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*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 44, No. 11, June 4, 2012 ***

TITLE 10. HUMAN SERVICES
CHAPTER 122C. MANUAL OF REQUIREMENTS FOR RESOURCE FAMILY PARENTS

N.J.A.C. 10:122C (2012)

Title 10, Chapter 122C -- Chapter Notes

CHAPTER AUTHORITY:

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

CHAPTER SOURCE AND EFFECTIVE DATE:

R.2006 d.45, effective February 6, 2006.

See: *37 N.J.R. 2807(a), 38 N.J.R. 969(a)*.

CHAPTER EXPIRATION DATE:

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 122C, Manual of Requirements for Resource Family Parents, expires on August 5, 2013. See: *43 N.J.R. 1203(a)*.

CHAPTER HISTORICAL NOTE:

Chapter 122C, Approval of Foster Homes, was adopted as R.1993 d.16, effective January 4, 1993 (operative July 1, 1993). See: *23 N.J.R. 3696(a), 25 N.J.R. 117(a)*.

Pursuant to Executive Order No. 66(1978), Chapter 122C, Approval of Foster Homes, was readopted as R.1998 d.72, effective December 31, 1997. See: *29 N.J.R. 4269(a), 30 N.J.R. 547(a)*.

Chapter 122C, Approval of Foster Homes, was readopted as R.2003 d.259, effective June 9, 2003. As a part of R.2003 d.259, Chapter 122C, Approval of Foster Homes, was renamed Licensure of Foster Homes, effective July 7, 2003. See: *35 N.J.R. 521(a), 35 N.J.R. 2925(a)*.

Chapter 122C, Licensure of Foster Homes, was repealed, and Chapter 122C, Manual of Requirements for Resource Family Parents, was adopted as new rules by R.2006 d.45, effective February 6, 2006. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 122C, Manual of Requirements for Resource Family Parents, was scheduled to expire on August 5, 2011. See: *43 N.J.R. 547(a)*.

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CROSS REFERENCES:

See N.J.A.C. 10:122E-3.2, Reasons for foster home closures.

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SUBCHAPTER 1. GENERAL PROVISIONS

N.J.A.C. 10:122C-1.1 (2012)

§ 10:122C-1.1 Legal authority

(a) This chapter is promulgated pursuant to the Resource Family Parent Licensing Act, *N.J.S.A. 30:4C-27.3* et seq., *N.J.S.A. 30:4C-4(h)* and *N.J.S.A. 30:4C-26a*.

(b) A person shall not provide resource family care to a child in placement unless the person is licensed by the Department.

(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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (c), substituted "Children and Families" for "Human Services".

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N.J.A.C. 10:122C-1.2 (2012)

§ 10:122C-1.2 Scope

(a) A resource family parent who is subject to the provisions of this chapter shall include any person with whom a child in the care, custody or guardianship of the Division of Youth and Family Services is placed for resource family care, and any person with whom a child is placed by the Division for the purpose of adoption until said adoption is finalized.

(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. Regular foster care, in which care is provided for a child in need of temporary out-of-home placement for protective or other social services reasons;
2. Special Home Service Provider foster care, in which care is provided for a child who is medically fragile and in need of out-of-home placement;
3. Contract agency home care, which is directly supervised by a private agency under contract with the Department to provide services to children in need of out-of-home placement for protective or other social services reasons;
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. Adoptive care, in which care is provided for a child placed by the Division of Youth and Family Services for the purpose of adoption by the resource family parent until said adoption is finalized.

(c) The provisions of this chapter shall not apply to a person who:

1. Operates a home that is licensed, approved or regulated pursuant to State law exclusively by the State Department of Health and Senior Services, the State Department of Education, the State Department of Corrections or any other New Jersey State agency;
2. Provides care exclusively for children under the auspices of the Division of Developmental Disabilities or the Division of Mental Health Services, both of the Department of Human Services; or
3. Operates a children's group home, treatment home, teaching family home, alternative care home, supervised transitional living home or shelter home that provides room, board, care, shelter or treatment services for children on a 24-hour-a-day basis.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

Deleted former (b)3, (b)4, and (b)7; recodified (b)5 and (b)6 as (b)3 and (b)4 and (b)8 as (b)5; and in (b)4, substituted "Kinship" for "Relative" and "or is connected to the child or the child's parent by an established positive psychological or emotional relationship; and" for a semi-colon at the end, and inserted ", civil union, domestic partnership,";

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N.J.A.C. 10:122C-1.3 (2012)

§ 10:122C-1.3 Definitions

(a) The definitions in *N.J.A.C. 10:122B* are hereby incorporated into this chapter by reference.

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

"Case plan" means a specific plan developed for a child receiving services from the Department or another agency which defines and guides case activities to maintain or achieve an appropriate permanency goal.

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

"Chapter" means the rules contained in the Manual of Requirements for Resource Family Parents, *N.J.A.C. 10:122C*. These provisions constitute minimum baseline requirements below which no home that is subject to the authority of *N.J.S.A. 30:4C-27.3* et seq., *N.J.S.A. 30:1-14* and *N.J.S.A. 30:4C-4* is legally permitted to operate.

"Child in placement" means a child under the auspices of the Department who is placed in a resource family home because he or she cannot live with his or her own family due to neglect, abuse or other circumstances, or who is placed for the purpose of adoption, and who is either under 18 years of age or who meets the criteria set forth in *N.J.S.A. 9:17B-2(f)*.

"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.

"Corporal punishment" means any type of physical punishment.

"Denial of a license" means the withholding by the Office of Licensing of an initial license for which the resource family parent applicant has applied.

"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*.

"Household member" means a person residing in the resource family home other than a resource family parent, resource family parent applicant, or child in placement. Household members shall include boarders and frequent overnight guests in the resource family home.

"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.

"Level II requirement" means a licensing requirement, as set forth in this chapter, other than a level I requirement, with which a resource family parent or resource family parent applicant must be in substantial compliance to receive or maintain a license. All requirements other than level I requirements are level II requirements.

"License" means a document issued by the Office of Licensing to a person at an approved location who complies with the applicable provisions of this chapter.

"Medically fragile child" means a child who is between the ages of birth and three years and exhibits functional limitations identified in terms of moderate to marked developmental delay and psychosocial elements requiring nursing care over and above routine nursing baby care; or is over three years of age and limited in terms of specific age-appropriate physical and mental activities, activities of daily living or abnormal behavior, as demonstrated by performance at home, social or recreational activities.

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

"Parent" means a birth parent, stepparent, adoptive parent, legal guardian, or any other person having legal custody of a child.

"Psychotropic medication" means those substances which exert a direct effect upon the central nervous system and which are utilized as a part of a treatment plan to influence and modify behavior in a positive manner.

"Refusal to renew a license" means a determination by the Office of Licensing not to issue a license to a resource family parent after his or her existing license has expired.

"Resource family" means all persons living with a resource family parent or applicant.

"Resource family home" or "home" means a private residence, other than a children's group home, treatment home, teaching family home, alternative care home, or shelter home, in which board, lodging, care and temporary out-of-home placement services are provided by a resource family parent on a 24-hour basis to a child under the auspices of the Division of Youth and Family Services, including a home approved by the Division of Youth and Family Services for the placement of a child for the purpose of adoption.

"Resource family parent" means a person who is licensed by the Department to provide resource family care, including a person who is licensed to have a child or children placed with him or her for the purpose of adoption.

"Resource family parent applicant" or "applicant" means a person who has applied for a resource family parent license.

"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.

"Revocation of a license" means a permanent removal of a resource family parent's license to operate a resource family home.

"Substantial compliance" means compliance by a resource family parent or applicant who does not meet all applicable requirements of the law and of this chapter, when there is no serious or imminent hazard to the health, safety, well-being or rights of the children served, and the resource family parent or applicant is in full compliance with level I requirements.

"Suspension of a license" means a temporary removal of a resource family parent's license to operate a resource family home.

"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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In definition "Caseworker", substituted "Division of Youth and Family Services" for "Department of Human Services office"; added definitions "Civil union", "Domestic partnership" and "Kinship care"; in definition "Contract agency", substituted "that support" for "to"; in definitions "Department", "Division" and "Office of Licensing", substituted "Children and Families" for "Human Services"; and in definition "Restrictive behavior management", inserted ", nor shall it include any situation where a physician has prescribed the use of protective medical equipment that confines the child's movement".

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N.J.A.C. 10:122C-1.4 (2012)

§ 10:122C-1.4 Capacity

(a) Level I capacity requirements are as follows:

1. For children placed on or after February 6, 2006, the resource family parent shall comply with the following capacity limits on the number of children residing in the home:

- i. No more than four children in placement;
- ii. No more than six children in total, including children in placement and all other children residing in the home;
- iii. No more than four children in total below six years of age, including children in placement and all other children residing in the home;
- iv. No more than two children in total below two years of age, including children in placement and all other children residing in the home; and
- v. No more than two non-ambulatory children in total, including children in placement and all other children residing in the home.

2. The resource family parent shall comply with the capacity limits determined by the Department for the specific home.

(b) The Department may license a resource family home for more than the capacity limits specified in (a)1 above if necessary to keep sibling groups intact or to serve the best interests of the children who are or may be placed in the home.

(c) The Department may license a resource family home for less than the capacity limits specified in (a)1 above, may reduce a home's licensed capacity after the license has been issued, and may restrict a home to serve only a specific child or children, if necessary to serve the best interests of the children who are or may be placed in the home.

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N.J.A.C. 10:122C-1.5 (2012)

§ 10:122C-1.5 Compliance with level I and level II requirements

(a) In order to receive and maintain an initial or renewal license, the resource family parent or applicant shall be:

1. In full compliance with all applicable level I requirements; and
2. In full or substantial compliance with all applicable level II requirements.

(b) If the resource family parent or resource family parent applicant is found by the Office of Licensing to be in violation of one or more level I requirements, the resource family parent or applicant shall abate the violations within 30 days, or sooner if specified in the violation notice.

(c) If the resource family parent is found by the Office of Licensing to be in violation of one or more level II requirements, the resource family parent shall abate the violations by the date specified in the violation notice. If the violations are not abated by the next annual or renewal inspection, the Office of Licensing may cite a level I violation for the noncompliance.

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N.J.A.C. 10:122C-1.6 (2012)

§ 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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

Inserted a comma following "birth status" and inserted ", civil union, or domestic partnership".

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SUBCHAPTER 2. LICENSING PROCEDURES

N.J.A.C. 10:122C-2.1 (2012)

§ 10:122C-2.1 Application for a license

- (a) An applicant for an initial license shall submit a completed application to the Department or contract agency.
- (b) An applicant for an initial license shall be:
 - 1. At least 18 years of age; and
 - 2. A resident of the State of New Jersey.
- (c) If there is more than one resource family parent applicant in the household, the applicants shall submit a single application for a single license.
 - 1. Each applicant shall meet all requirements for licensure.
 - 2. When a couple lives together, both partners shall be considered to be resource family parents who shall meet the requirements contained in this chapter.
- (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. Completion of pre-service training, as specified in *N.J.A.C. 10:122C-5.6*; and
 - 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. Medical, personal, employment, school/day care, and child care references, as specified in *N.J.A.C. 10:122C-5.2*;
 - 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*;

vi. Disclosure of any convictions for crimes or disorderly persons offenses for each applicant and each household member 14 years of age or older;

vii. A Resource Family Care Agreement, which includes the applicant's agreement to attend to the child's health and dental care and to provide services as reflected in the Agreement and as appropriate to each child placed in the home;

viii. An agreement not to use unacceptable methods of discipline, including corporal punishment, hitting and shaking, abusive language, ridicule, humiliation, other forms of degradation, deprivation of meals or sleep, forcing a child to do strenuous physical work or exercise, denying the child communication or mail, removing or threatening to remove the child from the home, denying or threatening to deny family visits, or denying the child access to needed treatment services or medication; and

ix. A statement of financial resources.

(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. A life/safety inspection of the home by the Division or contract agency reveals no health, safety or fire hazards in the physical facility of the home and the premises where the home is located;

2. A check of the Division's records of child abuse and neglect reveals that no adult residing in the home has been responsible for an incident of sexual abuse of a child or an incident of child abuse or neglect that caused serious injury or harm to a child, or has caused death to a child through abuse or neglect, or has put a child at risk of serious injury or harm;

3. A check of court records (known as a PROMIS/ GAVEL check) reveals that no person residing in the home has been convicted of a crime specified in *N.J.S.A. 30:4C-26.8*; and

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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (d)1, deleted ", as specified in *N.J.A.C. 10:122C-5.3*" following "agency"; in (d)2, deleted ", unless completed within the previous 80 days, by the Office of Licensing, Division or contract agency, as specified in *N.J.A.C. 10:122C-5.3*" following "member"; in (d)3, substituted "Division" for "Department"; in (d)5i, substituted "Home Study/Licensing" for "License"; rewrote (d)5ii; deleted former (d)5iii and (d)5v; recodified (d)5iv as (d)5iii and (d)5vi through (d)5xi as (d)5iv through (d)5ix; in (d)5iv and (d)5v, substituted "household member" for "child"; in the introductory paragraph of (e), substituted "kinship" for "relative care or family friend", updated the N.J.A.C. reference and deleted "or contract agency" following "Division"; and in (e)4, substituted "Home Study/Licensing" for "License" and inserted the second sentence.

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N.J.A.C. 10:122C-2.2 (2012)

§ 10:122C-2.2 Issuance of a license

(a) The Office of Licensing shall issue a license to an applicant who has achieved full compliance with all applicable level I requirements and substantial or full compliance with all applicable level II requirements.

(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. Requests for waivers shall be made to the Office of Licensing in writing by the Division or contract agency, with supporting information justifying the request.
 2. Waivers shall be considered on a case-by-case basis, only for non-safety standards for a specific child or children in placement. For the purpose of determining whether a waiver will be granted, level II requirements shall be considered non-safety standards.
 3. A waiver may be granted at the discretion of the Office of Licensing upon consideration of the following criteria:
 - i. The type or degree of hardship that would result to the resource family parent or applicant if the waiver were not granted;
 - ii. The negative impact on a specific child or children in placement if the waiver were not granted; and
 - iii. Whether the waiver, if granted, would adversely affect the health, safety, well-being or rights of any child residing in the resource family home.
 4. The Office of Licensing shall determine the terms and conditions for granting each specific waiver.
 5. If a waiver is granted, the resource family parent or applicant shall comply with the terms and conditions of the waiver.
- (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) If a license cannot be issued because there is a 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 of Licensing shall provide written notification to the applicant indicating the steps, if any, the applicant must take to secure a license.

(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. No more than one license shall be issued to a single residence.
2. The license shall be issued to one or more specific persons for a specific residence.
3. The license shall not be transferable, except as specified in (h) below.

(h) If the resource family changes residence, the Office of Licensing shall inspect the new residence to determine whether it is in compliance with the applicable provisions of this chapter. The resource family parent shall provide notice of a change of residence at least 30 days in advance of the move.

(i) Each licensing period shall be three years.

1. In determining the expiration date of the license, the Office of Licensing shall compute the three-year licensing period from the date of issuance of the first license.

2. In determining the expiration date of a renewed license, the Office of Licensing shall compute the three-year licensing period from the date on which the previous license expired. If, however, the home has ceased to operate for a period of one year or more following the expiration date of its previous license, the Office shall compute the date of the expiration from the date of issuance of a new license.

(j) The resource family parent shall maintain the license on file at the home.

(k) The resource family parent or applicant shall not make claims either in advertising or in any written or verbal announcement or presentation contrary to the licensing status of the resource family parent or applicant.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In the introductory paragraph of (b), substituted "kinship" for "relative" and updated the N.J.A.C. reference; in (c), deleted "and the decision on waivers, if applicable" from the end; added new (d); recodified former (d) through (j) as (e) through (k); in (e), deleted a comma following "meet all"; and in (g)3, substituted "(h)" for "(g)".

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N.J.A.C. 10:122C-2.3 (2012)

§ 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.

HISTORY:

New Rule, R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

Former *N.J.A.C. 10:122C-2.3*, Renewal of a license, recodified to *N.J.A.C. 10:122C-2.4*.

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N.J.A.C. 10:122C-2.4 (2012)

§ 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) The Office of Licensing shall issue a renewal license to a resource family parent who is in full compliance with all level I requirements and substantial or full compliance with level II requirements.

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

1. Permit and participate in an inspection by the Office of Licensing, as specified in *N.J.A.C. 10:122C-2.3*;
2. Ensure that he or she and each household member 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*.

HISTORY:

Recodified from *N.J.A.C. 10:122C-2.3* and amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a), substituted "Home Study/Licensing" for "License" and "60" for "45"; rewrote (c)2; in (c)3, substituted "resource family parent" for "applicant" and "household member" for "child", and updated the N.J.A.C. reference; and in (c)4, substituted "household member" for "child". Former *N.J.A.C. 10:122C-2.4*, Denying, suspending, revoking or refusing to renew a license, recodified to *N.J.A.C. 10:122C-2.5*.

Administrative correction.

See: *41 N.J.R. 2123(a)*.

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N.J.A.C. 10:122C-2.5 (2012)

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

(a) The Office of Licensing shall deny an application or suspend, revoke or refuse to renew a license, as applicable, if the applicant, resource family parent or any household member at least 18 years of age has been convicted of a crime or offense specified in *N.J.S.A. 30:4C-26.8*.

(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. Failure to comply with the provisions of this chapter;
2. Violation of the terms and conditions of a license;
3. Fraud or misrepresentation in obtaining a license;
4. Refusal to furnish the Department with files, reports or records as required by this chapter;
5. Refusal to permit an authorized representative of the Department to gain admission to the home or to conduct an inspection or investigation;
6. A conviction by the applicant, resource family parent or a household member at least 18 years of age for any crime or offense;
7. A determination by the Department that a report of child abuse or neglect by the applicant, resource family parent or a household member has been substantiated;
8. Any conduct, engaged in or permitted, which adversely affects or presents a serious hazard to the education, health, safety, general well-being or physical, emotional and social development of a child, or which otherwise fails to comply with the standards required for the provision of resource family care to a child and the maintenance of a resource family home;
9. Failure to be in full compliance with one or more level I requirements;
10. Failure to be in substantial compliance with one or more level II requirements;
11. Failure to abate outstanding violations of level II requirements by the next annual or renewal inspection, whichever comes first; or
12. Failure to comply with the terms and conditions of a waiver granted by the Office of Licensing.

(c) If a resource family parent or applicant fails to comply with the applicable provisions of this chapter, the Office of Licensing shall issue a directive ordering compliance.

(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) A previous denial of an application or suspension, revocation or refusal to renew a license shall not in itself result in an automatic disqualification of the resource family parent or applicant to secure a license, but shall constitute grounds for the Department to investigate the circumstances that led to the original negative action and to make a determination as to whether to reject or process the new application for a license.

(f) If the Office of Licensing denies an application, or revokes or refuses to renew a license, as specified in (a) and (b) above, the former resource family parent or applicant shall be prohibited from reapplying for a license for one year from the date of the denial, revocation or refusal to renew the license. After the one-year period has elapsed, the former resource family parent or applicant may submit to the Department or contract agency a new application for a license, if he or she believes that the condition that led the Office to deny the application or revoke or refuse to renew the license is no longer applicable.

(g) If a license is suspended, the Office of Licensing shall issue or reinstate the license once the resource family parent demonstrates that he or she has achieved compliance with the applicable provisions of this chapter. In such a case, the Office shall not require the resource family parent to submit a new application for a license unless reapplication is expressly made a condition of the issuance or reinstatement of the license.

(h) Each license issued by the Office of Licensing to a resource family parent remains the property of the State of New Jersey. If the Department suspends or revokes a license, the resource family parent shall return the license to the Department immediately.

HISTORY:

Recodified from *N.J.A.C. 10:122C-2.4* and amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (b)11, deleted "time of the" preceding "next", substituted "annual or renewal" for "licensing", and inserted ", whichever comes first"; and in (d), updated the N.J.A.C. reference. Former *N.J.A.C. 10:122C-2.5*, Administrative hearings, recodified to *N.J.A.C. 10:122C-2.6*.

CASE NOTES:

Initial Decision (2006 N.J. AGEN LEXIS 752) adopted, which found that a resource family provider breached her responsibility to properly care for her foster children when she engaged in corporal punishment as such conduct was prohibited by the department's rules and regulations and was detrimental to the safety and well-being of a foster child; violation of the rule against corporal punishment constitutes good cause for revocation of licensure (decided under former rules). *Dep't of Children & Families v. B.W.*, *OAL Dkt. No. HOL 8419-05*, *2006 N.J. AGEN LEXIS 1105*, Final Decision (October 2, 2006).

Initial Decision (2005 N.J. AGEN LEXIS 914) adopted, which found that applicant was properly rejected for foster care re-certification due to her failure to comply with the State regulations which govern children's foster homes, including: drug use; failure to renew a prescription for one of the children, which resulted in the child becoming disruptive at school; using corporal punishment to discipline the children; failing to demonstrate a mature and cooperative attitude with agency workers; failing to disclose a criminal conviction; and providing misleading or false information on her license application (decided under former rules). *N.J. Div. of Youth & Family Services v. A.G.*, *OAL Dkt. No. HOL 2392-01*, *2006 N.J. AGEN LEXIS 1104*, Final Decision (January 17, 2006).

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N.J.A.C. 10:122C-2.6 (2012)

§ 10:122C-2.6 Administrative hearings

(a) Before denying, suspending, revoking or refusing to renew a license, the Office of Licensing shall give written notice to the resource family parent or applicant personally, or by mail to the last known address of the resource family parent or applicant with return receipt requested. The notice shall:

1. State the reason for the action; and
2. Afford the resource family parent or applicant the opportunity to request a hearing to contest the action, pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq., and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.

(b) As long as the Department determines that children are not at risk and that no imminent hazard exists, the Office of Licensing may permit a resource family parent whose license has been suspended, revoked or refused for renewal, and who has requested a hearing, as specified in (a) above, to continue to operate the resource family home until a final decision is rendered as a result of the hearing.

HISTORY:

Recodified from *N.J.A.C. 10:122C-2.5* and amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

Former *N.J.A.C. 10:122C-2.6*, Complaints, recodified to *N.J.A.C. 10:122C-2.7*.

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N.J.A.C. 10:122C-2.7 (2012)

§ 10:122C-2.7 Complaints

(a) Whenever the Office of Licensing receives a report questioning the licensing status or compliance of a resource family parent or applicant or alleging a violation of the requirements specified in this chapter, the Office shall ensure that the allegation is promptly investigated to determine whether the complaint is confirmed.

(b) Upon completion of the complaint investigation, the Department shall notify the resource family parent or applicant and the Division office or contract agency that has supervision of the resource family home in writing of the results of the investigation, with the exception of any information not permitted to be disclosed pursuant to the Child Abuse and Neglect Law, *N.J.S.A. 9:6-8.10a*, or any other State or Federal law.

(c) Whenever the Department conducts a complaint investigation, the resource family parent or applicant shall cooperate with all Department investigators.

(d) The Department, during the course of investigating a report of child abuse and neglect, may determine that immediate corrective action is necessary to protect a child whenever:

1. A resource family parent, applicant or household member has been found by the Department to have harmed or to pose a risk of harm to a child;
2. A resource family parent, applicant or household member has committed an act of child abuse or neglect, as substantiated by the Department; or
3. A resource family parent, applicant or household member has been convicted of such acts.

(e) When the Department makes a determination that immediate remedial action and/or long-term corrective action is necessary, such action may include temporary or permanent closure of the resource family home.

(f) Substantiation by the Department of a child abuse or neglect report shall not in itself automatically result in the denial, suspension or revocation of or refusal to renew a license, but shall constitute grounds for such action at the discretion of the Office of Licensing after considering information provided by the Department. The Office of Licensing may issue or continue the license if the resource family parent's or applicant's continued service poses no continuing risk of harm to any child residing in the home and the issuance or continuation of the license is in the best interests of a specific child who is or will be placed in the home.

HISTORY:

Recodified from *N.J.A.C. 10:122C-2.6* and amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

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N.J.A.C. 10:122C-3.1 (2012)

§ 10:122C-3.1 Rights of children in placement

(a) Level I children's rights requirements are as follows:

1. The resource family parent shall ensure that each child in placement is accorded the rights specified in the Child Placement Bill of Rights Act, as specified in *N.J.S.A. 9:6B-1* et seq.

2. The resource family parent shall ensure the rights of each child in placement to:

- i. Receive medical treatment as needed on a routine or emergency basis;
- ii. Have access to an appropriate education;
- iii. Live in a safe, clean and healthy home;
- iv. Be free of physical and sexual harassment and abuse, corporal punishment or threat thereof;
- v. Be free of emotional maltreatment;
- vi. Attend religious services chosen by the child's parent;
- vii. Participate as a family member in the home; and

viii. Have unimpeded communication with the Department office or contract agency having supervision of the child, and with the child's law guardian or law guardian investigator.

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N.J.A.C. 10:122C-3.2 (2012)

§ 10:122C-3.2 Records kept by a resource family parent

(a) The resource family parent shall maintain on file in the home the following information about each child in placement:

1. The child's full name, nicknames, if any, gender, date of birth, religion and race;
2. The name, address, and telephone number of the Division or contract agency caseworker and supervisor;
3. The name, address, and telephone number of the caseworker or other person to be notified in an emergency involving a child in placement;
4. A Medicaid, health insurance or managed health care identification card, if applicable; and
5. A medication log if the child receives psychotropic medication, as specified in *N.J.A.C. 10:122C-7.4(b)*.

(b) In addition to (a) above, the resource family parent, in conjunction with the caseworker, shall maintain on file in the home the following information about each child in placement when appropriate and applicable:

1. Schools attended and grade level; and
2. The child's medical history, including documentation of initial and annual physical examinations, chronic conditions, past serious illnesses, allergies, medications, immunizations and special dietary needs.

(c) The resource family parent shall maintain on file the following records:

1. A copy of the resource family parent's vehicle insurance policy, if applicable;
2. A copy of the Manual of Requirements for Resource Family Parents; and
3. The telephone number for the Department's State Central Registry for reporting allegations of child abuse or neglect, currently 1-877-NJ-ABUSE (877-652-2873).

(d) The Department may, without prior notice, inspect and examine a resource family home and inspect all documents, records, files or other data required to be maintained by a resource family parent pursuant to the Resource Family Licensing Act.

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N.J.A.C. 10:122C-3.3 (2012)

§ 10:122C-3.3 Confidentiality of records

(a) Licensing files maintained by the Office of Licensing shall be confidential to protect the safety and welfare of the children and resource family parents and shall not be part of the public record, in keeping with the Open Public Records Act, P.L. 2001, c. 404, and other applicable statutes and rules. The Department may issue statistical reports depicting resource family home licensing activity that are part of the public record, but such reports shall not contain any identifying information on any individual child or resource family home.

(b) The resource family parent shall be bound by the same standards of confidentiality regarding a child in placement, and the child's family, as the Department and its employees. These standards shall include, but are not limited to, the following:

1. The resource family parent shall not permit a child in placement to appear in any media publication or report without the express consent of the birth/legal parent or Department representative.

2. The resource family parent or household member shall not discuss any confidential information about the child in placement with a friend, neighbor, non-household member or other individual who is not involved with the child's care, education or treatment.

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N.J.A.C. 10:122C-3.4 (2012)

§ 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) The resource family parent, or designee if the resource family parent is incapacitated, shall immediately verbally notify the Office of Licensing of the following changes or events after the resource family parent or designee learns of their occurrence, and shall immediately notify the State Central Registry if such changes or events occur after office hours:

1. Injury, accident or illness that results in the admittance of a resource family parent or household member to a hospital;
2. The death of a resource family parent or household member;
3. Any current arrests, criminal convictions or guilty pleas of a resource family parent or household member;
4. Any household member added to the resource family; and
5. Any traumatic event that disrupts the stability of the home.

(c) The resource family parent shall immediately notify the Department office or contract agency having supervision of the child, or the State Central Registry if after office hours, of the following:

1. Injury, accident or illness of a child in placement;
2. The death of a child in placement;
3. A child in placement who has run away or is missing from the home;
4. Temporary or permanent closing of a home; and
5. Any unusual incidents that occurred that might indicate possible abuse or neglect involving a child in placement. Such incidents include but are not limited to: acts of aggression, violent or destructive behavior, suicidal threats or behavior, homicidal threats, inappropriate sexual behavior, running away, withdrawal or passivity, drug or alcohol abuse, or significant changes in the child's behavior or habits.

(d) The resource family parent shall notify the Office of Licensing by telephone of the following changes or events by the next working day:

1. Significant damage to the premises of the home caused by fire, accident or the weather; and
2. Proposed use of space, such as a bedroom, not previously approved by the Office of Licensing for a child in placement.

(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) The resource family parent shall notify the child's caseworker of vacation plans in which the resource family parent or child in placement will be absent from the home overnight.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a), substituted "Department's Office of Communication and Legislation" for "Division's Community Education Office", "729," for "717", and "08625-0729" for "08625-0717"; and in (e), updated the N.J.A.C. reference

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SUBCHAPTER 4. PHYSICAL FACILITY REQUIREMENTS

N.J.A.C. 10:122C-4.1 (2012)

§ 10:122C-4.1 Physical facility and maintenance requirements

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

1. In order to receive and maintain an initial or renewal license, the resource family home shall be in compliance with all applicable local and State laws, including the New Jersey Uniform Construction Code, as specified in *N.J.A.C. 5:23*, and the New Jersey Uniform Fire Code, as specified in *N.J.A.C. 5:70*, with respect to occupancy of a dwelling, health and fire safety provisions.

2. If the home has a swimming pool or a natural bathing area, the resource family parent or applicant shall:

i. Maintain a ring buoy with a rope, extension pole or other device that can be used to rescue a swimmer in distress;

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. Ensure that an adult approved by the resource family parent or applicant supervises all children while they are in the pool, pool area or natural bathing area.

(b) Level I maintenance requirements are as follows:

1. Rodent or insect infestation shall be controlled if present.

2. All corrosive agents, insecticides, bleaches, polishes, products under pressure in an aerosol can and toxic substances shall be labeled and stored in an area inaccessible to children who are under 10 years of age or whose assessment indicates the need for such protection.

3. Alcoholic beverages shall be stored in an area inaccessible to children as necessary to ensure the safety of a specific child or children in placement.

4. If the home serves one or more infants or toddlers, the resource family parent or applicant shall ensure the installation of:

i. Safety latches on cabinets and closets containing hazardous or toxic substances;

ii. Safety gates on stairways and landings; and

iii. Protective safety covers on all electrical outlets accessible to children.

5. A telephone shall be in service in the home at all times when a child in placement is present.

6. The resource family parent or applicant shall not use spray coatings containing asbestos on any interior or exterior surfaces of the home or on any equipment used therein, in accordance with rules of the State Department of Environmental Protection, as specified in *N.J.A.C. 5:23-8*. If the New Jersey Department of Health and Senior Services determines the presence of sprayed-on asbestos-containing materials, and concludes that corrective action must be taken to minimize exposure potential, the resource family parent or applicant shall follow the recommendation of that Department for enclosure, removal or other appropriate action to remove the threat or risk of asbestos contamination.

7. Major appliances shall be plugged directly into electrical outlets. Small appliances may be operated by using an appropriately rated power strip. Extension cords shall not be used to connect appliances to electrical outlets.

8. The resource family parent or applicant shall not use lead paint on and shall remove lead paint from any interior or exterior surfaces of the home, and from any furniture, toys, or other equipment used therein, in accordance with the provisions of the State Lead Paint Law, pursuant to *N.J.S.A. 24:14A-1* et seq., and with the provisions of the State Sanitary Code, as specified in *N.J.A.C. 8:51-7*. If the Department determines that lead paint is hazardous to the health, safety and well-being of a child in placement, the resource family parent or applicant shall ensure the removal of the lead paint hazard.

9. Major plumbing, drains, sewer lines and septic systems shall be operable and in good repair.

10. At least one toilet, one wash basin and one bathtub or shower shall be provided in the home and shall be in good working order.

(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. Light switches, electrical junction boxes, fuse boxes, electrical control panels and electrical sockets shall have protective plate covers.

2. During activities in the home, sufficient natural or artificial light shall be provided in all rooms used by a child in placement.

3. Heating and ventilation requirements are as follows:

i. A minimum temperature of 65 degrees Fahrenheit (18.5 degrees Celsius) shall be maintained in all rooms used by a child in placement.

ii. Crawl spaces, attic spaces, and all doors and windows used for natural ventilation shall have insect screening.

4. Kitchen and bathroom requirements are as follows:

i. Kitchen and cooking equipment shall be kept clean and sanitary.

ii. Toilets, wash basins, bathtubs, showers, kitchen sinks and other plumbing shall be maintained in good operating and sanitary condition.

iii. A supply of hot water not 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:

i. All fencing shall be maintained in proper condition.

ii. The land, including the outdoor play area, if any, shall be free of standing water.

(d) The resource family parent or applicant shall ensure that all necessary steps are taken to correct any condition in the indoor or outdoor area that may endanger in any way the health, safety and well-being of a child in placement.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

Rewrote the section.

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SUBCHAPTER 4. PHYSICAL FACILITY REQUIREMENTS

N.J.A.C. 10:122C-4.2 (2012)

§ 10:122C-4.2 Bedroom requirements

(a) Level I bedroom requirements are as follows:

1. Each bedroom occupied by anyone in the resource family shall have two independent means of exit, at least one of which is an operable window or door suitable for emergency escape or rescue leading directly outside.
2. Each child in placement shall be provided with his or her own bed, bassinet, or crib, as age-appropriate, which is located in a bedroom and kept in a sanitary condition.
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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a)3, substituted "any child" for "anyone"; recodified former (b)1ii as (a)4; in (a)4, substituted "Each bedroom occupied by a child in placement shall have" for "Have" and a period for "; and" at the end; added (a)5; and deleted (b) through (d).

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N.J.A.C. 10:122C-4.3 (2012)

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

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

1. A battery-operated or hard wired smoke detector shall be installed on each floor of the home and operable at all times.
2. All combustible or flammable materials shall be kept at least three feet away from furnaces, boilers, heaters, fireplaces, wood-burning stoves and hot water heaters.
3. Each child in placement shall receive age-appropriate instruction in how to evacuate the home safely in the event of fire or other emergency.
4. Working fireplaces and electric space heaters shall be protected by screens, guards, insulation or any other suitable, non-combustible protective device.
5. When a wood-burning stove is in use, the resource family parent shall ensure that either:
 - i. The stove is protected by a screen or guard; or
 - ii. Age-appropriate supervision is provided at all times when children are present.
6. No portable liquid-fuel-burning heating appliance shall be used in the home.
7. The resource family parent shall maintain the following information near the telephone or other accessible area for use in the event of an emergency:
 - i. The name, address and telephone number of the physician(s) or hospital used by the child in placement;
 - ii. The 911 emergency services telephone number; and
 - iii. The poison control center telephone number.
8. The resource family parent shall maintain a basic first aid kit or first aid supplies in the home.
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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

Recodified (b) and (c) as (a)8 and (a)9; in (a)9, deleted "on or after February 6, 2006" following "license " and inserted a comma following "area".

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SUBCHAPTER 5. PERSONAL REQUIREMENTS

N.J.A.C. 10:122C-5.1 (2012)

§ 10:122C-5.1 General personal requirements

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

1. The resource family parent shall be of good character, as evidenced by the application and home study process as specified in *N.J.A.C. 10:122C-2.1*, and shall possess skills, attributes and characteristics conducive to and suitable for being a resource family parent and caring effectively for a child in placement.

2. The resource family parent shall be in sufficient physical, mental, and emotional health to perform his or her duties satisfactorily.

i. The resource family parent shall be free of serious contagious diseases that may put a child in placement at risk.

ii. The resource family parent shall refrain from abuse of drugs or alcohol.

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. The resource family parent shall cooperate with all activities in the case plan for the child in placement, such as counseling, therapy, court sessions or visits with the child's family.

ii. The resource family parent and each household member shall cooperate in all licensing activities as requested by the Department.

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. The resource family parent shall provide the necessities of life for his or her family.

ii. The resource family parent shall use all money received in the name of a child in placement for that child's care.

5. The resource family parent shall be able to provide daily care and supervision for each child in placement, as appropriate to the child's age and needs.

6. The resource family parent shall be able to provide sufficient time and attention to each child in placement without causing other family members' needs to go unmet or overburdening the resource family parent.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a)3, substituted "contract" for "other"; and in (a)4, inserted "prior to the placement of a child,".

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N.J.A.C. 10:122C-5.2 (2012)

§ 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. Three personal references for the applicant(s);
3. An employment reference for each employed applicant;
4. A school or day care reference for each child in the resource family who attends school or day care; and
5. A child care reference for each applicant who has served as a child care provider or as a caregiver for a child placed by another agency.

(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. The medical reference source shall provide information needed to assist the Department or contract agency in evaluating the physical and emotional health of the individual. Information in the medical reference shall include, but is not limited to:
 - i. Whether the individual is free from serious contagious disease;
 - ii. Whether the individual has any conditions or residual effects resulting from a particular disease;
 - iii. Whether the individual is in good physical health;
 - iv. An immunization history if the individual is below 18 years of age;
 - v. To the physician's knowledge, whether the individual is in good emotional health;
 - vi. To the physician's knowledge, whether the individual uses any substance, such as tobacco, alcohol or drugs, in a way that affects his or her ability to function;
 - vii. Whether the individual should not care for or associate with a child in placement;

viii. How long the individual has been a patient of the physician; and

ix. The date of the last physical examination of the individual.

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

1. All personal reference sources shall be unrelated to the individual who is the subject of the reference, and shall possess knowledge that would allow them to attest to the individual's suitability to care for children.

2. At least one personal reference source shall have known the individual for five years or more.

3. At least one personal reference source shall have been, within the last six months, a neighbor of the individual, or a member of the community in which the individual has lived.

4. Applicants from the same household may obtain the same personal reference from outside the household, provided that the source has knowledge of each applicant.

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

i. The personal characteristics of each applicant;

ii. The applicant's experience with children and ability to provide love and security to a child;

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

iv. The applicant's problem behaviors, such as excessive use of alcohol, poor work history, child abuse, drug abuse, violent behavior, poor money management, compulsive gambling, deviant sexual behavior, mental illness, and criminal activities, if any;

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;

vi. The extent to which the personal reference source would feel comfortable allowing the applicant to care for the source's child permanently; and

vii. The reliability of observations of the home made by the Department and reports given by the resource family.

(d) The employment reference shall meet the following requirements:

1. The employment reference source shall be the applicant's employer. If the applicant states that a current job reference will jeopardize the applicant's employment status, the applicant shall provide a reference from a previous employer.

2. If a current or previous employer is not available, the applicant shall provide a reference from an appropriate alternative such as a recent former teacher or the applicant's supervisor in a volunteer activity.

3. The employment reference source shall provide information needed to assist the Department or contract agency in evaluating the stability and reliability of the applicant.

(e) The school or day care reference source shall provide information needed to assist the Department or contract agency in evaluating the adjustment of the child in school or day care and the role taken by the applicant in the child's education or care.

(f) The child care reference shall provide information needed to assist the Department or contract agency in evaluating the quality of care given by the applicant as a child care provider or as a caregiver for a child placed in the home by another agency.

(g) For each new household member, the resource family parent or applicant shall submit the applicable references as specified in (a) through (f) above.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)1, inserted ", which includes a recommendation from a physician," and deleted ", based on the physician's examination of the individual within six months of the date of completion of the medical reference" following "member"; in (b)1, substituted "12 months prior to" for "six months of" and deleted ", as specified at (a)1 above," following "initial licensure" and ", as specified at N.J.A.C. 10:122C-2.3(c)2" following "renewal licensure"; in (c)5iii, substituted "That the applicant does not engage in activities that may be" for "The applicant's affiliation with any cults, groups or organizations that may be"; in (c)5v, inserted ", civil union"; deleted former (c)5vi; and recodified (c)5vii and (c)5viii as (c)5vi and (c)5vii.

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N.J.A.C. 10:122C-5.3 (2012)

§ 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. A visa or United States Immigration and Naturalization Service documentation as evidence of legal residency, if the resource family parent or applicant is not a citizen of the United States;
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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In the introductory paragraph of (a)1, inserted "and household member,"; deleted former (a)1i, (a)1iii, and (a)1v through (a)1x; recodified (a)1ii as (a)1i and (a)1iv as (a)1ii; in (a)1i, substituted "five" for "ten"; rewrote (a)2 and (a)3; deleted (a)4 through (a)8 and (a)10 through (a)14; recodified (a)9 as (a)4; in (a)4, substituted a period for a semi-colon at the end; and deleted (b) and (c).

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N.J.A.C. 10:122C-5.4 (2012)

§ 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. If the resource family parent or applicant or any person specified in (a)1 above refuses to consent to a CHRI fingerprint background check, the Office of Licensing shall deny the application or suspend, revoke or refuse to renew the license, as applicable.

3. If any person specified in (a)1 above has a record of criminal conviction, the Department shall review the record with respect to the type and date of the criminal offense and make a determination as to the suitability of the resource family parent or applicant to receive or maintain a license.

4. A person shall be disqualified from receiving or maintaining an initial or renewal license as a resource family parent if that person or any person specified in (a)1 above ever committed a crime which resulted in a conviction for:

i. A crime against a child, including endangering the welfare of a child and child pornography pursuant to *N.J.S.A. 2C:24-4*; or child abuse, neglect, or abandonment pursuant to *N.J.S.A. 9:6-3*;

ii. Murder pursuant to *N.J.S.A. 2C:11-3* or manslaughter pursuant to *N.J.S.A. 2C:11-4*;

iii. Aggravated assault which would constitute a crime of the second or third degree pursuant to subsection b. of *N.J.S.A. 2C:12-1*;

iv. Stalking pursuant to P.L. 1992, c. 209 (*N.J.S.A. 2C:12-10*);

v. Kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to *N.J.S.A. 2C:13-1* through 6;

vi. Sexual assault, criminal sexual contact or lewdness pursuant to *N.J.S.A. 2C:14-2* through 4;

vii. Robbery which would constitute a crime of the first degree pursuant to *N.J.S.A. 2C:15-1*;

viii. Burglary which would constitute a crime of the second degree pursuant to *N.J.S.A. 2C:18-2*;

ix. Domestic violence pursuant to P.L. 1991, c. 261 (*N.J.S.A. 2C:25-17* et seq.);

x. Endangering the welfare of an incompetent person pursuant to *N.J.S.A. 2C:24-7* or endangering the welfare of an elderly or disabled person pursuant to *N.J.S.A. 2C:24-8*;

xi. Terrorist threats pursuant to *N.J.S.A. 2C:12-3*;

xii. Arson pursuant to *N.J.S.A. 2C:17-1*, or causing or risking widespread injury or damage which would constitute a crime of the second degree pursuant to *N.J.S.A. 2C:17-2*; or

xiii. An attempt or conspiracy to commit an offense listed in (a)4i through xii above.

5. A person shall be disqualified from receiving or maintaining an initial or renewal license as a resource family parent if that person or any person specified in (a)1 above was convicted of one of the following crimes and the date of release from confinement occurred during the preceding five years:

i. Simple assault pursuant to subsection a. of *N.J.S.A. 2C:12-1*;

ii. Aggravated assault which would constitute a crime of the fourth degree pursuant to subsection b. of *N.J.S.A. 2C:12-1*;

iii. A drug-related crime pursuant to P.L. 1987, c. 106 (*N.J.S.A. 2C:35-1* et seq.);

iv. Robbery which would constitute a crime of the second degree pursuant to *N.J.S.A. 2C:15-1*;

v. Burglary which would constitute a crime of the third degree pursuant to *N.J.S.A. 2C:18-2*; or

vi. An attempt or conspiracy to commit an offense listed in (a)5i through v above.

6. The term "date of release from confinement" in (a)5 above means the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last.

7. A conviction for one of the offenses enumerated in (a)4 or 5 above shall be determined to have occurred if the person has been convicted under the laws of this State or any other state or jurisdiction for an offense that is substantially equivalent to the offenses enumerated in this subsection.

8. If the Department is notified that any person specified in (a)1 above is convicted of a crime or offense after the CHRI has been completed, the Department shall make a determination whether to deny, suspend, revoke or refuse to renew the resource family parent's license.

(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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a)1, inserted "and current within one year," and substituted "household member" for "child"; deleted former (b); and recodified former (c) as (b).

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N.J.A.C. 10:122C-5.5 (2012)

§ 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. Upon receipt of written consent from a person specified in (a)1 above, the Division shall conduct a search of its records to determine if an incident of child abuse or neglect has been substantiated, pursuant to section 4 of P.L. 1971, c. 437 (*N.J.S.A. 9:6-8.11*), against the person. The Department shall consider incidents of child abuse or neglect that were substantiated on or after June 29, 1995, to ensure that the perpetrator has had an opportunity to appeal a substantiated finding. The Department may consider substantiated incidents prior to that date if the Department, in its judgment, determines that the perpetrator poses a risk of harm to a child in a resource family home. In cases involving incidents substantiated prior to June 29, 1995, the Department shall offer the perpetrator an opportunity for a hearing to contest the substantiation, in accordance with *N.J.A.C. 10:120A*.

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. No person specified in (a) above has been responsible for an incident of sexual abuse of a child or an incident of child abuse or neglect that caused serious injury or harm to a child, or has caused death to a child through abuse or neglect, or has put a child at risk of serious injury or harm;

2. A child in placement is already living in the home, or a child is recommended for placement in the home;

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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a)1, substituted "household member" for "child"; in (a)2, updated the N.J.A.C. reference; added (a)4; in (b)3 and (b)4, deleted "and the Department office" following "Division" and substituted "has" for "have"; and in (b)5, deleted "Chief of Resource Family Licensing in the" preceding "Office".

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N.J.A.C. 10:122C-5.6 (2012)

§ 10:122C-5.6 Training

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

1. Prior to the issuance of a license, each applicant shall complete pre-service training, provided or approved by the Department, that will adequately prepare the applicant with the appropriate knowledge and skills to provide for the needs of the children who are or may be placed in the home.

(b) Each resource family parent shall complete annual in-service training, provided or approved by the Department, that will provide the resource family parent with the appropriate knowledge and skills to continue to provide for the needs of the children placed in the home.

(c) Each new resource family parent added to the home shall complete the pre-service and in-service training specified in (a) and (b) above within the time frames determined by the Department.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In the introductory paragraph of (a), substituted "level" for "Level".

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N.J.A.C. 10:122C-5.7 (2012)

§ 10:122C-5.7 Special Home Service Provider requirements

(a) In addition to all of the applicable requirements for a resource family parent specified in this chapter, a resource family parent approved by the Department to provide Special Home Service Provider (SHSP) foster care shall meet the requirements specified in (b) and (c) below.

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

1. The resource family parent shall maintain current certification in Pediatric or Infant and Child Cardio-Pulmonary Resuscitation.
2. The resource family parent shall complete disease-specific training for each medically fragile child placed into the home.
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) Employment requirements for SHSP foster care are as follows:

1. In a home where there is one resource family parent, employment by the resource family parent outside the home shall not exceed 10 hours per week at times when a medically fragile child in placement is present in the home, unless the resource family parent obtains special approval from the Office of Licensing.
2. In a home where there is more than one resource family parent, each resource family parent may be employed outside the home, provided that their hours of employment do not occur simultaneously at times when a medically fragile child in placement is present in the home.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (b)3, substituted "Department's child health" for "Division's medical".

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N.J.A.C. 10:122C-6.1 (2012)

§ 10:122C-6.1 Supervision of children in placement

(a) Level I supervision requirements are as follows:

1. The resource family parent shall ensure the supervision of each child in placement, as appropriate to the child's age and particular needs, at all times.
2. The resource family parent shall be reachable by telephone in the event of an emergency or illness when the child in placement or resource family parent is not in the home.
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.
4. When a child in placement attends a child care center or family child care home, the program shall be either licensed, as specified in *N.J.A.C. 10:122*, or registered, as specified in *N.J.A.C. 10:126*, as applicable.

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N.J.A.C. 10:122C-6.2 (2012)

§ 10:122C-6.2 Visitation and communication

(a) The Department office or contract agency having supervision of the child in placement, in consultation with the resource family parent, shall determine the family members and friends with whom the child may communicate and visit.

(b) Level I visitation and communication requirements are as follows:

1. The resource family parent shall comply with the visitation restrictions specified by the Department or contract agency for each child in placement.

2. The resource family parent shall provide each child in placement with access to a telephone for telephone conversations with the child's caseworker and law guardian or law guardian investigator, as applicable.

i. The resource family parent shall not obligate the child in placement to pay for the cost of telephone calls to and from the caseworker.

ii. The resource family parent shall provide each child in placement with adequate privacy for telephone calls to and from the caseworker, but the resource family parent may locate the telephone in an area where the resource family parent can observe the child's reactions.

3. The resource family parent shall provide each child in placement with reasonable access to the telephone for telephone conversations with the child's parents.

i. The resource family parent may impose restrictions on these conversations if necessary to comply with a court order or child's case plan that limits the child's contact with his or her parents.

ii. When the resource family parent imposes restrictions on a child's access to telephone conversations, as specified in (b)3i above, the resource family parent shall explain the nature of the restrictions to the child.

4. The resource family parent shall prohibit the use of tapes or any other mechanical or electronic listening devices to monitor the telephone calls of a child in placement.

5. The resource family parent shall provide each child in placement with adequate amounts of stamps and writing materials for corresponding with family, friends and other persons who have a positive relationship with the child.

6. If a visitor appears to be under the influence of drugs or alcohol, the resource family parent shall prohibit the individual from transporting the child in placement.

(c) The resource family parent shall provide each child in placement with reasonable access to the telephone for telephone conversations with friends. The resource family parent may impose one or more of the following conditions:

1. Restricting the time and duration of telephone calls;
2. Denying the child use of the telephone for discipline reasons; and
3. Requesting the child to identify telephone callers.

(d) If a visitor appears to be under the influence of drugs or alcohol, the resource family parent:

1. May restrict the individual from visiting; and
2. Shall immediately contact the Division.

(e) The resource family parent shall request that the child in placement open parcels or letters in the presence of the resource family parent upon suspicion that the contents contain contraband. If the child refuses to comply with this request, the resource family parent shall inform the child's caseworker.

(f) The resource family parent shall permit a child in placement to visit his or her Division or contract agency caseworker and law guardian or law guardian investigator, as applicable, upon request.

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N.J.A.C. 10:122C-6.3 (2012)

§ 10:122C-6.3 Education

(a) The resource family parent shall cooperate with the Department to ensure that each school-age child in placement receives an educational program pursuant to *N.J.S.A. 30:4C-26(c)* and *N.J.S.A. 18A:7B-12(a)*.

1. The resource family parent shall register each school-age child in placement in school.
2. The resource family parent shall ensure that each school-age child in placement attends school regularly according to applicable State and local school attendance requirements.
3. Home schooling in lieu of school attendance for a child in placement shall be prohibited.

(b) The resource family parent shall encourage good study habits, be involved with the academic progress of each child in placement, attend school conferences and meet with school personnel when there are problems or periodic reviews.

1. The resource family parent shall review and sign report cards and other reports that pertain to the child's education.
2. The resource family parent shall inform the Division or contract agency caseworker about the academic progress of each child in placement.

(c) The resource family parent shall ensure that each preschool-age child in placement is provided age-appropriate activities and an environment suitable to stimulate the child's proper development.

(d) The resource family parent shall ensure that each child in placement who is three or four years old, or five years old and not enrolled in kindergarten, attends an early childhood education program. The early childhood education program shall be:

1. Provided by a licensed child care center, a registered family child care provider, or a public or private school, or provided or approved by the Department of Human Services, the Department of Education or the Department of Health and Senior Services; and
2. Approved by the caseworker as meeting the child's educational needs.

(e) The resource family parent shall ensure the opportunity for the continuity of the cultural and ethnic growth and education of each child placed in the home.

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N.J.A.C. 10:122C-6.4 (2012)

§ 10:122C-6.4 Recreation

(a) The resource family parent shall provide the child in placement with opportunities for recreational activities, hobbies and events within the home and in the community.

(b) The resource family parent shall encourage the child in placement to participate in community and school activities, such as scouting, clubs and sport teams, if appropriate.

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N.J.A.C. 10:122C-6.5 (2012)

§ 10:122C-6.5 Religion

(a) The resource family parent shall ensure that the child in placement is afforded the opportunity to attend religious activities and services in the community in accordance with the faith of the child's parent.

(b) The resource family parent shall provide or arrange transportation if the child in placement wishes to attend religious activities or services.

(c) The resource family parent shall not coerce or require a child in placement to participate in religious activities, nor punish a child in placement who chooses not to participate in religious activities.

(d) The resource family parent's religious practices shall not interfere with a child in placement receiving medical care.

(e) The resource family parent may include the child in placement in the resource family parent's religious activities or services if the child expresses such interest and the child's parent consents.

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N.J.A.C. 10:122C-6.6 (2012)

§ 10:122C-6.6 Food and nutrition

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

1. The resource family parent shall ensure that each child in placement is provided with at least three nutritious meals daily.
2. The resource family parent shall make daily snacks available if the child in placement desires them, unless there is a medical reason not to provide them.
3. The resource family parent shall select, store, prepare, and serve food in a sanitary and palatable manner.
4. The resource family parent shall not force-feed or otherwise coerce the child in placement to eat, except by order of a physician.
5. The resource family parent shall provide meals as prescribed by a physician for each child in placement who requires a specialized diet.
6. The resource family parent shall ensure that the daily diet for each child in placement includes a balance of foods from all essential food groups.
7. The resource family parent shall ensure that each meal contains a sufficient amount of food for each child in placement.
8. The resource family parent shall make available, as necessary, an alternate choice of food for each child in placement on a special diet or who, because of religious beliefs, cannot eat certain foods.
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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a)9, substituted "consult" for "follow a written plan developed" and "and follow recommendations in regard to" for "that includes".

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N.J.A.C. 10:122C-6.7 (2012)

§ 10:122C-6.7 Pets

(a) The resource family parent shall ensure that pets kept in the home pose no danger to the health, safety or well-being of a child in placement.

(b) The resource family parent shall ensure that all pets kept in the home are:

1. Domesticated and non-aggressive;

2. Vaccinated, if applicable, as prescribed by law or as recommended by a licensed veterinarian. The record of the vaccinations shall be maintained in the home, along with the name and address of the licensed veterinarian providing care for the pet;

3. If sick, removed from the areas occupied by the child in placement, until the pet has been examined by a licensed veterinarian who verifies that the pet does not present a risk to the child; and

4. Effectively controlled by leash, command or cage.

(c) The resource family parent shall ensure that animal waste is disposed of in a sanitary manner.

(d) If the child in placement is a pregnant adolescent, the resource family parent shall prohibit the child from cleaning a cat's litter box.

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N.J.A.C. 10:122C-6.8 (2012)

§ 10:122C-6.8 Discipline and control

(a) Level I discipline and control requirements are as follows:

1. The resource family parent shall not assign the responsibility for the discipline and control of a child in placement to another child, or to an adult who is not a resource family parent, unless the adult is providing temporary care on behalf of the resource family parent, as specified in *N.J.A.C. 10:122C-6.1*.

2. The resource family parent shall not threaten discipline or administer discipline to a child in placement for the misbehavior of another child.

3. The resource family parent shall not use the following types of punishment on a child in placement:

- i. Any type of physical hitting, shaking or the use of corporal punishment;
- ii. Forced physical exercise or forcing the child to take an uncomfortable position;
- iii. Subjection to verbal abuse, ridicule, humiliation, or other forms of degradation;
- iv. Deprivation of meals, sleep, clothing, or communication;
- v. Mechanical or chemical restraint;
- vi. Assignment of overly strenuous work;
- vii. Exclusion from medical treatment, education or clinical treatment;
- viii. Locking the child out of the home;
- ix. Locking the child in a room or area of the home;
- x. Withholding or threatening to withhold visits with the child's birth family; or
- xi. Removing or threatening to remove the child from the home.

4. The resource family parent shall not use restrictive behavior management practices to control or modify the behavior of a child in placement.

5. The resource family parent shall use acceptable methods of discipline and control for the child in placement, such as:

- i. Brief time-out;
- ii. Withholding of privileges, such as television, play time, or other activity;

- iii. Early bedtimes;
- iv. Writing a story or an essay;
- v. Having the child do extra chores that are appropriate to the child's age and ability; or
- vi. Discussing the child's behavior with the child in a supportive manner.

CASE NOTES:

Initial Decision (2006 N.J. AGEN LEXIS 752) adopted, which found that a resource family provider breached her responsibility to properly care for her foster children when she engaged in corporal punishment as such conduct was prohibited by the department's rules and regulations and was detrimental to the safety and well-being of a foster child; violation of the rule against corporal punishment constitutes good cause for revocation of licensure (decided under former rules). *Dep't of Children & Families v. B.W.*, *OAL Dkt. No. HOL 8419-05*, *2006 N.J. AGEN LEXIS 1105*, Final Decision (October 2, 2006).

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N.J.A.C. 10:122C-6.9 (2012)

§ 10:122C-6.9 Firearms and weapons

(a) Level I firearms and weapons requirements are as follows:

1. All firearms shall be secured in a locked steel gun vault approved by the Office of Licensing.
2. All ammunition shall be secured in a locked area separate from the firearm storage vault.
3. The resource family parent shall not maintain chemical weapons such as mace or pepper spray in the home unless these items are stored in a place inaccessible to children.

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N.J.A.C. 10:122C-6.10 (2012)

§ 10:122C-6.10 Clothing

(a) Level I clothing requirements are as follows:

1. The resource family parent shall ensure that each child in placement has a personal supply of adequate, clean, well-fitting, and attractive clothing appropriate to the child's age, gender, individual needs, community standards and season.

2. The resource family parent shall ensure that clothing for each child in placement is laundered as necessary and maintained in good repair.

3. The resource family parent shall not require a child in placement to wear any article of clothing that identifies the child as a member of an organization unless the child chooses to wear such clothing.

4. The resource family parent shall provide each child in placement with a chest of drawers or other permanent arrangement for storage of clothing and other personal belongings.

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N.J.A.C. 10:122C-7.1 (2012)

§ 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.

2. The resource family parent shall ensure that each child living in the home, including children in placement and all other children in the resource family, receives all age-appropriate immunizations as recommended by the child's physician.

3. A child residing in the home who is not in placement shall be exempted from immunization if the parent objects thereto in a written statement submitted to the Department or contract agency, signed by the parent, explaining how the immunization conflicts with the child's exercise of bona fide religious tenets or practices.

(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) The resource family parent shall ensure that all medical, dental, psychological and psychiatric treatment or medication administered to a child in placement is explained to the child in an age-appropriate manner.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)1, inserted "mental/behavioral health" and ", including arranging for emergency, routine, and follow-up medical, dental, mental/behavioral health and other health care"; deleted former (a)2 through (a)7; recodified (a)8 and (a)9 as (a)2 and (a)3; and in (b), inserted the last sentence.

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N.J.A.C. 10:122C-7.2 (2012)

§ 10:122C-7.2 General health practices

(a) Level I general health practices requirements are as follows:

1. If a serious accident or illness occurs to a child in placement, the resource family parent shall take necessary emergency action and immediately notify the Department office or contract agency having supervision of the child, or the State Central Registry, if after business hours.

2. If a child in placement, resource family parent or household member has a serious communicable disease, the resource family parent shall:

i. Seek appropriate medical attention from a physician for the individual and determine the possible risks to others in the home;

ii. Isolate the individual posing a risk to others; and

iii. Contact the Division or contract agency caseworker or the State Central Registry, if after office hours, who shall determine whether the New Jersey State Department of Health and Senior Services, the local health department or other appropriate public health authority needs to be contacted.

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. The resource family parent shall prohibit smoking and the use of smokeless tobacco by children in placement.

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. The resource family parent may permit smoking outdoors when no child in placement is present.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a)3ii, substituted "19" for "18".

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N.J.A.C. 10:122C-7.3 (2012)

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

(a) Level I prescription and non-prescription medication requirements are as follows:

1. The resource family parent shall administer prescription medication to a child in placement only when a physician, clinical nurse specialist, nurse practitioner or dentist authorizes the medication.
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. The resource family parent shall ensure that all prescription and non-prescription medications are kept in an area inaccessible to children.

(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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a)2, substituted "administer" for "dispense"; and in (b), inserted "for each child in placement, which are".

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N.J.A.C. 10:122C-7.4 (2012)

§ 10:122C-7.4 Psychotropic medication

(a) Level I psychotropic medication requirements are as follows:

1. Before any psychotropic medication is administered to a child in placement:

i. The resource family parent, in conjunction with the Division or contract agency caseworker, shall ensure that the child is assessed by a psychiatrist, mental health clinical nurse specialist or mental health nurse practitioner, to determine the need for and the possible risks or side effects of the psychotropic medication; and

ii. The resource family parent shall be knowledgeable about the indications for the use of psychotropic medication, the therapeutic benefits and the side effects of such medication.

2. The resource family parent shall not administer psychotropic medication as a punishment or for the convenience of the resource family parent.

3. The resource family parent shall ensure that psychotropic medication is stored in an area inaccessible to children.

4. The resource family parent shall ensure that the child in placement receiving psychotropic medication is monitored in the following manner:

i. The resource family parent shall immediately report any observed side effects, which are identified in the assessment specified in (a)1 above, to the Division or contract agency caseworker and the prescribing psychiatrist, mental health clinical nurse specialist or mental health nurse practitioner.

ii. The resource family parent, in conjunction with the Division or contract agency caseworker, shall ensure that the psychiatrist, mental health clinical nurse specialist or mental health nurse practitioner reviews the child's status, behavior, well-being, progress, side effects and reason for continuing the medication every 30 days or as the psychiatrist, mental health clinical nurse specialist or mental health nurse practitioner deems necessary.

(b) When a child in placement is receiving psychotropic medication, the resource family parent shall maintain a medication log indicating the child's name, the type of psychotropic medication, and the date and time the medication is administered.

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N.J.A.C. 10:122C-7.5 (2012)

§ 10:122C-7.5 Personal care and hygiene

(a) Level I personal care and hygiene requirements are as follows:

1. The resource family parent shall provide the child in placement with the following:

i. Towels and washcloths;

ii. Diapers, if appropriate;

iii. Soap and toilet paper; and

iv. Hygiene supplies that are age-appropriate for the child's needs, such as toothpaste, toothbrush, shampoo, comb, brush, mouthwash, deodorant, razors, shaving cream and feminine hygiene articles.

2. For a child in placement unable to provide for his or her own personal care and hygiene, the resource family parent shall bathe and groom the child, and provide other personal hygiene services that are necessary to meet the child's needs.

3. The resource family parent shall ensure that each child in placement has the opportunity for at least eight hours of uninterrupted sleep each night.

(b) The resource family parent shall instruct the child in placement in age-appropriate personal care, hygiene and grooming habits.

(c) The resource family parent may permit a child in placement to maintain over-the-counter cosmetics, acne preparations and personal hygiene supplies among his or her personal possessions, as developmentally appropriate.

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N.J.A.C. 10:122C-7.6 (2012)

§ 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. The resource family parent shall ensure that all items in the home and outdoors that come into contact with blood, vomit, urine, fecal matter or other body secretions are washed and disinfected with a commercially prepared disinfectant whose label indicates it kills bacteria, viruses and parasites.

i. Disinfectant shall be used in accordance with label instructions.

ii. Items to be washed and disinfected shall include:

(1) Bedding and clothing;

(2) Furniture and carpeting;

(3) Toilet seats, sinks and faucets;

(4) Fever thermometers; and

(5) Mops, washcloths, towels and sponges that were used in the clean-up.

3. The resource family parent shall ensure that all persons in the home thoroughly wash their hands with a disinfectant soap after each incident of coming into contact with blood, vomit, urine, fecal matter or other body secretions.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)1, deleted "rubber" following "disposable".

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SUBCHAPTER 8. TRANSPORTATION REQUIREMENTS

N.J.A.C. 10:122C-8.1 (2012)

§ 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.

HISTORY:

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: *40 N.J.R. 3557(a)*, *41 N.J.R. 612(a)*.

In (a)1, substituted "Each" for "The"; rewrote (a)2 and (a)3; and deleted (a)4, (b), and (c).

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