

CHAPTER 121A

MANUAL OF REQUIREMENTS FOR ADOPTION AGENCIES

Authority

N.J.S.A. 9:3-37 et seq., 30:1A-1 et seq. and 30:4C-4(b).

Source and Effective Date

R.2008 d.334, effective November 3, 2008.
See: 40 N.J.R. 2193(a), 40 N.J.R. 6464(a).

Chapter Expiration Date

Chapter 121A, Manual of Requirements for Adoption Agencies, expires on November 3, 2013.

Chapter Historical Note

Chapter 121A, Manual of Standards for Adoption Agencies, was adopted as R.1981 d.298, effective August 6, 1981 (operative October 1, 1981). See: 13 N.J.R. 99(a), 13 N.J.R. 516(a).

Pursuant to Executive Order No. 66(1978), Chapter 121A, Manual of Standards for Adoption Agencies, was readopted as R.1986 d.324, effective July 14, 1986. See: 18 N.J.R. 1057(a), 18 N.J.R. 1609(a).

Chapter 121A, Manual of Standards for Adoption Agencies, was repealed and a new Chapter 121A, Manual of Requirements for Adoption Agencies, was adopted as R.1987 d.505, effective December 7, 1987. See: 19 N.J.R. 1519(a), 19 N.J.R. 2288(a).

Pursuant to Executive Order No. 66(1978), Chapter 121A, Manual of Requirements for Adoption Agencies, was readopted as R.1992 d.514, effective November 25, 1992. See: 24 N.J.R. 3500(a), 24 N.J.R. 4552(a).

Pursuant to Executive Order No. 66(1978), Chapter 121A, Manual of Requirements for Adoption Agencies, was readopted as R.1997 d.480, effective October 20, 1997. See: 29 N.J.R. 3230(a), 29 N.J.R. 4857(a).

Chapter 121A, Manual of Requirements for Adoption Agencies, was readopted as R.2003 d.150, effective March 17, 2003. See: 34 N.J.R. 3922(a), 35 N.J.R. 1562(a). Chapter 121A, Manual of Requirements for Adoption Agencies, expired on March 17, 2008.

Chapter 121A, Manual of Requirements for Adoption Agencies, was adopted as new rules by R.2008 d.334, effective November 3, 2008. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:121A-1.1 Scope

This chapter constitutes comprehensive rules governing the certification of adoption agencies pursuant to the State Adoption Law (N.J.S.A. 9:3-37 et seq.).

Case Notes

Nonresidents may bring adoption actions and Superior Court has subject matter jurisdiction to grant them adoption. Matter of Adoption of A Child by D.F.H., 230 N.J.Super. 445, 553 A.2d 866 (A.D.1989).

10:121A-1.2 Purpose

(a) The purpose of this chapter is to prevent the exploitation and to protect the health and well-being of children being served by adoption agencies, as well as to protect the legal rights of children and birth and adoptive parents by establishing standards of agency organization and administration, professional training, experience, practices and requirements relating to the responsibility of agencies providing adoption services in New Jersey.

(b) This chapter constitutes minimum baseline requirements to ensure that the basic programmatic and administrative needs of adoption agencies and the social service needs of the families and children they serve are met. Compliance with this chapter is necessary if an adoption agency is to open or operate, and no adoption agency is permitted to operate below the level of requirements specified in this

chapter. This chapter is in no way intended to prohibit or prevent adoption agencies from going beyond the minimum requirements contained in these rules. The decision whether to exceed these requirements rests with each agency.

10:121A-1.3 Implementation and enforcement responsibility; information

The Bureau of Licensing of the New Jersey Division of Youth and Family Services (DYFS), Department of Human Services, shall be responsible for implementing and enforcing this chapter. For further information or technical assistance in understanding and/or complying with this chapter, please contact:

Bureau of Licensing
Division of Youth and Family Services
PO Box 717
Trenton, New Jersey 08625-0717
(609) 292-8255

Amended by R.1991 d.6, effective January 7, 1991.
See: 22 N.J.R. 2674(b), 23 N.J.R. 99(b).
Updated agency address.

10:121A-1.4 Legal authority

(a) This chapter is promulgated pursuant to the State Adoption Law (N.J.S.A. 9:3-37 et seq.), N.J.S.A. 30:1A-1 et seq. and 30:4C-4(b).

(b) Under the State Adoption Law, all private and public adoption agencies, both within New Jersey and outside the State that are involved in the placement of children for adoption in New Jersey, must be certified by the New Jersey Department of Human Services in order to open and operate.

(c) In order to be eligible for a certificate of approval, an adoption agency shall demonstrate to the satisfaction of the Department of Human Services or its duly authorized agent, the Bureau of Licensing of the Division of Youth and Family Services, compliance with the requirements of the State Adoption Law and with the rules contained in this chapter, which constitute minimum requirements only.

(d) These rules shall not be applicable to the adoption of adults.

10:121A-1.5 Definition and types of adoptions

(a) "Adoption" means the legal transfer of all parental rights and responsibilities from the birth and/or legal parent(s) to another person who desires to assume those rights and responsibilities.

(b) Adoptions that are subject to the provisions of this manual are classified as follows:

1. "Agency adoption" is an adoption where the birth parent(s) and the adoptive parent(s) come to an agency independent of each other and there is no prior relationship for the purpose of adoption;

2. "Foreign adoption" is the adoption of a child who resides in a country other than the United States of America. An agency shall comply with the requirements of the Federal Immigration and Naturalization Act (P.L. 95-417), and any successor or amending legislation regarding the classification of an alien orphan child as an immediate relative for purposes of an immigration visa;

3. "Identified adoption" is an adoption where the agency becomes involved in providing services to a birth parent(s) or legal parent(s) and/or a prospective adoptive parent(s) who is considering a plan to place the child for adoption in the prospective adoptive parent's home;

4. "Independent adoption" is an adoption where the child is received in the adoptive home from a source other than an agency. Subsequent to the placement, the court orders an agency to conduct an Adoption Complaint Investigation (ACI) in order to investigate the circumstances of the placement and to assess the adoptive home;

5. "Stepparent adoption" is an adoption of a child from a former marriage by the birth parent's current husband or wife; and

6. "Relative adoption" is an adoption of a child by a person(s) who is related by blood or marriage.

New Rule, R.1995 d.431, effective August 7, 1995.
See: 27 N.J.R. 661(a), 27 N.J.R. 2922(a).

10:121A-1.6 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

"Adoptee" means a person who has been placed in an adoptive home and whose adoption has been legally finalized.

"Adoption agency" or "agency" means a Bureau-certified public or private non-profit corporation organized for all or part of its purpose to provide adoption services to children, adoptees, adoption applicants and birth and/or adoptive parents. Adoption services may include: pre-placement, home study placement, post-placement or post-adoption services or other related activities, including those requested by courts and other adoption agencies and organizations, whether or not the agencies and organizations are certified in New Jersey.

"Adoption applicant" means a prospective adoptive parent who has applied to adopt a child but who has not yet received a child for adoption placement.

"Adoption Complaint Investigation" means an investigation ordered by the court to determine the circumstances of a non-agency placement and to assess the suitability of the prospective adoptive parents. The investigation is conducted by a court appointed State-approved adoption agency in response to the filing of an adoption petition on behalf of the prospective adoptive parents.