

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

ADMINISTRATIVE LAW

(a)

HUMAN SERVICES

OFFICE OF ADMINISTRATIVE LAW

DIVISION OF FAMILY DEVELOPMENT

Special Hearing Rules

Work First New Jersey Program

Family Development Hearings

Emergency Fair Hearings

Jointly Proposed Amendments: N.J.A.C. 1:10-12.2 and 10:90-9.17

Authorized By: Barry E. Moscovitz, Acting Director, Office of Administrative Law, and Sarah Adelman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12 and 52:14F-5.e, f, and g.

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

Proposal Number: PRN 2025-099.

Submit comments in writing by October 17, 2025, to:

Megan R. Mazzone, Administrative Practice Officer
Division of Family Development
PO Box 716

Trenton, New Jersey 08625-0716
or email to: DFD-Regulations@dhs.nj.gov
AND

Thomas E. Harris Jr., Esq.
Office of Administrative Law
PO Box 049
Trenton, NJ 08625

or by email to: oal.comments@oal.nj.gov

The agency proposal follows:

Summary

The Office of Administrative Law (OAL) and Department of Human Services (Department) jointly propose amendments at N.J.A.C. 1:10-12.2 and 10:90-9.17 to delete the reference to exceptions by telephone. For many years, the standard practice of the Division of Family Development (Division) has been to accept exceptions to initial decisions in writing only because exceptions must be made part of the record. The OAL and the Department now seek to make the rule reflect present practice. The Department and OAL also jointly propose technical amendments to update official titles.

As the Department of Human Services and the OAL are providing a 60-day comment period for this notice of proposal, this notice is excepted

from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The jointly proposed amendments impact the rules governing the fair and efficient emergent hearing process for resolution of issues arising at the Division. Updating the language to reflect the current practice of the Division better informs the public and the legal community about the conduct of these cases following an initial decision. The jointly proposed amendments will better reflect that the current practice of the Division is to accept exceptions to initial decisions in writing only.

Economic Impact

The jointly proposed amendments will have no economic impact, beyond the cost of transmitting the exceptions in writing.

Federal Standards Statement

The jointly proposed amendments implement the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1 et seq. They also implement Federal regulations at 7 CFR 273.15, 7 CFR 273.16, and 45 CFR 205.10, regarding fair hearings and Federal assistance programs. The requirements of these rules are the same as those imposed by Federal law. Therefore, a Federal standards analysis is not required.

Jobs Impact

The jointly proposed amendments will not result in the generation or loss of jobs.

Agriculture Industry Impact

The jointly proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The jointly proposed amendments have been reviewed regarding consideration of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and the proposed amendments impose no reporting, recordkeeping, or other compliance requirements on small businesses, as the rules only apply to individuals; therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The jointly proposed amendments will have no impact on the affordability of housing in New Jersey. It is highly unlikely that the jointly proposed amendments would evoke a change in the average costs associated with housing, as the rules concern filing exceptions to emergent case hearings before the Division.

Smart Growth Development Impact Analysis

The jointly proposed amendments will have no impact on smart growth and there is an extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, as the rules concern filing exceptions to emergent case hearings before the Division.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole practices concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

CHAPTER 10 FAMILY DEVELOPMENT HEARINGS

SUBCHAPTER 12. CONTINUED ELIGIBILITY; EMERGENCY FAIR HEARINGS

1:10-12.2 Emergency fair hearings in TANF or General Assistance cases

(a) When DFD determines that a request for hearing should be scheduled as an emergency fair hearing:

1.-4. (No change.)

5. The petitioning applicant/recipient, his or her representative or the [CWA] **county social services agency** or MWD may, [by telephone] **in writing**, make exception or objection to the initial decision, to the DFD no later than the first **business** day following the issuance of the initial decision.

6. (No change.)

CHAPTER 90 WORK FIRST NEW JERSEY PROGRAM

SUBCHAPTER 9. NOTICES AND HEARINGS IN WFNJ

10:90-9.17 Emergency fair hearings

(a) (No change.)

(b) When it is determined that a request for hearing should be scheduled as an emergency fair hearing:

1.-4. (No change.)

5. Only in emergency fair hearings may the applicant/recipient, his or her representative, or the county or municipal agency take exception or object to the [Initial Decision by a telephone call] **initial decision, in writing**, to the DFD no later than the first business day following the issuance of the [Initial Decision] **initial decision**.

6. The [Director] **Assistant Commissioner** of the DFD shall issue a final decision no later than three business days following the date the [Initial Decision] **initial decision** is received, which shall accept, reject, or modify the [Initial Decision] **initial decision**. On the day the final decision is issued, the DFD shall notify the county or municipal agency, and the petitioner or the petitioner's representative [by telephone], **in writing**, of the final decision, and any relief ordered shall be provided by the county or municipal agency on the day notice of the final decision is received.

CHILDREN AND FAMILIES

(a)

CHILD PROTECTION AND PERMANENCY

Manual of Requirements for Resource Family Parents and Manual of Requirements for Kinship Resource Family Providers

Proposed Amendments: N.J.A.C. 3A:51-1.2, 1.3, 2.1, and 2.2

Proposed New Rules: N.J.A.C. 3A:51A

Authorized By: Christine Norbut Beyer, M.S.W., Commissioner,
Department of Children and Families.

Authority: N.J.S.A. 9:3A-7f, 30:4C-4.h, 30:4C-26a, and 30:4C-27.15.

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

Proposal Number: PRN 2025-105.

Submit written comments by October 17, 2025, to:

Joseph Pargola, Director
Office of Policy and Regulatory Development
Department of Children and Families
PO Box 717
Trenton, New Jersey 08625
Email: rules@dcf.nj.gov

The agency proposal follows:

Summary

N.J.A.C. 3A:51, Manual of Requirements for Resource Family Parents, governs the licensure of resource family parents by the Office of Licensing, Division of Child Protection and Permanency (Division) within the Department of Children and Families ("Department" or "DCF") authorized to care for children determined by the Family Court to be in need of care because of abuse, neglect, or other child welfare concerns. Each state is responsible for establishing and maintaining licensing or approval standards for foster family homes in accordance with section 471(a)(10)(A) of the Social Security Act. The licensing standards set by each state must be reasonably in accord with recommended standards of national organizations for foster family homes related to admission policies, safety, sanitation, protection of civil rights, and use of the reasonable and prudent parenting standard. In addition, licensed caregivers must fully meet Federal requirements concerning criminal background checks pursuant to section 471(a)(20) of the Social Security Act.

The New Jersey Legislature enacted the Resource Family Parent Licensing Act (Act), N.J.S.A. 30:4C-27.3 et seq., to ensure the safety, health, general well-being and physical, emotional, social, and educational needs of children who are cared for outside of their home. N.J.S.A. 30:4C-27.4. The Act directs the Department to adopt standards governing the safety and adequacy of the homes and providers of resource family care, including rules for license application, issuance, denial, suspension, and revocation. The Department promulgated the rules at N.J.A.C. 3A:51 to implement the licensing standards required by the Act and which apply when a child in the care, custody, or guardianship of the Department is placed for resource family care. The existing rules at N.J.A.C. 3A:51 apply to both kinship and non-kinship resource family care.

The Department proposes new Chapter 51A, which would provide licensing rules specific to kinship resource family providers. On November 27, 2023, the Administration for Children and Families issued regulations to allow a title IV-E agency to adopt licensing or approval standards for all relative or kinship foster family homes that are different from the licensing or approval standards used for non-relative/non-kin foster family homes. The Department proposes corresponding repeals and amendments to the rules at N.J.A.C. 3A:51 to remove standards that relate to kinship care for consistency and clarity.

N.J.A.C. 3A:51

The proposed amendments at N.J.A.C. 3A:51 seek to ensure consistency and avoid duplication and potential confusion by removing kinship licensing standards from the chapter, thereby ensuring that licensing standards relating to kinship resource family providers are codified only at proposed new N.J.A.C. 3A:51A.

N.J.A.C. 3A:51-1.2 describes the population and types of services that are subject to the chapter's requirements. The proposed amendments at N.J.A.C. 3A:51-1.2(b) would delete the provisions, for which a resource family to secure approval for the services listed at paragraphs (b)1, 2, and 3: regular foster care, kinship care, and adoptive care. The Department seeks to remove the entire provision because it no longer identifies subcategories of resource family services. The regular foster care services described at paragraph (b)1 are synonymous with family care services. The Department no longer uses the term "foster care" to identify temporary out-of-home care of a child. The Department seeks to revise