

**CHAPTER 121C**  
**REQUIREMENTS FOR DYFS ADOPTIONS**

**Authority**

N.J.S.A. 9:3-37 et seq., 9:6B-4 and 30:4C-4(h);  
and 42 U.S.C. §622(b) and §670 et seq.

**Source and Effective Date**

R.2006 d.336, effective August 20, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 121C, Requirements for DYFS Adoptions, expires on February 16, 2014. See: 45 N.J.R. 2171(a).

**Chapter Historical Note**

Chapter 121C, Requirements for DYFS Adoptions, was adopted as R.1996 d.172, effective April 1, 1996. See: 27 N.J.R. 5007(a), 28 N.J.R. 1856(b).

Pursuant to Executive Order No. 66(1978), Chapter 121C, Requirements for DYFS Adoptions, was readopted as R.2001 d.92, effective February 21, 2001. See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Chapter 121C, Requirements for DYFS Adoptions, was readopted as R.2006 d.336, effective August 20, 2006. As a part of R.2006 d.336, Subchapter 7, Registry Services, was repealed, effective September 18, 2006. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 121C, Requirements for DYFS Adoptions, was scheduled to expire on August 20, 2013. See: 43 N.J.R. 1203(a).

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**10:121C-1.1 Purpose**

(a) The purpose of this chapter is to specify the process used by the Division to assure that each child who is under the supervision of the Division with a case goal of adoption is adopted.

(b) This chapter describes the following actions or circumstances necessary to complete the adoption process:

1. The recruitment program for adoptive homes for each child who is in need of an adoptive placement;
2. The conditions under which the Division accepts applications from persons seeking to become adoptive parents;
3. The Division's process for the study of adoptive applicants for the adoptive placement of children, in accordance with N.J.A.C. 10:121A-5.6, Home study services;
4. The Division's adoptive home selection and placement processes;
5. The Division's activities from the time a child is placed with an adoptive parent through the adoption finalization;
6. The post-adoption services available through the Division; and
7. The adoption registry services available through the Division.

Amended by R.2001 d.92, effective March 19, 2001.  
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Rewrote (a).

Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

In (b)5, substituted "parent" for "family"; and in (b)7, inserted "adoption".

**10:121C-1.2 Scope**

(a) The provisions of this chapter shall apply to:

1. The Division;

2. Each person who applies to the Division to be an adoptive parent;
3. Each person who is licensed by the Office of Licensing as a resource parent with an interest in adopting;
4. Each person who adopts a child through the Division;
5. Each birth parent whose child's adoption is processed by the Division;
6. Each child placed in an adoptive home and supervised by the Division;
7. Each adoption agency seeking an adoptive home from the Division for a special needs child;
8. Each private and public agency that may recruit adoptive homes for the Division; and
9. Each adult adoptee who may use the Division's adoption registry services.

Amended by R.2001 d.92, effective March 19, 2001.

See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Rewrote (a).

Amended by R.2006 d.336, effective September 18, 2006.

See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Rewrote (a)3; in (a)7, substituted "special needs" for "hard-to-place"; and in (a)9, inserted "adoption".

### 10:121C-1.3 Definitions

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

"Adoption registry services" means services to an adult adoptee to find a member of his or her birth family; services to an adoptive parent of a minor adoptee to assist him or her in securing medical information or in dealing with identity issues related to adoption; or services to a birth family member who has a desire or need for knowledge of or contact with a child who was placed for adoption.

"Adoptive applicant" means a person who has applied to the Division to adopt a child.

"Adoptive parent" means a person with whom a child has been placed by the Division for adoption or who has adopted a child.

"Adoptive placement" means the placement of a child in an adoptive home by the Division for the purpose of adoption. For foster home adoptions, the adoptive placement begins on the date the Division consent for adoption is signed by the office manager.

"Adult adoptee" means an individual 18 years of age or older whose adoptive placement was made by the Division or its predecessor agencies, that is, the Bureau of Children's Services, the State Board of Child Welfare or the State Board of Children's Guardians.

"Birth family member" means a person, or a relative of a person, whose child was placed for adoption through the Division or its predecessor agencies.

"Child" means any person under 18 years of age.

"Finalization" means the entry of a legal order of adoption issued by a court of competent jurisdiction, pursuant to N.J.S.A. 9:3-38 et seq.

"Home study" means the Division's formal assessment of the capacity and readiness of prospective adoptive parents to adopt a child, including the Division's written report and recommendation.

"Licensed adoptive applicant" means a person who has an approved home study from the Division or a licensed private adoption agency and is a licensed resource parent, but who has not yet received a child for adoptive placement.

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

"Post-adoption services" means all services, other than adoption registry services, offered by or through the auspices of the Division to any party involved in an adoption after finalization of the adoption.

"Post-placement services" means any and all services offered by or through the auspices of the Division to any member of an adoptive family from the time of the adoptive placement of the child by the Division to the time of finalization of the adoption.

"Recruitment" means enhancing public awareness of issues related to adoption through the use of public service announcements, social events, newspaper series, videos, educational displays, public speaking engagements and the dissemination of literature for the purpose of developing new adoptive homes for special needs children.

"Selected adoptive home" means a licensed adoptive applicant who provides or wants to provide an adoptive home to a child who does not reside with the licensed adoptive applicant as a foster child or through the Relative Care Permanency Support Program.

"Special needs child" means any child who the State of New Jersey has the legal right to place for adoption, but who is reasonably expected to be hard to place due to difficulty in finding a prospective adoptive home as specified in N.J.A.C. 10:121-1.2.

Amended by R.2001 d.92, effective March 19, 2001.

See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Rewrote the section.

Amended by R.2006 d.336, effective September 18, 2006.

See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Inserted definitions "Adoption registry services", "Licensed adopted applicant", "Office of Licensing" and "Special needs child"; deleted definitions "Approved adopted applicant", "Hard-to-place child" and "Registry services"; in definition "Post-adoption services", inserted first

occurrence of "adoption"; in definition "Recruitment", inserted "special needs"; and rewrote definition "Selected adoptive home".

**10:121C-1.4 Application of rules**

(a) The rules contained in N.J.A.C. 10:121A, Manual of Requirements for Adoption Agencies, shall apply to each local office of the Division of Youth and Family Services.

(b) Each rule contained in this chapter shall apply only to the adoption operations of the Division of Youth and Family Services.

Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

In (a), substituted "each local office" for "the Adoption Resource Centers".

**10:121C-1.5 Service limitations**

(a) The Division shall provide needed services within the limits of legislative appropriations to all eligible children, their adoptive families and their birth families in similar circumstances. The provision of services shall also be subject to limitations due to actual ability of the Division to provide such services directly or by purchasing such services from appropriate, certified privately sponsored agencies or institutions.

(b) The demand for social services frequently exceeds the funds available to provide them. Therefore, in accordance with N.J.S.A. 30:4C-13, the Division Director may establish Division-wide service limitations based upon the need to focus finite resources to serve those individuals most in need. Service limitations shall be published within 90 days of imposition in the Public Notices section of the New Jersey Register.

**SUBCHAPTER 2. RECRUITMENT OF ADOPTIVE HOMES**

**10:121C-2.1 Confidentiality**

(a) Recruitment of adoptive families for children shall be conducted in such a way as to protect client confidentiality in accordance with N.J.A.C. 10:133G, Client Information.

(b) The Division representative shall provide non-identifying information on the child in need of adoptive placement to any licensed adoptive applicant who is recruited or indicates an interest in taking the child, in order for the licensed adoptive applicant to make an informed decision regarding his or her ability to adopt the child.

Amended by R.2001 d.92, effective March 19, 2001.  
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Inserted "as" preceding "to protect client confidentiality".  
Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Inserted designation (a); and added (b).

**10:121C-2.2 Community partnerships**

(a) The Division shall develop partnerships with private and public agencies in the community, corporations, community leaders and child and family advocacy groups for the purpose of recruiting adoptive homes.

(b) The Division shall design and implement its recruitment program to target those children waiting for adoptive homes.

(c) Division representatives shall recruit, retain, and support resource parents in New Jersey, when assigned.

Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Added (c).

**10:121C-2.3 Utilizing contract agencies**

(a) The Division may contract with agencies to recruit adoptive homes for special needs children.

(b) The contract agency shall be subject to the provisions of N.J.A.C. 10:121C-2.1, Confidentiality.

Amended by R.2001 d.92, effective March 19, 2001.  
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).  
In (a), deleted "specific".  
Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Rewrote (a).

**10:121C-2.4 State and national exchange registration**

(a) When selecting an adoptive home for a child, the Division representative shall:

1. Seek a licensed adoptive applicant from the Division's pool of licensed resource parents; and
2. Register the child on adoption resource exchanges unless an appropriate licensed adoptive applicant is currently under consideration to accept a child for adoption.

(b) The Division shall maintain the New Jersey Adoption Resource Exchange, which includes a Statewide listing of every special needs child legally free for adoption for whom an adoptive home is not readily available. The listing shall include a profile of each waiting child, in a manner deemed appropriate, and which may include a description of any special needs.

(c) The Division shall make copies of the list of waiting children with special needs or other such lists available upon request.

Amended by R.2001 d.92, effective March 19, 2001.  
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).  
In (a), rewrote 2 and deleted 3; and in (c), substituted "updated monthly" for "at least yearly".  
Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Rewrote the section.

**10:121C-2.5 Recruitment methods**

(a) The Division representative shall utilize one or more of the following recruitment methods:

1. Child-specific recruitment;
2. Targeted recruitment; or
3. Generic recruitment.

(b) A Division representative seeking to recruit an adoptive applicant to accept permanent placement of a child shall first use child-specific recruitment. The Division representative shall approach the child's relatives, family friends and other significant people in the child's life in order to assess their interest in being an adoptive parent for the child.

(c) A Division representative shall use targeted recruitment to focus on adoptive parents for particular groups of special needs children, such as adolescents or children with emotional problems. Specific communities may be targeted for radio, television and print announcements for particular groups.

(d) A Division representative shall use generic recruitment to target community awareness of the general need for adoptive parents who are willing to parent a special needs child.

(e) Recruitment methods may include, but are not limited to:

1. The New Jersey Adoption Resource Exchange and the National Adoption Exchange;
2. Videos;
3. Pictures;
4. Public service announcements;
5. Social events;
6. Television recruitment;
7. Newspaper series;
8. Newsletters;
9. Public speaking engagements;
10. Dissemination of literature; and
11. Community displays.

(f) Recruitment methods which publicize a specific child may be used only for a child who is legally free for adoption.

(g) A child's pictures and videos used for recruitment purposes shall be no more than a year old.

Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Rewrote the section.

**10:121C-2.6 Non-discrimination**

(a) The Division shall allow any adult to apply to be an adoptive parent regardless of age, race, color, national origin, disability, gender, religion, sexual orientation, or marital status.

(b) In compliance with the Multiethnic Placement Act of 1994, 42 U.S.C. § 622(b), the Division shall provide for the diligent recruitment of potential adoptive families that reflect the ethnic and racial diversity of children in the State for whom adoptive homes are needed.

**10:121C-2.7 (Reserved)**

Repealed by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Section was "Adoption Information".

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**SUBCHAPTER 3. ACCEPTING APPLICATIONS AND HOME STUDY**
**10:121C-3.1 Adoptive applicant**

(a) The Division shall accept an application from, and provide home study services to, any adult New Jersey resident interested in becoming an adoptive parent, only if the adult is interested in adopting a special needs child.

(b) The Division shall conduct a home study of an adoptive applicant in accordance with N.J.A.C. 10:121A-5.6, Home study services.

(c) The Office of Licensing shall issue or deny a license based on the assessment process in accordance with N.J.A.C. 10:121A-5.6, Home study services, and N.J.A.C. 10:122C, Manual of Requirements for Resource Family Parents.

Amended by R.2001 d.92, effective March 19, 2001.  
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).  
Rewrote (a); deleted (c) and (d); and recodified former (e) as (c).  
Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Rewrote (a) and (c).

**10:121C-3.2 Release of home studies**

The Division shall release its completed home study to the licensed adoptive applicant or adoptive parent, upon request.

Amended by R.2001 d.92, effective March 19, 2001.  
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).  
Rewrote the section.  
Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Section was "Release of Home Studies to other agencies". Rewrote the section.

**SUBCHAPTER 4. ADOPTIVE HOME SELECTION AND PLACEMENT PROCESS**

**10:121C-4.1 Criteria for adoptive home selection**

(a) When a child’s case goal becomes adoption and the child is in need of a selected adoptive home, the Division shall initiate efforts to identify or recruit an adoptive applicant or licensed adoptive applicant. Each adoptive applicant must meet his or her own state’s requirements to adopt a child.

(b) The Division shall make an informed, objective judgment based on a full and careful assessment of each factor which may affect the child’s ability to benefit physically, socially and emotionally from the adoptive placement, in particular, and the community in general.

(c) The Division shall not discriminate in a child’s adoptive placement based on the child’s or the adoptive parent’s race, color, national origin, age, gender, disability, marital status, sexual orientation, state of residence, or religion. The Division shall not delay or deny the adoptive placement of a child due to the race, color or national origin of either the child or the adoptive parent. These factors may be considered in selecting the licensed adoptive applicant for only the most compelling reasons related to a particular child’s special or distinctive needs. The Division representative shall document when the race, color or national origin of either the child or licensed adoptive applicant is considered in making the adoptive home selection and how these factors affected the selection. The documentation shall include any professional reports, such as therapists’ reports, used in making the decision.

Amended by R.2001 d.92, effective March 19, 2001.  
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).  
Rewrote the section.  
Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Rewrote (a) and (c).

**10:121C-4.2 Placement of the child with the adoptive parent**

The placement of the child in a selected adoptive home shall be in accordance with N.J.A.C. 10:121A-5.7, Placement services.

Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Section was “Placement of the child with the adoptive family”.

**SUBCHAPTER 5. POST-PLACEMENT SERVICES AND FINALIZATION OF ADOPTIVE PLACEMENT**

**10:121C-5.1 Post-placement services**

(a) A Division representative shall provide post-placement services to the adoptive child and the adoptive family in accordance with N.J.A.C. 10:121A-5.8.

(b) In addition, a Division representative shall have face-to-face and other communication with the adoptive child and the adoptive family in order to:

1. Establish a relationship between a Division representative and each family member to provide support, to assist with issues relevant to the adoption as they arise and to help each family member through the adjustment process;
2. Assess the adoptive family’s need for counseling services which specifically address adoption-related issues;
3. Refer the adoptive family to medical, therapeutic, educational, self-help and other services as they are needed;
4. Assist the adoptive family to function autonomously and without Division intervention; and
5. Assess the adoptive family’s readiness and suitability in order to recommend proceeding towards adoption finalization.

**10:121C-5.2 Division activities related to finalization**

(a) In addition to the requirements in N.J.A.C. 10:121A-5.8, prior to finalization, a Division representative shall:

1. Supervise the adoptive placement for a minimum of six months and document each contact in the case record;
2. Explain the legal process of adoption finalization;
3. Advise the adoptive parent that post-placement services provided by a Division representative shall be terminated as of the date of the adoption finalization;
4. Obtain from the adoptive parent the name of the attorney who will file the adoption papers on his or her behalf;
5. Send a signed copy of the Consent of Guardian or Consent of Custodian to Adoption to the adoptive parent’s attorney to be forwarded to the court; and
6. Prepare and send a court report for final hearing to the court upon notification of a court date for the adoption finalization by the adoptive parent’s attorney.

(b) A Division representative may attend the final hearing.

Amended by R.2001 d.92, effective March 19, 2001.  
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).  
In (a)2, substituted “post-placement services” for “adoption supervision”; and in (a)4, substituted “to be” for “which is”.  
Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).  
Inserted new (a)1; recodified former (a)1 through (a)5 as present (a)2 through (a)6; and rewrote (a)3 and (a)4.

## SUBCHAPTER 6. POST-ADOPTION SERVICES

**10:121C-6.1 Post-adoption services available**

(a) The Division shall provide the opportunity for an adoptive parent to request post-adoption services from the Division.

(b) Post-adoption services, delivered either directly by the Division or through a Division-funded contract with a private agency, provide counseling or respite care, or both, to the adoptive child, the adoptive parents, and any other children in the adoptive family when any of those parties are having difficulty in personal or social adjustment to the extent that it is related to the adoption, with the type and duration of the counseling being determined by the Division or contract agency based on an individual case assessment.

Amended by R.2006 d.336, effective September 18, 2006.  
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

In (b), inserted "or respite care, or both,".

**10:121C-6.2 Adoption registry services available**

(a) The Division shall provide adoption registry services to the adult adoptee, birth family member or adoptive parent on behalf of his or her minor child when requested which include:

1. Providing non-identifying background information, including birth history, social history and family health history, to the birth parent, the adult adoptee or adoptive parent on behalf of the minor adoptee in accordance with N.J.A.C. 10:121A-5.9(b)2;

2. Search services to locate the birth family at the request of the adult adoptee or at the request of the adoptive parent on behalf of the minor adoptee in accordance with the provisions of N.J.A.C. 10:121A-5.10. Search services are not available from the Division to a birth

family member seeking to locate the child who was placed for adoption; and

3. Registration of a birth family member's name and address to enable the Division to reunite him or her with the adult adoptee if the adult adoptee or adoptive parent on behalf of the minor adoptee requests a reunion.

Amended by R.2001 d.92, effective March 19, 2001.

See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

In (a)3, added "or adoptive parent on behalf of the minor adoptee" following "adoptive".

Recodified from N.J.A.C. 10:121C-7.1 and amended by R.2006 d.336, effective September 18, 2006.

See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Section was "Registry services available". In the introductory paragraph of (a) added "adoption" following "provide".

**10:121C-6.3 Person's identity verified**

The Division shall provide adoption registry services only after the identity of the person making the request is verified.

Recodified from N.J.A.C. 10:121C-7.2 and amended by R.2006 d.336, effective September 18, 2006.

See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Inserted "adoption" preceding "registry".

## SUBCHAPTER 7. (RESERVED)

**10:121C-7.1 (Reserved)**

Recodified to N.J.A.C. 10:121C-6.2 by R.2006 d.336, effective September 18, 2006.

See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Section was "Registry services available".

**10:121C-7.2 (Reserved)**

Recodified to N.J.A.C. 10:121C-6.3 by R.2006 d.336, effective September 18, 2006.

See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Section was "Person's identity verified".