

CHAPTER 121C
REQUIREMENTS FOR DYFS ADOPTIONS

Authority

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

Source and Effective Date

R.2001 d.92, effective February 21, 2001.
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 121C, Requirements for DYFS Adoptions, expires on August 20, 2006. See: 38 N.J.R. 1505(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: Source and Effective Date. See, also, section annotations.

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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 family through the adoption finalization;
6. The post-adoption services available through the Division; and
7. The 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).

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 approved by the Division as an adoptive applicant;
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 hard-to-place 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 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).

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:

“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.

“Approved adoptive applicant” means a person who has an approved home study from the Division but who has not yet received a child for adoptive placement.

“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.

“Hard-to-place child” means any child who the State of New Jersey has the legal right to place for adoption but who is reasonably expected not to be placed for adoption due to the lack of a prospective adoptive home for any of the reasons defined in N.J.A.C. 10:121-2.1, Definitions.

“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.

“Post-adoption services” means all services, other than 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 children.

“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.

“Selected adoptive home” means an applicant who has been approved by the Division for the purpose of providing an adoptive home to a child who does not currently reside with the adoptive applicant.

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.

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 the Adoption Resource Centers 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.

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.

able, a picture of the child, and a description of any special needs.

(c) The Division shall distribute the Statewide listing at least yearly to interested individuals and agencies and approved applicants.

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".

SUBCHAPTER 2. RECRUITMENT OF ADOPTIVE HOMES

10:121C-2.1 Confidentiality

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.

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".

10:121C-2.5 Recruitment methods

(a) The Division shall utilize, but shall not be limited to, recruitment methods such as the New Jersey Adoption Resource Exchange and the National Adoption Exchange, videos, pictures, public service announcements, social events, television recruitment, newspaper series, newsletters, public speaking engagements, dissemination of literature and community displays.

(b) Each child's pictures and videos, that are used for recruitment, shall be no more than a year old.

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.

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

(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-2.3 Utilizing contract agencies

(a) The Division may contract with agencies to recruit for adoptive homes for hard-to-place children.

10:121C-2.7 Adoption information

The Division shall provide non-identifying information on the child in need of adoptive placement to any family who is recruited or indicates an interest in taking the child, in order for that family to make an informed decision regarding their ability to adopt the child.

(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".

10:121C-2.4 State and national exchange registration

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

1. Seek a Division-approved adoptive home;
2. If an appropriate Division-approved adoptive home is not immediately available, register the child on adoption resource exchanges in accordance with N.J.A.C. 10:121A-5.2(e).

(b) The Division shall maintain the New Jersey Adoption Resource Exchange, which includes a Statewide listing of every hard-to-place child in need of an adoptive home. The listing shall include the child's biography and, where avail-

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 adopting a hard-to-place 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 Division shall approve or reject an adoptive applicant based on the assessment process as referenced in N.J.A.C. 10:121A-5.6(g), Home study 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); deleted (c) and (d); and recodified former (e) as (c).

10:121C-3.2 Release of home studies to other agencies

The Division shall advise each adoptive applicant during the home study process that his or her home study shall be released to any other certified adoption agency only when a certified adoption agency makes a written request to the Division and requests that the Division-approved home study be released for the purpose of utilizing the home for a hard-to-place child. The request shall include a description of the child whom the other agency wishes to place with the Division-approved adoptive applicant.

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.

SUBCHAPTER 4. ADOPTIVE HOME SELECTION AND PLACEMENT PROCESS

10:121C-4.1 Criteria for adoptive home selection

(a) When the Division files for the termination of parental rights to a child or a child becomes available for adoptive placement in accordance with N.J.A.C. 10:133I, Reasonable Efforts, and N.J.A.C. 10:133J, Termination of Parental Rights, and the child is in need of a selected adoptive home, the Division shall identify an adoptive home which has been studied and approved in accordance with N.J.A.C. 10:121A-5.6, Home study services, or shall initiate efforts to recruit and process an adoptive home.

(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 adoptive home 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 adoptive parent is considered in making the adoptive home selection and how these factors affected the selection.

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.

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

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.

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. Explain the legal process of adoption finalization;
2. Advise the adoptive family that post-placement services shall be terminated as of the date of the adoption finalization;
3. Obtain from the adoptive family the name of the attorney who will file the adoption papers on their behalf;

4. 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

5. 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".

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 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.

SUBCHAPTER 7. REGISTRY SERVICES

10:121C-7.1 Registry services available

(a) The Division shall provide 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 "adoptee".

10:121C-7.2 Person's identity verified

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