

1. The child's case goal is furthered or achieved by the move or a court order is being followed, for example, return to family, placement in an adoptive home or uniting a child in placement with siblings.

2. The child has a need, which cannot be met by the current resource family.

3. There is documented evidence that the resource family engages in behavior, which is detrimental to any child in placement in that resource family home.

4. There is documented evidence that the resource family disagrees with the approved case plan and repeatedly fails to cooperate with the Division or to make the child in placement available for visits or services, which are part of the approved case plan, despite the Division representative's attempts to involve the resource family in remediating the situation.

5. The resource family has a pattern of violating any Division rules, which may have a negative impact on any child in placement, despite attempts by the Division representative to ensure compliance.

(b) A resource family parent may request that a child in placement be removed, giving the Division representative 15 days notice to make suitable alternate arrangements. The resource family parent shall state the reason for the request.

(c) A child in placement may request to be removed from a resource family home. The child shall state the reason for the request.

(d) The parent of a child in placement may request that the child be removed from the resource family home. The parent shall state the reason for the request.

Amended by R.2003 d.256, effective July 7, 2003.

See: 35 N.J.R. 532(a), 35 N.J.R. 2931(a).

Inserted "representative" following "Division" throughout.

Amended by R.2009 d.6, effective January 5, 2009.

See: 40 N.J.R. 3935(a), 41 N.J.R. 256(a).

Deleted "foster" preceding "child", inserted "in placement", substituted "resource family" for "foster" and "resource" for "foster" preceding "family" throughout; in (a)1, deleted "foster" preceding "child's"; in (a)2, inserted a comma following "need"; in (a)3, inserted a comma following "behavior", and inserted "in placement in that resource family home"; and in (a)4, inserted a comma following "services".

10:122E-2.3 Procedures prior to a non-emergency removal

(a) Prior to a non-emergency removal, the Division representative shall interview the child in placement, the resource family parent, and any appropriate collateral contacts, including the parent, to determine:

1. Information from the child in placement about any problems with the placement and his or her preferences;

2. Information from the resource family parent about any problems with the placement and his or her preferences;

3. Information from the parent about any problems with the placement and his or her preferences, when the parent requests removal; and

4. Whether support services can remedy the problem.

(b) The Division representative shall inform the child in placement, the resource family parent, the parent, and any appropriate contacts at least 30 days prior to the move when the child will be removed to further or achieve the case goal or as soon as possible when a court order is being followed.

(c) The Division representative shall inform the parent of the need to change placements, if he or she is available.

(d) The Division representative shall remove the child in placement within 15 days of the resource family parent's request.

(e) When the child or parent has requested removal, the Division representative shall discuss the request with supervisory staff. The Division representatives shall make the decision within five days of the request. The Division representative shall inform the child in placement or parent of the decision and shall remove the child in placement within 15 days of the original request when it is determined that removal will occur.

(f) A Division representative shall document in the child's electronic case record and the resource family home record the decision to remove or not remove the child in placement, including the reasons.

Amended by R.2003 d.256, effective July 7, 2003.

See: 35 N.J.R. 532(a), 35 N.J.R. 2931(a).

In (e), inserted "representative" following "Division"; in (f), substituted "A" for "The" at the beginning.

Amended by R.2009 d.6, effective January 5, 2009.

See: 40 N.J.R. 3935(a), 41 N.J.R. 256(a).

Deleted "foster" preceding "child", inserted "in placement", and substituted "resource family" for "foster" throughout; in (c), substituted "placements" for "placement"; and in (f), inserted "electronic case", and substituted "the resource family" for "foster".

10:122E-2.4 Removal due to criminal conviction

(a) The Division representative shall remove the children in placement from the resource family home when any resource family parent or household member has been convicted of a crime listed in N.J.S.A. 30:4C-26.8 in the following circumstances:

1. The resource family home has been licensed as being in substantial compliance and a Federal criminal history check is returned to the Division with a conviction of a crime cited in (a) above;

2. A new resource family parent or household member moves into an already licensed resource family home with a conviction of a crime as cited in (a) above; or

3. Any licensed resource family parent or household member who has had a completed criminal history check,

has been subsequently convicted of a crime cited in (a) above, pursuant to N.J.S.A. 30:4C-27.8b.

(b) The office manager shall determine whether or not to remove the children in placement from a licensed resource family home when:

1. Any licensed resource family parent or household member has been convicted of a non-violent criminal or disorderly persons offense;

2. Any licensed resource family parent or household member has been convicted of a violent criminal or disorderly persons offense involving crimes not cited in N.J.S.A. 30:4C-26.8; or

3. Any licensed resource family parent or household member was convicted of one of the crimes cited in N.J.S.A. 30:4C-26.8, and five or more years have passed since he or she was terminated from probation or parole or was released without probation or parole from a correctional facility.

(c) Under the circumstances in (b)1 above, if the office manager decides it is not in the child's best interest to be removed from this resource family home, the office manager shall recommend to the Office of Licensing that the child be permitted to continue to be placed in the resource family home.

(d) Under the circumstances in (b)2 and 3 above, if the office manager decides it is not in the child's best interest to be removed from this resource family home, the office manager shall recommend to the Area Director, who may recommend to the Office of Licensing, that the child be permitted to continue to be placed in the resource family home.

(e) The determination made by the office manager in (b), (c) and (d) above, and the Area Director in (d) above shall be based upon the criteria listed in N.J.A.C. 10:122E-2.5(a).

(f) The decision made by the Office of Licensing in (c) and (d) above, to approve or deny the child's placement in the resource family home, shall be made on a case-by-case basis, based upon the criteria listed in N.J.A.C. 10:122C-2.2(b)3.

Amended by R.2003 d.256, effective July 7, 2003.
See: 35 N.J.R. 532(a), 35 N.J.R. 2931(a).

Rewrote the section.

Amended by R.2009 d.6, effective January 5, 2009.
See: 40 N.J.R. 3935(a), 41 N.J.R. 256(a).

Rewrote the section.

10:122E-2.5 Considerations in deciding whether or not to remove

(a) The Division representative shall consider the following points when deciding whether to remove a child in placement, in emergency and non-emergency situations:

1. The age of the child in placement;

2. The length of stay in this resource family home;
3. The relationship between the child in placement and the resource family;
4. The number and impact of prior moves on the child in placement;
5. The child's adjustment to the extended resource family and community;
6. The child's expressed wishes;
7. The resource family's history with the Division and of successful parenting;
8. The availability of support services to maintain the placement;
9. The willingness of the resource family and the child in placement to work to overcome problems;
10. The child's injuries for which neither the resource family nor the child in placement can offer a reasonable explanation;
11. The resource family's cooperation or lack of cooperation with any child abuse and neglect investigation;
12. The child's allegations of child abuse or neglect;
13. The child's immediate safety;
14. The child's risk of future harm; and
15. The location of the child's siblings and the ability to keep them together or reunite them or facilitate visits.

(b) A child in placement may be removed temporarily from a resource family home before or during a child abuse or neglect investigation for the child's safety and protection. If the Division representative makes a finding of unfounded (as defined in N.J.A.C. 10:129-1.3), the Division representative shall use the criteria listed in (a) above to determine whether the child who has been removed will be returned to the resource family home.

Amended by R.1998 d.64, effective January 20, 1998.
See: 29 N.J.R. 4275(a), 30 N.J.R. 492(b).

In (a), substituted references to children for references to abused or neglected children; and in (b), substituted "Division representative makes a finding of either not substantiated or unfounded (as defined in N.J.A.C. 10:129A-3.3)" for "allegation of child abuse or neglect is not substantiated".

Amended by R.2003 d.256, effective July 7, 2003.
See: 35 N.J.R. 532(a), 35 N.J.R. 2931(a).

In (a), inserted "representative" following "Division" in the introductory paragraph, added new 13 and 14, and recodified former 13 as 15; in (b), inserted "for the child's protection" at the end of the first sentence, inserted "representative" following "Division".

Amended by R.2009 d.6, effective January 5, 2009.
See: 40 N.J.R. 3935(a), 41 N.J.R. 256(a).

Deleted "foster" preceding "child" and "child's", inserted "in placement", and substituted "resource family" for "foster" and "resource" for "foster" throughout; and in (b), inserted "safety and", deleted "either not substantiated or" preceding "unfounded", and updated the N.J.A.C. reference.