division or Office of Licensing to determine whether the resource family home complies with the applicable provisions of this chapter; and

2. An annual interview with each resource family parent, child in placement, and household member by the Division, Office of Licensing or contract agency staff.

10:122C-2.4 Renewal of a license

(a) A resource family parent seeking renewal of a license shall submit a completed Resource Family Parent Home Study/Licensing Application form to the Office of Licensing at least 60 calendar days prior to the expiration of the existing license.

(b) (No change.)

(c) For license renewal, the resource family parent shall:

1. (No change.)

2. Ensure that he or she and each household member *[has]* *have* obtained a physical examination within the last 12 months and submit each medical reference for each resource family parent and household member prior to license renewal;

3. Submit information necessary for a State and Federal Criminal History Record Information fingerprint background check pursuant to N.J.S.A. 30:4C-26.8 for each resource family parent and household member 18 years of age or older, each new adult household member and each household member who reaches 18 years of age, as specified in N.J.A.C. 10:122C-5.4(a)1; and

4. Submit information necessary for a Child Abuse Record Information background check for each resource family parent and household member 18 years of age or older, each new adult household member and each household member who reaches 18 years of age, as specified in N.J.A.C. 10:122C-5.5.

10:122C-2.5 Denying, suspending, revoking or refusing to renew a license

(a) (No change.)

(b) The Office of Licensing is authorized to deny an application or suspend, revoke or refuse to renew a license for good cause, including, but not limited to, the following:

1.-10. (No change.)

11. Failure to abate outstanding violations of level II requirements by the next annual or renewal inspection, whichever comes first; or

12. (No change.)

(c) (No change.)

(d) Before the decision to deny an application or suspend, revoke or

refuse to renew a license becomes effective, the resource family parent or applicant shall have the opportunity to request a hearing to contest the action, as specified in N.J.A.C. 10:122C-2.6(a).

(e)-(h) (No change.)

Recodify existing N.J.A.C. 10:122C-2.5 and 2.6 as 10:122C-2.6 and 2.7 (No change in text.)

SUBCHAPTER 3. ADMINISTRATION

10:122C-3.4 Reporting requirements

(a) The resource family parent shall immediately verbally notify the State Central Registry whenever there is reasonable cause to believe that a child has been or is being abused or neglected, as required by N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14. Copies of the law and information about it are available upon request from the Department's Office of Communication and Legislation, PO Box 729, Trenton, NJ 08625-0729.

(b)-(d) (No change.)

(e) The resource family parent shall notify the Office of Licensing at least 30 days in advance of relocation to a home not approved by the Office, as specified in N.J.A.C. 10:122C-2.2(h).

(f) (No change.)

SUBCHAPTER 4. PHYSICAL FACILITY REQUIREMENTS

10:122C-4.1 Physical facility and maintenance requirements

(a) Level I physical facility requirements are as follows:

1. (No change.)

2. If the home has a swimming pool or a natural bathing area,

the resource family parent or applicant shall:

i. (No change.)

ii. Meet all applicable local ordinances that apply to a

swimming pool or natural bathing area;

- iii. Enclose a swimming pool or natural bathing area with a barrier approved by the Office of Licensing; and
- iv. (No change in text.)
- (b) (No change.)
- (c) The home, land and outdoor area shall be free from hazards to the health, safety or welfare of children. *Each requirement in this subsection is a level I requirement.*
 - 1.-2. (No change.)
 - 3. Heating and ventilation requirements are as follows:
Recodify existing 1. and 2. as i and ii. (No change in text.)
 - 4. Kitchen and bathroom requirements are as follows:
 - i. (No change in text.)
 - ii. (No change in text.)
 - iii. A supply of hot water not *[more than]* *to exceed* 120 degrees Fahrenheit (48.8 degrees Celsius) and cold running water shall be in the home.
 - iv. Paint on interior and exterior surfaces that are accessible to children shall be free of flaking, peeling and chipping.
- 5. Outdoor maintenance requirements are as follows:

Recodify existing 1. and 2. as i. and ii. (No change in text.)
- (d) (No change in text.)

10:122C-4.2 Bedroom requirements

- (a) Level I bedroom requirements are as follows:
 - 1.-2. (No change.)
 - 3. An unfinished attic or unfinished basement shall not be used for sleeping purposes by any child in the resource family.
 - 4. Each bedroom occupied by a child in placement shall have natural light and ventilation provided by one or more windows opening directly to the exterior.

5. Each child in placement shall sleep in a bedroom that is sufficient in size to provide for the safety, privacy, and comfort of the child.

10:122C-4.3 Emergency evacuation, medical emergencies, and fire prevention

(b) Level I emergency evacuation, medical emergency, and fire safety requirements are as follows:

1.-7. (No change.)

8. (No change in text.)

9. In order to receive an initial or renewal license, the resource family parent or applicant shall ensure that a carbon monoxide detector is in operation adjacent to each bedroom area, if the home contains fuel-burning appliances or has an attached garage used for motor vehicles.

SUBCHAPTER 5. PERSONAL REQUIREMENTS

10:122C-5.1 General personal requirements

(a) Level I general personal requirements are as follows:

1.-2. (No change.)

3. The resource family parent shall demonstrate reasonable and mature attitudes towards professional figures and institutions, as determined by a review of references and an assessment of the resource family parent's interactions during training and home visits by the Department or contract agency.

i.-ii. (No change.)

4. The resource family parent shall have sufficient income or other means of financial support prior to the placement of a child, so that the resource family parent is economically independent of board subsidy payments from the Department.

i.-ii. (No change.)

5.-6. (No change.)

10:122C-5.2 References

(a) The resource family parent applicant shall submit contact information for the applicable references specified below in order to receive an initial license:

1. A medical reference, which includes a recommendation from a physician, for each applicant and household member;

2.-5. (No change.)

(b) The medical reference shall meet the following requirements:

1. For each applicant and household member, the applicant shall submit a medical reference from a physician based on the physician's examination of the individual within 12 months prior to the date of completion of the medical reference for initial licensure or within 12 months of the date of completion of the medical reference for renewal licensure.

2. (No change.)

(c) Each personal reference shall meet the following requirements:

1.-4. (No change.)

5. The personal references shall provide information needed to assist the Department or contract agency in evaluating:

i.-ii. (No change.)

iii. That the applicant does not engage in activities that **[are]** *may be* incompatible with responsible parenting;

iv. (No change.)

v. The extent to which applicants in a marriage, civil union or domestic partnership are a compatible couple with a strong, loving and stable relationship;

Recodify existing vii. and viii. as vi. and vii. (No change in text.)

(d)-(g) (No change.)

10:122C-5.3 Home study

(a) The applicant shall permit and participate in a home study by the Department or contract agency. The completed home study shall include:

1. Identifying information on each applicant and household member, including:
 - i. Current address and all previous addresses within the past five years, if applicable;
 - ii. (No change in text.)
2. A description of each room and indoor area in the home and the area outside the home;
3. Information about all persons residing in the home; and
4. A statement of income and financial resources.

10:122C-5.4 Criminal History Record Information background checks

(a) Level I Criminal History Record Information requirements are as follows:

1. As a condition of securing and maintaining a license, the resource family parent or applicant shall ensure that a State and Federal Criminal History Record Information (CHRI) fingerprint background check, in keeping with the New Jersey Adoption and Safe Families Act, P.L. 1999, c. 53, N.J.S.A. 30:4C-26.8, and current within one year, is completed for each resource family parent or applicant, each household member at least 18 years of age, each new household member at least 18 years of age, and each household member who reaches 18 years of age.

2.-8. (No change.)

(b) The Department may obtain a criminal history check from the local police department for any resource family parent, applicant, *temporary caregiver* or household member at least 18 years of age. The applicant or resource family parent shall submit Department-specified release of information forms for a local criminal history check for such an individual when requested by the Department.

10:122C-5.5 Child Abuse Record Information background checks

(a) Level I Child Abuse Record Information requirements are as

follows:

1. As a condition of securing and maintaining a license, the resource family parent or applicant shall provide written consent to the Division for a Child Abuse Record Information (CARI) background check from each resource family parent or applicant, each household member at least 18 years of age, each new household member at least 18 years of age, and each household member who reaches 18 years of age.

2. If any person specified in (a)1 above refuses to consent to a CARI background check, the Office of Licensing shall deny the application or suspend, revoke or refuse to renew the license, as applicable. The resource family parent or applicant may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C. 10:122C-2.5.

3. (No change.)

4. The Division shall request information from another state's child abuse and neglect registry when any resource family parent or applicant or household member is at least 18 years of age and has resided in any state other than New Jersey during the past five years.

(b) If the Department determines that an incident of child abuse or neglect by any person specified in (a)1 above has been substantiated, the Office of Licensing shall deny the application or suspend, revoke or refuse to renew the license, as applicable; except that the Office may issue a license if all of the following conditions have been met:

1.-2. (No change.)

3. The Division or contract agency having supervision of the child has determined that there is no danger to the child if he or she remains or is placed in the home;

4. The Division or contract agency having supervision of the child has determined that it is in the child's best interest to remain or to be placed in the home; and

5. The Office of Licensing has given approval for the resource family home to be open for all children already in placement or recommended for

placement in the home.

10:122C-5.6 Training

(a) A level I training requirement is as follows:

1. (No change.)

(b)-(c) (No change.)

10:122C-5.7 Special Home Service Provider requirements

(a) (No change.)

(b) Level I requirements for SHSP foster care are as follows:

1.-2. (No change.)

3. The resource family parent shall maintain a weekly or monthly medical journal for each medically fragile child as required by the Department's child health unit or nurse consultant.

(c) (No change.)

SUBCHAPTER 6. RESOURCE FAMILY HOME PROGRAM REQUIREMENTS

10:122C-6.1 Supervision of children in placement

(a) Level I supervision requirements are as follows:

1.-2. (No change.)

*3. When temporary care is provided for a child in placement on behalf of the resource family parent for more than three consecutive days, either in the resource family home or in the temporary caregiver's home:

i. The resource family parent shall inform the Department office or contract agency of the temporary care arrangements;

ii. The temporary caregiver shall complete a Child Abuse Record Information background check, as specified in N.J.A.C. 10:122C-5.5, and a check of court records (known as a PROMIS/GAVEL check);

iii. The temporary care arrangements shall be

approved by the Department office or contract agency having supervision of the child; and

iv. The temporary caregiver shall be trustworthy and well known to the resource family parent.*

[3.] *4.* (No change in text.)

10:122C-6.6 Food and nutrition

(a) Level I food and nutrition requirements are as follows:

1.-8. (No change.)

9. If the child in placement is an infant, the resource family parent shall consult with the infant's health care provider and follow recommendations in regard to the feeding schedule, special formula, nutritional needs and introduction of new foods.

SUBCHAPTER 7. HEALTH REQUIREMENTS

10:122C-7.1 Health care and medical treatment

(a) Level I health care and medical treatment requirements for children are as follows:

1. The resource family parent, in cooperation with the Division or contract agency caseworker, shall ensure that the medical, dental, *mental/behavioral health* and other health care needs of each child in placement are adequately and promptly met, including arranging for emergency, routine, and follow-up medical, dental, *mental/behavioral health* and other health care.

Recodify existing 8. and 9. as 2. and 3. (No change in text.)

(b) The resource family parent shall maintain documentation of all medical, dental and other health care examinations and treatment for each child in placement. The resource family parent shall contact the caseworker to obtain this information if he or she does not have documentation of a child's examinations and treatment.

(c) (No change.)

10:122C-7.2 General health practices

- (a) Level I general health practices requirements are as follows:
- 1.-2. (No change.)
 3. The resource family parent shall maintain a smoke-free environment in all indoor areas of the home, and in all vehicles used to transport a child in placement.
 - i. (No change.)
 - ii. The resource family parent shall comply with the provisions of N.J.S.A. 2A:170-51.4 prohibiting any person from directly or indirectly selling, giving or furnishing to a minor under 19 years of age any cigarettes made of tobacco, any matter or substance that can be smoked, any cigarette paper or tobacco in any form, including smokeless tobacco.
 - iii. (No change.)

10:122C-7.3 Prescription and non-prescription medication

- (a) Level I prescription and non-prescription medication requirements are as follows:
1. (No change.)
 2. The resource family parent shall administer non-prescription over-the-counter medication only in accordance with the recommended dosage for the age or weight of the child in placement, as indicated on the label or as directed by the child's physician, clinical nurse specialist, nurse practitioner or dentist.
 3. (No change.)
- (b) The resource family parent shall safely dispose of all expired medications and prescriptions for each child in placement, which are no longer in use.

10:122C-7.6 Environmental sanitation and hygiene

- (a) Level I environmental sanitation and hygiene requirements are as

follows:

1. The resource family parent shall ensure that disposable gloves, which shall be discarded after each use, are used when any person in the home has contact with blood, vomit, urine, fecal matter or other body secretions of any person known to have an infectious disease.

2.-3. (No change.)

SUBCHAPTER 8. TRANSPORTATION REQUIREMENTS

10:122C-8.1 Transportation and vehicle safety requirements

(a) Level I transportation and vehicle safety requirements are as follows:

1. Each resource family parent shall provide or arrange for the routine transportation needs of each child in placement.

2. Each resource family parent, household member, or other person known to the resource family parent who provides transportation to a child in placement shall have:

- i. A current driver's license;
- ii. Automobile insurance coverage; and
- iii. A vehicle with ample space, seatbelts and age-

appropriate safety seats for each child placed with him or her.

3. Each resource family parent providing transportation to a child placed with him or her shall maintain current automobile insurance throughout his or her career as a resource family parent.