

## CHAPTER 122D

### FOSTER CARE SERVICES

#### Authority

N.J.S.A. 30:4C-4(h) and 30:4C-26a.

#### Source and Effective Date

R.2003 d.255, effective June 5, 2003.  
See: 35 N.J.R. 530(a). 35 N.J.R. 2930(a).

#### Chapter Expiration Date

Chapter 122D, Foster Care Services, expires on June 5, 2008.

#### Chapter Historical Note

Chapter 122D, Foster Care Services, was adopted as R.1993 d.17, effective January 4, 1993 (operative July 1, 1993). See: 23 N.J.R. 3703(a), 25 N.J.R. 124(a).

Pursuant to Executive Order No. 66(1978), Chapter 122D, Foster Care Services, was readopted as R.1998 d.63, effective December 22, 1997. See: 29 N.J.R. 4273(a), 30 N.J.R. 492(a).

Chapter 122D, Foster Care Services, was readopted as R.2003 d.255, effective June 5, 2003. See: Source and Effective Date. See, also, section annotations.

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#### SUBCHAPTER 1. VISITS BETWEEN THE FOSTER CHILD AND THE FOSTER CHILD'S FAMILY

##### 10:122D-1.1 Purpose

(a) The purpose of this subchapter is to ensure that each child placed by the Division in a licensed foster home shall have the opportunity to visit with parents, siblings and interested relatives. Visits with parents, siblings and other relatives may serve to:

1. Reinforce the foster child's identity;
2. Promote the foster child's need for stability, consistency, and permanency;
3. Maintain or establish family relationships;
4. Assess the parent's and other relative's motivation and ability to care for the foster child;
5. Provide an opportunity to model appropriate parenting behavior and skills; and
6. Facilitate the case goal of return home.

(b) The frequency and duration of visits are dependent on the purpose of the visits, the case goal and case plan and practical considerations of all parties. Visits which are frequent and of long duration are beneficial for most children placed in foster care and facilitate movement toward achieving the case goal of return home or permanency with a relative or family friend. The frequency and duration specified in each foster child's visitation schedule is a professional social work decision which shall be made by the Division representatives with full input from all those affected by the visitation plan. Unless otherwise limited by conditions set forth in N.J.A.C. 10:122B-1.4 and 10:122D-1.15, for most children in foster care, the goal is to hold a visit every week for a period as long in duration as possible.

Amended by R.1998 d.63, effective January 20, 1998.

See: 29 N.J.R. 4273(a), 30 N.J.R. 492(a).

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), substituted "placed by the Division in a licensed foster home" for "placed in a foster home approved by the Division" in the introductory paragraph, added "and permanency" in 2, added 6; in (b), inserted "representatives" following "Division" and amended the first N.J.A.C. reference.

##### 10:122D-1.2 Scope

The provisions of this subchapter shall apply to each foster child, his or her parents, siblings, interested relatives, foster family, and the Division.

##### 10:122D-1.3 Definitions

The definitions in N.J.A.C. 10:122B-1.3 and 10:122C-1.2 and 1.3 are hereby incorporated in this subchapter by reference.

Amended by R.2003 d.255, effective July 7, 2003.  
 See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).  
 Amended N.J.A.C. references.

#### 10:122D-1.4 Visitation plan

(a) A written visitation plan shall be developed to identify the type and frequency of visits to be instituted for every child in foster care unless otherwise directed by the court. The visitation plan is included in the case plan, in accordance with N.J.A.C. 10:133D-2.7(b)7.

(b) The visitation plan may exclude specific persons from having visits.

(c) The visitation plan shall give full consideration to the foster child's safety.

(d) The visitation plan shall include visits with siblings, if any. Sibling visits may take place with parental visits or separately.

Amended by R.2003 d.255, effective July 7, 2003.  
 See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).  
 In (a), added the second sentence.

#### 10:122D-1.5 Developing the visitation plan

(a) The visitation plan for the first visit shall be developed and written prior to the date of placement or as soon as possible after the placement.

(b) The visitation plan for ongoing visits shall be completed within five working days of the initial date of placement.

(c) The visitation plan shall be evaluated and adjusted as needed and submitted in time for the first 45 day Child Placement Review, pursuant to N.J.S.A. 30:4C-50 et seq.

(d) The visitation plan shall be developed through negotiation and agreement by the Division representative, the parents, the foster child, and other parties involved, such as relatives, a former foster family interested in visiting the foster child, siblings, and their representatives.

(e) Sections of the visitation plan shall be negotiated separately with the siblings or their representatives and other interested relatives.

(f) The Division representative shall encourage the foster parent to participate in developing the visitation plan.

(g) The foster parent shall be consulted for information pertinent to visitation.

#### 10:122D-1.6 Distribution of the visitation plan

The Division representative shall give a copy of the visitation plan to the parent, the foster parent, the foster child, when of an appropriate age, and other parties, including siblings, who are involved in developing the visitation plan, and their representatives.

#### 10:122D-1.7 Renegotiation of the visitation plan

(a) The Division shall renegotiate the visitation plan with all parties involved no less often than every six months.

(b) The Division shall also renegotiate the visitation plan:

1. When the case goal changes;
2. When circumstances change; or
3. Whenever any of the parties to the plan requests renegotiation.

#### 10:122D-1.8 Components of the visitation plan

(a) The visitation plan shall include the following:

1. The goal of the visits;
2. The location of visits;
3. The frequency and regularity of visits;
4. Who will participate in the visits;
5. The roles of participants other than the foster child;
6. Who will provide needed transportation;
7. The date and time of visits;
8. The length of visits;
9. Whether the visit will be supervised, and, if so, by whom; and
10. What each party shall be expected to do in order to change or cancel a visit.

#### 10:122D-1.9 Locations for visits

(a) Visits shall take place in the least restrictive, most comfortable setting possible. For example, visits may take place in the home of the parents, relatives or friends or in other suitable locations.

(b) Visits may also take place in the foster home, with the foster parent's permission.

(c) Visits may take place in a Division office when:

1. Necessary to protect the foster child;
2. For the convenience of those participating in the visit; or
3. When other suitable locations are not available.

#### 10:122D-1.10 Determination of whether visit is to be supervised.

(a) The parent or other visitors and the Division representative shall discuss the need for supervised visits at the time the visitation plan is negotiated or renegotiated.

(b) Unless the Division or the Superior Court, Chancery Division, Family Part finds a need for supervision, visits shall be unsupervised.