

“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 Department-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. Such investigation includes a home study and post-adoption services unless otherwise specified by the court.

“Adoptive parent” means a person with whom a child has been placed for adoption or who has adopted a child.

“Branch office” means a Department-certified adoption program that is a geographically separate but administratively dependent part of an agency.

“Certificate of approval” or “certificate” means a document issued by the Office of Licensing to an agency indicating that the agency is in substantial or full compliance with all applicable provisions of this chapter, and that there is no serious or imminent hazard to the health, safety or well-being of the children, birth parents, adoptive parents or adoptive applicants being served by the agency.

“Chapter” means the rules contained in the Manual of Requirements for Adoption Agencies, as specified in N.J.A.C. 10:121A-1.1 through 5.10.

“Child” means any person under 18 years of age.

“Conditional surrender” means a voluntary relinquishment of all parental rights by a birth parent, adoptive parent, or other person or agency authorized to exercise these rights by law, court order or otherwise for purposes of allowing a child to be adopted by a person(s) specified by the surrendering parent.

“Custody” means the general right to exercise continuing control over the person of a child derived from court order or otherwise.

“Denial of a certificate” means the withholding of a certificate of approval for which an agency has applied, based

on the agency’s failure or inability to comply with requirements of the State Adoption Law and/or of this chapter.

“Department” means the New Jersey Department of Children and Families.

“Division” means the Division of Youth and Family Services of the New Jersey Department of Children and Families.

“Executive director” or “administrator” means the person in a certified agency responsible for the overall administration and direction of the agency and its staff.

“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.

“Foster care” means the temporary placement in an agency-approved private home of a child who is in the care or custody of an agency.

“Governing board” means the public or private body which has final legal responsibility for or authority over a certified adoption agency.

“Guardianship” means the right to exercise continuing control over the person or property or both of a child, including any specific right of control over an aspect of the child’s upbringing derived from court order.

“Home study” means the agency’s formal assessment of the capacity and readiness of prospective adoptive parents to adopt a child, including the agency’s written report and recommendation.

“Intermediary” means any person, firm, partnership, corporation, association or agency, whether located in New Jersey or not, who acts for or between any parent and any prospective adoptive parent or acts on behalf of either in connection with a placement for adoption of the parent’s child. An intermediary shall not receive money or other valuable consideration in connection with the placement of a child for adoption, pursuant to the State Adoption Law (N.J.S.A. 9:3-37).

“Manual of Requirements for Adoption Agencies” or “Manual of Requirements” means the rules promulgated in this chapter, which constitute minimum requirements for adoption agencies placing children for adoption in New Jersey.

“Office of Licensing” or “Office” means the Office of Licensing of the New Jersey Department of Children and Families.

“Parent” means an expectant mother or a birth parent or birth parents, including the biological father of a child born out of wedlock who has acknowledged the child or to whom

the court has ordered notice to be given, or a parent or parents by adoption.

“Placement services” means any and all services offered by a certified agency to prospective adoptive children and families ranging from selection of a particular family for a particular child through the physical arrival of the child in the adoptive home.

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

“Pre-placement services” means any and all services offered by or through the auspices of an agency to birth parent(s) and child(ren) to evaluate and prepare them for an adoptive placement.

“Referring agency” means an agency or organization with whom a New Jersey-certified agency has a written agreement regarding the provision of adoption-related services in New Jersey.

“Revocation of a certificate” means a rescinding of an agency’s current certificate to operate because of the agency’s failure or refusal to comply with the requirements of the State Adoption Law and/or of this chapter.

“Shall” denotes a requirement of this chapter that an adoption agency must meet to qualify for a certificate.

“Should” denotes a recommendation reflecting goals towards which an adoption agency is encouraged to work.

“Social worker” means a professional staff member of an agency who possesses the required qualifications specified in this chapter and who works directly with children, adoptees, birth and/or adoptive parents and other relevant individuals.

“Social work supervisor” means a staff member of an agency who possesses the qualifications specified in this chapter and who supervises the professional staff who work directly with children, adoptees, birth and/or adoptive parents and other relevant individuals.

“Staff member” means any person employed by or working for or with an agency on a regularly scheduled basis, whether for compensation or not. This shall include full-time, part-time, voluntary, substitute, contract or consulting personnel.

“State Adoption Law” means N.J.S.A. 9:3-37 et seq., the statutes that New Jersey certified adoption agencies must comply with and authorizes this chapter, which provides rules to ensure the protection of children, legal rights of children and birth and adoptive parents who receive adoption services, as well as establishing requirements of agency organization

and administration, professional training, experience, practices and requirements relating to the responsibility of adoption agencies providing adoption services in New Jersey.

“Substantial compliance” means compliance by an agency that does not meet all applicable requirements of the law and of this chapter, when there is no serious or imminent hazard to the health, safety or well-being of the children, birth parents, adoptive parents or adoptive applicants served by the agency.

“Subsidy” means the financial or other material support provided directly or made available to an adoptive family to assist in the adoptive placement, legal expenses of adoption, and/or continuing care of a child placed for adoption.

“Surrender” means a voluntary relinquishment of all parental rights by a birth parent, adoptive parent, or other person or agency authorized to exercise these rights by law, court order or otherwise, for purposes of allowing a child to be adopted.

“Suspension of a certificate” means a temporary rescinding of an agency’s current certificate of approval to operate. The suspended certificate may be reinstated by the Office of Licensing upon the agency’s compliance with requirements of the State Adoption Law and of this chapter.

“Termination of parental rights” means the transfer by an order of a court of competent jurisdiction of all rights of control and authority over a child from its birth parent(s) or prior adoptive parent(s) to an agency or other person.

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

Added definition: “Adoption Complaint Investigation.”
Amended by R.1992 d.514, effective December 21, 1992.
See: 24 N.J.R. 3500(a), 24 N.J.R. 4552(a).

Stylistic changes.

Administrative Correction.

See: 25 N.J.R. 2591(a).

Administrative Correction.

See: 25 N.J.R. 2883(b).

Recodified from 10:121A-1.5 and amended by R.1995 d.431, effective August 7, 1995.

See: 27 N.J.R. 661(a), 27 N.J.R. 2922(a).

Added definitions: “Conditional surrender”, “Intermediary” and “should”; deleted definitions: “Identified adoption” and “Independent adoption”.

Amended by R.2011 d.245, effective October 3, 2011.

See: 42 N.J.R. 1965(a), 43 N.J.R. 2600(a).

In the introductory paragraph, inserted “, unless the context clearly indicates otherwise”; in definitions “Adoption agency” and “Branch office”, substituted “Department-certified” for “Bureau-certified”; in definition “Adoption agency”, inserted a comma following “home study”; in definition “Adoption Complaint Investigation”, substituted “court-appointed” for “ court appointed” and inserted the last sentence; deleted definitions “Bureau”, “Regular certificate of approval” and “Temporary certificate of approval”; added definitions “Certificate of approval”, “Office of Licensing”, “State Adoption Law” and “Substantial compliance”; in definition “Denial of a certificate”, deleted “by the Bureau” following “withholding”; in definitions “Department” and “Division”, substituted “Children and Families” for “Human Services”; in definitions “Revocation of a certificate” and “Suspension of a certificate”, deleted “regular or temporary” following “current”; and in definition “Suspension of a certificate”, substituted “Office of Licensing” for “Bureau”.

4. A review of the applicant's current job reference(s):
 - i. If the applicant states that a request for a current job reference will jeopardize the applicant's employment status, the agency shall obtain a reference from a previous employer.
 - ii. If a previous employer is not available, the agency shall obtain a reference from an appropriate alternative such as a former teacher or the applicant's supervisor of a volunteer activity; and
5. A review of three personal references from persons unrelated to the applicant(s):
 - i. The agency shall obtain at least one reference who has known the applicant for five years.
 - ii. The agency shall obtain at least one reference from a neighbor of the applicant(s). However, if such a reference cannot be obtained, a second reference as specified in (e)5i above may be substituted.
 - iii. Applicants from the same household may obtain the same personal reference, provided that the personal reference source has knowledge of each applicant.
- (f) The agency shall obtain information on the applicants. Such information shall include, but not be limited to:
 1. Identifying information such as: name, address, age, occupation, citizenship, race and ethnic background, education, social security number, religion (if any), and children in the home;
 2. A description of each adoptive applicant's awareness and sensitivity to special issues that adopted children need to resolve, including the child's identity, attitudes toward birth parents and circumstances of the child's availability for adoption;
 3. The family's recognition of the importance of and the family's plans for helping the child accept being adopted;
 4. Applicants' interests, hobbies, child caring skills, strengths and weaknesses and how they see themselves and each other;
 5. Philosophies on child rearing, discipline, parental roles, experience with children;
 6. Emotional stability and maturity of the applicant(s), including understanding of and ability to cope with problems, stress, frustration, crisis, separation and loss, capacity to give and receive affection, and ability to distinguish between their needs and those of the child;
 7. State of their marital, civil union or domestic partner relationship, decision making, communication, roles in the family and how they handle differences of opinion, if relevant;
 8. The attitudes of other members of the family and of significant other persons involved with the family towards the adoption, description of them as individuals and how they interact as a family, and adjustment of other children in the family;
 9. Each parent's family life history that includes: childhood experiences, what their home life was like, their parents' method of discipline and handling problems, their family ties, current family relationships and relatives' attitudes towards adoption;
 10. Each parent's agreement that corporal punishment, including hitting and shaking, as well as abusive language and ridicule are unacceptable means of discipline;
 11. Written medical reports on each applicant and all other persons living in the home that include health, results of laboratory tests or X-rays if ordered by the physician, and the physician's recommendation on the applicant's health status as it relates to the applicant's capacity to be an adoptive parent;
 12. Verifications of present or previous marriage(s) and divorce(s) of each adoptive applicant, including deaths of former spouses when there was no divorce;
 13. A statement of the agency's assessment of the results of State and Federal Criminal History Record Information (CHRI) fingerprint background checks, as specified in (g) below;
 14. A statement of the agency's assessment of the results of Division of Youth and Family Services Child Abuse Record Information (CARI) background checks, as specified in (n) below;
 15. Location and description of physical environment of the residence and neighborhood;
 16. Statement of income and financial resources, and a description of the applicant's capacity to manage finances;
 17. A description of the type(s) of children the adoptive applicants can accept, including age range, sex, sibling groups and physical, social, emotional or developmental disabilities in the child;
 18. A description of any birth family background problems, such as medical or hereditary problems, incest, mental illness, or drug use; and
 19. A description of the applicant's capacity to make viable child care arrangements while the applicant(s) is employed, if relevant.
- (g) As part of the home study, the agency shall obtain Criminal History Record Information (CHRI) fingerprint background checks on each adoptive applicant and all persons residing in the adoptive applicant's home who are 18 years of age or older, except as specified in (v) below. For the purposes of processing requests for CHRI fingerprint background checks, the agency shall ensure that:

1. The identity of each adoptive applicant and each adult who resides in the adoptive applicant's home is verified through a valid driver's license with photograph, a valid passport or other government-issued picture identification;
 2. Fingerprints are obtained utilizing the electronic fingerprinting process through the vendor authorized by the State to conduct CHRI background checks through the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation, except as specified in (h) and (i) below;
 3. A list is maintained of all adoptive applicants and adults who reside in the applicant's home who are fingerprinted;
 4. All required fees for electronic fingerprinting are submitted by the adoptive applicants to the vendor authorized by the State to conduct CHRI background checks through the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation;
 5. All correspondence involving individual fingerprints or the results of the CHRI is marked "Confidential";
 6. A record of the results of the CHRI and the date the results are received by the agency is maintained in the applicant's case record; and
 7. When the results of a CHRI reveal a criminal conviction, the agency:
 - i. Discloses the results of the CHRI only to the specific individual on whom the CHRI was conducted; and
 - ii. Discloses to the adoptive applicant(s) the name of the adult residing in the applicant's home who has a criminal conviction, but does not disclose to the adoptive applicant(s) any other information about the conviction.
- (h) An agency providing services to an adoptive applicant residing in a state other than New Jersey shall obtain the CHRI background check for the applicant and adult members of the applicant's household from the state where the applicant resides, in lieu of obtaining a New Jersey State CHRI, provided that:
1. The agency obtains the Federal CHRI background check for the individual; and
 2. The agency documents that the individual never resided or worked in New Jersey.
- (i) An agency providing services to an out-of-State resident who previously resided or worked in New Jersey, or to a New Jersey resident who is unable to access the electronic fingerprinting process due to illness or injury, shall obtain the CHRI background check using the fingerprint cards supplied by the Department of Children and Families.
1. Such fingerprints may be taken:
 - i. At the adoption agency by trained agency staff or by a trained person who is hired or volunteers to take fingerprints on behalf of the agency;
 - ii. At the local police station; or
 - iii. By trained staff of another adoption agency, as part of a cooperative effort.
 2. The completed fingerprint cards and required fees shall be submitted to the Department of Children and Families.
- (j) A public adoption agency shall disqualify an adoptive applicant if the applicant or any adult residing in the applicant's household was convicted of one of the following crimes or offenses:
1. A crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.A. 2C:24-4; or child abuse, neglect or abandonment pursuant to N.J.S.A. 9:6-3;
 2. Murder pursuant to N.J.S.A. 2C:11-3 or manslaughter pursuant to N.J.S.A. 2C:11-4;
 3. Aggravated assault, which would constitute a crime of the second or third degree pursuant to N.J.S.A. 2C:12-1b;
 4. Stalking pursuant to N.J.S.A. 2C:12-10;
 5. Kidnapping and related offenses, including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure or isolated area pursuant to N.J.S.A. 2C:13-1 through 6;
 6. Sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.A. 2C:14-2 through 4;
 7. Robbery, which would constitute a crime of the first degree pursuant to N.J.S.A. 2C:15-1;
 8. Burglary, which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:18-2;
 9. Domestic violence pursuant to N.J.S.A. 2C:25-17 et seq.;
 10. Endangering the welfare of an incompetent person pursuant to N.J.S.A. 2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.A. 2C:24-8;
 11. Terrorist threats pursuant to N.J.S.A. 2C:12-3;
 12. Arson pursuant to N.J.S.A. 2C:17-1, or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:17-2; or
 13. An attempt or conspiracy to commit an offense specified in (j)1 through 12 above.

(k) A public adoption agency shall disqualify an adoptive applicant if the applicant or an adult residing in the applicant's household was convicted of one of the following crimes or offenses, and the date of release from confinement (the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last) occurred within the preceding five years:

1. Simple assault pursuant to N.J.S.A. 2C:12-1a;
2. Aggravated assault which would constitute a crime of the fourth degree pursuant to N.J.S.A. 2C:12-1b;
3. A drug-related crime pursuant to the Comprehensive Drug Reform Act, N.J.S.A. 2C:35-1 et seq.;
4. Robbery which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:15-1;
5. Burglary which would constitute a crime of the third degree pursuant to N.J.S.A. 2C:18-2; or
6. An attempt or conspiracy to commit an offense specified in (k)1 through 5 above.

(l) For a public adoption agency when the conviction is for a crime or offense other than those specified in (j) and (k) above, and for a private adoption agency for a conviction for any crime or offense, the agency shall utilize the following criteria for assessing the suitability of the adoptive applicant when the CHRI reveals a record of criminal conviction by the adoptive applicant or an adult residing in the applicant's household. The agency shall:

1. Examine the nature and seriousness of the crime and the date it occurred. Special attention shall be given to crimes of violence, crimes that involve the use or threat of a weapon, rape/sexual assault, crimes that result in the loss of life and crimes against children;
2. Discuss the circumstances of the crime with the convicted individual, in a confidential manner as specified in (g)8 above;
3. Assess whether the age of the convicted individual at the time the crime was committed is a relevant factor;
4. Take into consideration whether the crime was an isolated or repeated incident;
5. Assess whether there were social conditions/extenuating factors involved that may have contributed to the crime or mitigated the convicted individual's culpability; and
6. Determine whether the convicted individual completed a rehabilitation program, including a prison sentence, stays in a half-way house, treatment received in a drug treatment facility, treatment received in a psychiatric hospital or counseling received in the community. If such evidence exists, the agency shall assess whether the con-

victed individual has been rehabilitated and shall consider such rehabilitation in making a determination; and

7. Inform the Office of Licensing of its assessment of the suitability of the adoptive applicant(s).

(m) The CHRI background checks specified in (g) and (h) above shall be valid for 12 months from the date the results are received by the agency.

(n) The agency shall obtain Child Abuse Record Information (CARI) background checks from the Division of Youth and Family Services on each adoptive applicant and all persons residing in the adoptive applicant's home who are 18 years of age and older, except as specified in (n)5 below. The agency shall ensure that:

1. CARI background check forms supplied by the Office of Licensing are completed and signed by the adoptive applicant(s) and other adult(s) residing in the adoptive applicant's home and submitted along with a fee of \$10.00 for each CARI background check, in the form of a check or money order made payable to the "Treasurer, State of New Jersey," to the address designated by the Office of Licensing;

2. All correspondence between the agency and the Department involving CARI background check forms and related information is marked "confidential";

3. When the results of a CARI background check reveal a substantiated incident(s) of child abuse and/or neglect, the agency:

i. Discloses the results of the CARI background check only to the individual identified by the Department as the perpetrator of the child abuse and/or neglect incident(s); and

ii. Discloses to the adoptive applicant(s) the name of the perpetrator, if other than the applicant(s), but does not disclose to the applicant(s) any other information concerning the incident;

4. As part of the home study, the agency utilizes the following criteria for assessing the suitability of the adoptive applicant(s) when the CARI background check reveals that the adoptive applicant(s) or adult(s) residing in the home has a record of a substantiated incident(s) of child abuse and/or neglect. Utilizing the results of the CARI background checks and through contacts with the adoptive applicant(s), the agency shall:

i. Examine the nature and seriousness of the abuse and/or neglect incident(s) and the date(s) it occurred, with particular concern for incidents of sexual abuse and abuse or neglect that resulted in the death or serious injury of a child;

ii. Discuss the circumstances of the abuse and/or neglect incident(s) with the adoptive applicant(s) or

adult(s) residing in the home in a confidential manner as specified in (n)3 above;

iii. Assess whether the age of the perpetrator at the time the abuse and/or neglect incident(s) occurred is a relevant factor;

iv. Take into consideration whether the incident(s) of abuse and/or neglect was an isolated or a repeated incident;

v. Assess whether there were circumstances or extenuating factors involved that may have contributed to the incident(s) of abuse and/or neglect or mitigated the perpetrator's culpability; and

vi. Determine if the perpetrator has completed a rehabilitation program or counseling program. If such evidence exists, the agency shall make an assessment whether the perpetrator has been rehabilitated and shall consider such rehabilitation in making a determination;

5. For an adoptive applicant residing in a state other than New Jersey, the agency obtains a child abuse background check for the applicant and adult members of the applicant's household from the state where the applicant resides, in lieu of obtaining a New Jersey CARI check, provided that the agency documents that the individual never resided or worked in New Jersey. For individuals who previously resided or worked in New Jersey, the agency shall obtain both a New Jersey CARI check and a child abuse background check from the state where the applicant resides. For individuals who previously resided or worked in a state other than New Jersey and currently reside in New Jersey, the agency shall obtain both a New Jersey CARI check and a child abuse background check from the state where applicant previously resided; and

6. The agency maintains the results of the CARI background check and/or child abuse background check from another state in the adoptive applicant's file.

(o) The CARI background checks specified in (n) above shall be valid for 12 months from the date the results are received by the agency.

1. If a child is not placed in the adoptive applicant's home within 12 months, the agency shall obtain an additional CARI background check as specified in (n)2 above, for each applicant and all persons residing in the applicant's home who are 18 years of age and older, prior to placement of a child in the adoptive applicant's home.

2. The agency shall maintain the results of the additional CARI background checks in the adoptive applicant's file.

(p) The home study shall not be shared with any person, parent, adoptive applicant or agency until it has been completed. The home study shall be considered complete when it contains all information specified in (g) through (n) above.

(q) When an employee or consultant is adopting a child through the agency they work for or provide services to, the employee or consultant shall obtain a home study from another certified agency.

(r) The agency shall not place a child in the adoptive applicant's home for the purpose of adoption without a completed home study.

(s) After the home study has been conducted, the social worker who conducted the study and the social work supervisor shall co-sign a letter to the adoptive parents or otherwise indicate in writing that the approval or rejection decision was made jointly.

1. The agency shall make the approval or rejection decision after carefully assessing all the information obtained during the home study.

2. The agency shall inform the applicant(s) of its decision in writing within 30 calendar days after the last contact with the applicant(s).

i. When an applicant is approved, the agency shall recommend to the applicant the type(s) of child(ren) who can best adjust to the family and to whom the family can best adjust. When the agency's recommendation of the type(s) of child(ren) to be considered for adoption is different from the applicant's initial preference for a certain type(s) of child(ren), the agency shall document in the adoptive family record the results of the discussion between the social worker and the applicant on this point.

ii. When the applicant pursues a child(ren) different from the type(s) of child(ren) recommended by the agency, the agency shall reevaluate the home study to determine if the applicant can be approved for the type of child he or she is seeking.

iii. When an applicant is not accepted, the agency shall:

(1) Explain to the applicant the reason(s) that a child cannot be placed with the family;

(2) Offer the applicant at least one in-person contact to help the applicant adjust to the agency's decision; and

(3) Provide the applicant information, both verbally and in writing, of the agency's grievance procedure.

(t) Upon receipt of a written request from adoptive applicants who have undergone a home study for a foreign adoption, the agency shall forward to the applicants the home study within 30 calendar days of the request.

(u) For applicants who have been studied, approved and placed on a waiting list for longer than 12 months from the time their home study was approved, the agency shall ensure

that the home study is current within 12 months of the child's being placed into the home, except for home studies for foreign adoption, which may be current for 18 months of the child's being placed in the home. The updated home study shall include:

1. One or more interviews with all members of the applicants' household;
2. Medical reports within the past year for all members of the applicants' household;
3. A visit to the residence of the applicant(s); and
4. Updated financial information, as specified in (f)16 above.

(v) For applicants who are being considered for adoption of one or more additional children, the agency shall:

1. Update the home study as specified in (u) above; and
2. Evaluate the adjustment status of the previously placed child(ren) with the family.

(w) For a stepparent adoption, a CHRI shall not be required for household members 18 years of age and older who are related to the birth parent.

(x) The Criminal History Record Information (CHRI) fingerprint background check and the Child Abuse Record Information (CARI) background check conducted on an adoptive parent(s) whose child's adoption in a foreign country is recognized by the United States government shall be valid for such adoptive parent(s) when seeking a re-adoption in New Jersey.

(y) A New Jersey State Police fingerprint background check, as specified in N.J.A.C. 10:121A-5.6(g), shall be obtained by the agency for an adoptive parent(s) seeking adoption in New Jersey for a child whose adoption in a foreign country is not recognized by the United States government. The agency shall also meet the following requirements:

1. A home study shall be conducted, except that a Federal fingerprint background check shall not be required; and
2. The agency shall maintain the results of the New Jersey State Police fingerprint background check in the file of the adoptive parent(s).

Amended by R.1992 d.514, effective December 21, 1992.

See: 24 N.J.R. 3500(a), 24 N.J.R. 4552(a).

In-person contacts to occur on separate days; group contacts permitted; medical records required of all residents of adoptive home; re-evaluations required for those seeking child different from agency recommendation.

Administrative Correction.

See: 25 N.J.R. 2883(b).

Amended by R.1995 d.431, effective August 7, 1995.

See: 27 N.J.R. 661(a), 27 N.J.R. 2922(a).

Criminal History Record Information (CRHI) fingerprint checks and Child Abuse Registry Information background checks required of all

residents of adoptive home over 18 years of age; exceptions for household members related to birth parent in stepparent adoptions; applicability of required fingerprint and background checks to foreign adoptions.

Amended by R.1996 d.234, effective May 20, 1996 (operative July 1, 1996).

See: 28 N.J.R. 142(a), 28 N.J.R. 2620(a).

In (i)1 imposed a \$10 fee.

Amended by R.1997 d.480, effective November 17, 1997.

See: 29 N.J.R. 3230(a), 29 N.J.R. 4857(a).

Inserted new (l); and recodified existing (l) through (s) as (m) through (t).

Amended by R.2011 d.245, effective October 3, 2011.

See: 42 N.J.R. 1965(a), 43 N.J.R. 2600(a).

Rewrote the section.

Case Notes

Adoption procedure; agency action in removing child from home of prospective parents during six month supervisory period affirmed. In re: J.P., 198 N.J.Super. 166, 486 A.2d 907 (App.Div.1985).

10:121A-5.7 Placement services

(a) The agency shall have responsibility for the selection of approved adoptive parents for a child upon successful completion of a home study as specified in N.J.A.C. 10:121A-5.6.

1. The agency shall not place a child for adoption before documenting in the child's record the reason(s) for placing the child with the adoptive family.

2. The agency shall document in the child's record efforts to place siblings together in the same adoptive home; if a child is not to be placed together with siblings who are also legally free or who were adopted previously, the agency shall document in the child's record at the time of placement the reasons that co-placement was not in the child's interest or the factors that made co-placement unfeasible.

3. The agency shall give the adoptive parent(s) a written explanation of their rights and responsibilities regarding the child during the supervision period. Such information shall include, but not be limited to, areas of medical care, financial responsibilities, travel outside the state and any areas where the law requires the consent of a parent or guardian.

4. In instances where an agency that is not certified by the Department is involved with a Department-certified agency, both agencies shall share information and reach a mutual decision on each adoptive placement.

5. The agency shall not disqualify any adoptive parent(s) rejected for a particular child from being considered for the adoption of another child, unless basic conflicts about adoption and/or parenting style are revealed, or the adoptive parent(s) are unable to accept the children who are available for adoption through the agency.

(b) The agency shall provide the following information to adoptive parent(s):

1. A written history of the child, including developmental and medical history and reason(s) for surrendering the child. If the child has special needs, the agency shall provide the applicant(s) with an assessment of the child's long-term needs, along with written information about the availability of subsidy and a list of community resources that provide services to address the child's needs;

2. An explanation that the adoptee may ultimately wish to seek information contained in the permanent record concerning his or her birth family and may in the future attempt to contact the birth family; and

3. An explanation that the agency may contact the adoptive parent in the future to convey updated information about the adoptee's birth family.

(c) The agency shall comply with the following escort and/or transportation requirements:

1. An agency engaged in transporting children for adoption shall ensure that adoptive parents or other escorts who accompany children from a referring agency to their adoptive families are informed of the child's medical needs;

2. An agency that provides or arranges for escort transportation service for children as part of its adoption program shall ensure that no child is left unattended during any portion of the trip to the adoptive family, unless the agency documents in the child's record that the child is physically and emotionally capable of traveling independently;

3. Persons providing children's escort services for an agency shall have a written statement from the agency describing their respective authority and responsibilities and shall carry proper identification, including their name and the agency's name while performing their duties.

i. The agency shall provide escorts with emergency information, names, telephone numbers and appropriate medical supplies and shall arrange for the safe and expeditious transfer of children to their adoptive parent(s) upon arrival.

ii. The agency shall require proof of identification by any person accepting temporary or permanent responsibility for the child's arrival; and

4. The agency shall document the escort and/or transportation plan in the child's record.

Amended by R.1992 d.514, effective December 21, 1992.

See: 24 N.J.R. 3500(a), 24 N.J.R. 4552(a).

"Approved" adoptive parents specified.

Amended by R.2011 d.245, effective October 3, 2011.

See: 42 N.J.R. 1965(a), 43 N.J.R. 2600(a).

In (a)4, substituted "Department" for "Bureau" twice.

10:121A-5.8 Post-placement services

(a) In keeping with the home study and supervision requirements specified at N.J.A.C. 10:121A-3.6(d)14, the agency shall:

1. Visit the home within 14 calendar days of the adoptive placement after the first day of placement, and document in the child's record that:

i. The child's background information was reviewed with the adoptive parent(s);

ii. The adoptive parent(s) and child were given reassurance that their feelings, worries and joys are natural and understandable;

iii. School age children have an educational plan, pursuant to N.J.S.A. 30:4C-26(c) and N.J.S.A. 18A:7B-12(a); and

iv. Working parent(s) have made child care arrangements.

2. For children under five years of age, the agency shall:

i. Conduct bi-monthly home visits after the first visit for at least six months, except when the adoption is delayed past the six month supervisory period because the court has a backlog of cases. In these instances, the agency may conduct office visits on a quarterly basis instead of home visits until the adoption has been finalized.

ii. Document in the child's record that all members of the adoptive family's household were interviewed during the placement supervision period; and

iii. Document in the child's record that the following issues were discussed:

(1) How the presence of the child changed the lifestyle and marital, civil union, domestic partnership and/or sibling relationships and how the child and extended family view each other;

(2) What role each family member has assumed regarding child care and discipline; and

(3) How parents cope with demands of a crying infant and/or a child who "tests" the placement and how the family reacts to these episodes including any feelings of insecurity about doing the "right" thing.

3. For children age five or older, the agency shall:

i. Conduct monthly home visits during the minimum supervisory six-month period, and then bi-monthly home or office visits until the adoption is finalized, if the court has a backlog of cases;