

CHAPTER 122A

AFDC FOSTER CARE PLAN

Authority

N.J.S.A. 18A:70-1 et seq., 30:1-1 et seq., 30:4C-1 et seq.

Source and Effective Date

R.1980 d.314, eff. January 1, 1981.

See: 12 N.J.R. 39(a), 12 N.J.R. 483(d).

Executive Order 66(1978) Expiration Date

This chapter is exempt from Executive Order 66(1978) because it is adopted in compliance with 42 CFR Part 28.

Historical Note

This chapter was recodified from N.J.A.C. 10:122-3 which was adopted pursuant to authority of N.J.S.A. 30:1-12 and was filed and became effective April 9, 1975 as R.1975 d.99. See: 7 N.J.R. 227(c).

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SUBCHAPTER 1. GENERAL PROVISIONS

10:122A-1.1 Commitments

(a) The State agency commits itself to meet and fulfill the requirements of 45 CFR, Part 233.110, specifying State plan requirements for the provision of AFDC foster care under Title IV-A of the Social Security Act.

(b) The State agency commits itself to the integration of its program of family and child welfare services under Titles IV-A and IV-B of the Social Security Act with its program of AFDC foster care to provide a maximum utilization of service entitlements for children eligible to participate in both programs.

10:122A-1.2 Plan amendments

The State plan for AFDC foster care will be amended whenever necessary to reflect a material change in State law, organization, policy or agency operations, or Federal law or policy. Changes in the scope of services offered through the State's program of family and child welfare services to AFDC foster care children will be reflected in amendments to the "State Plan for Title IV-A and IV-B of the Social Security Act, Service Programs for Families and Children".

10:122A-1.3 Organization and administration

(a) As specified in the State Plan for Title IV-A and IV-B of the Social Security Act, Service Programs for Families and Children, there is established a single organizational unit, within the single State agency, at the State level and also at the local level to provide or supervise all services to families and children included in that plan. The single organizational unit is located within the Division of Youth and Family Services and has as its chief administrative officer the Director of the Division of Youth and Family Services who is responsible to the Commissioner of the Department of Institutions and Agencies. In addition to its responsibilities for setting service policies and for the maintenance of policy control for all parts of the family and child welfare service programs, the unit is responsible for the administration and supervision of the State's program of AFDC foster care.

(b) The Division of Youth and Family Services is the State operated family and child welfare service with supervisory responsibility over the provision of these same services through the county administered social service delivery system. As such, the Division consists of 18 district offices, 21 county welfare boards, one special adoption unit, a number of group homes, residential facilities and day care centers. All care, custody and guardianship cases in foster care are supervised by the district office component of the system.

10:122A-1.4 Eligibility requirements for AFDC foster care

(a) The State agency will provide aid in the form of foster care for each otherwise eligible child:

1. Who was removed after April 30, 1961, from the home of a relative specified in the AFDC plan, as a result of a judicial determination that continuance in the home of the relative would be contrary to his welfare, for any reason, and who has been placed in foster care as a result of such determination; and

2. Who, in or for the month in which that court action was initiated, was receiving AFDC, or would have received AFDC if application had been made; or

3. Who lived with a relative specified in AFDC plan within six months prior to the month in which that court action was initiated, and who would have received AFDC in or for such month he had been living with (and removed from the home of) such relative and application had been made for him; and

4. Whose placement and care are the responsibility of the Division of Youth and Family Services.

(b) Children eligible for AFDC foster care will be so identified in their individual service plans (case records). A monthly compilation of children in the AFDC foster care program, in the form of a computer printout, will be maintained by the agency.

10:122A-1.5 Placement and treatment of eligible children

(a) Consistent with Section 3.2 of the State Plan for Title IV-A and IV-B of the Social Security Act, Service Programs for Families and Children, a service plan will be developed and maintained on a continuous basis for each child requiring AFDC foster care services. Such a plan will be developed in cooperation with the family and will be responsive to the needs of each individual within the family, including the child requiring AFDC foster care.

(b) Service plans will, as a minimum, provide for:

1. The placement of the child in a foster family home or child care institution, as appropriate to his needs;
2. The provision of services to improve the conditions in the home from which he was removed, to make possible his placement in the home of another relative under the State's AFDC plan or in an adoptive home, or to continue the child in foster care, as appropriate; and
3. A review of the need for continued care and services in such placement as the need of each case requires, but not less frequently than every six months.

(c) Consistent with Section 3.5, "Foster Care Services", of the State Plan for Title IV-A and IV-B of the Social Security Act, service programs for child and his or her family to work out his/her/their individual and collective problems so that the child can eventually be returned to his or her natural home, or be placed in the home of a relative, an adoptive home or other placement, as appropriate. These services will be provided through existing family and child welfare service programs under Titles IV-A and IV-B of the Social Security Act. Maximum use will be made of such services provided by employees of the Division of Youth and Family Services. These services may be purchased when not directly available through the State or local agency or not otherwise available in the community without cost or when the particular needs of the child or a member of his family can best be met through a purchase arrangement.

(d) The placement of children eligible for AFDC foster care will be arranged after an assessment of each child's individual treatment needs. A number of substitute-care placement settings, offering differential degrees of treatment are used, including:

Facility	(DYFS \$171)	Rate	Range (per/mo)
6. County JINS Shelters		\$ 400	\$1,200*
7. County Detention Centers		\$ 750	\$1,200*
8. DYFS Emergency Shelters		\$ 150	
9. Private Emergency Shelters		Free	
10. State Correctional facilities		\$ 950	\$1,330*
11. State Diagnostic Centers		\$1,000	\$1,500*
12. Private Diagnostic Centers		None	
13. State Psychiatric Hospital		\$1,200	\$1,500*
14. Private Psychiatric Hospitals		\$ 450	\$3,000
15. State Institutions For The Mentally Retarded		\$ 600	\$1,000
16. Private Institutions For The Mentally Retarded		\$ 108	\$ 450
17. Private Institutions For The Physically Handicapped		Free	\$ 597
18. Private Boarding Schools		Free	\$ 365
19. Private Maternity Homes		Free	\$ 160
20. DYFS Residential Treatment Centers		\$ 950**	
21. Private Residential Treatment Centers		\$ 350	\$ 500 Unlimited in individual cases
22. Private Drug Treatment Centers		Free	\$ 160

* Cost, not rate, to other government unit or State agency

** Cost, not rate, to DYFS

(e) Non-State operated facilities enumerated in subsection (d) of this Section may be located within New Jersey or out-of-State. The applicable cost of public institutions, when they are used, will not be considered as maintenance cost eligible for Federal financial participation.

Case Notes

Foster parents are not entitled to indemnification by the State for damages sought by natural parents of injured child because they are not State employees under the New Jersey Tort Claims Act. New Jersey Property-Liability Insurance Guaranty Assn. v. State, 195 N.J.Super. 4, 477 A.2d 826 (App.Div.1984), certiorari denied 99 N.J. 88, 491 A.2d 691 (1984).

10:122A-1.6 Allowable expenditures

(a) The Division of Youth and Family Services will claim Federal financial participation at the 50 per cent rate under the provisions of Section 1118 of the Social Security Act in the cost of maintenance for agency supervised children eligible for AFDC foster care. The term maintenance, as herein used, includes:

1. Board payments;
2. Regular quarterly clothing allowances;
3. Special initial clothing allowances; and
4. Other special allowances made to children in placement.

(b) The costs of placement attributable to treatment services will be identified separately and charged to the Title IV-A family service program at the 75:25 rate of Federal financial participation.

Facility	(regular)	(special)	Rate	Range (per/mo)
1. DYFS Supervised Foster Family Homes	\$ 100	\$ 123		
2. DYFS Supervised Group Care Homes	\$ 106	\$ 113		
3. Private Group Care Homes (Boarding)	\$ 191	\$ 306		
4. Private Group Care Homes (Therapeutic)	\$ 171	\$ 500		
5. County Shelters	(DYFS \$171)	\$ 400	\$ 600*	