

(b) The Office of Licensing shall issue a renewal license to a resource family parent who is in full compliance with all level I requirements and substantial or full compliance with level II requirements.

(c) For license renewal, the resource family parent shall:

1. Permit and participate in an inspection by the Office of Licensing, as specified in N.J.A.C. 10:122C-2.3;

2. Ensure that he or she and each household member have obtained a physical examination within the last 12 months and submit each medical reference for each resource family parent and household member prior to license renewal;

3. Submit information necessary for a State and Federal Criminal History Record Information fingerprint background check pursuant to N.J.S.A. 30:4C-26.8 for each resource family parent and household member 18 years of age or older, each new adult household member and each household member who reaches 18 years of age, as specified in N.J.A.C. 10:122C-5.4(a)1; and

4. Submit information necessary for a Child Abuse Record Information background check for each resource family parent and household member 18 years of age or older, each new adult household member and each household member who reaches 18 years of age, as specified in N.J.A.C. 10:122C-5.5.

Recodified from N.J.A.C. 10:122C-2.3 and amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).
See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a), substituted "Home Study/Licensing" for "License" and "60" for "45"; rewrote (c)2; in (c)3, substituted "resource family parent" for "applicant" and "household member" for "child", and updated the N.J.A.C. reference; and in (c)4, substituted "household member" for "child". Former N.J.A.C. 10:122C-2.4, Denying, suspending, revoking or refusing to renew a license, recodified to N.J.A.C. 10:122C-2.5.
Administrative correction.
See: 41 N.J.R. 2123(a).

10:122C-2.5 Denying, suspending, revoking or refusing to renew a license

(a) The Office of Licensing shall deny an application or suspend, revoke or refuse to renew a license, as applicable, if the applicant, resource family parent or any household member at least 18 years of age has been convicted of a crime or offense specified in N.J.S.A. 30:4C-26.8.

(b) The Office of Licensing is authorized to deny an application or suspend, revoke or refuse to renew a license for good cause, including, but not limited to, the following:

1. Failure to comply with the provisions of this chapter;
2. Violation of the terms and conditions of a license;
3. Fraud or misrepresentation in obtaining a license;
4. Refusal to furnish the Department with files, reports or records as required by this chapter;

5. Refusal to permit an authorized representative of the Department to gain admission to the home or to conduct an inspection or investigation;

6. A conviction by the applicant, resource family parent or a household member at least 18 years of age for any crime or offense;

7. A determination by the Department that a report of child abuse or neglect by the applicant, resource family parent or a household member has been substantiated;

8. Any conduct, engaged in or permitted, which adversely affects or presents a serious hazard to the education, health, safety, general well-being or physical, emotional and social development of a child, or which otherwise fails to comply with the standards required for the provision of resource family care to a child and the maintenance of a resource family home;

9. Failure to be in full compliance with one or more level I requirements;

10. Failure to be in substantial compliance with one or more level II requirements;

11. Failure to abate outstanding violations of level II requirements by the next annual or renewal inspection, whichever comes first; or

12. Failure to comply with the terms and conditions of a waiver granted by the Office of Licensing.

(c) If a resource family parent or applicant fails to comply with the applicable provisions of this chapter, the Office of Licensing shall issue a directive ordering compliance.

(d) Before the decision to deny an application or suspend, revoke or refuse to renew a license becomes effective, the resource family parent or applicant shall have the opportunity to request a hearing to contest the action, as specified in N.J.A.C. 10:122C-2.6(a).

(e) A previous denial of an application or suspension, revocation or refusal to renew a license shall not in itself result in an automatic disqualification of the resource family parent or applicant to secure a license, but shall constitute grounds for the Department to investigate the circumstances that led to the original negative action and to make a determination as to whether to reject or process the new application for a license.

(f) If the Office of Licensing denies an application, or revokes or refuses to renew a license, as specified in (a) and (b) above, the former resource family parent or applicant shall be prohibited from reapplying for a license for one year from the date of the denial, revocation or refusal to renew the license. After the one-year period has elapsed, the former resource family parent or applicant may submit to the Department or contract agency a new application for a license, if he or she believes that the condition that led the

Office to deny the application or revoke or refuse to renew the license is no longer applicable.

(g) If a license is suspended, the Office of Licensing shall issue or reinstate the license once the resource family parent demonstrates that he or she has achieved compliance with the applicable provisions of this chapter. In such a case, the Office shall not require the resource family parent to submit a new application for a license unless reapplication is expressly made a condition of the issuance or reinstatement of the license.

(h) Each license issued by the Office of Licensing to a resource family parent remains the property of the State of New Jersey. If the Department suspends or revokes a license, the resource family parent shall return the license to the Department immediately.

Recodified from N.J.A.C. 10:122C-2.4 and amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).
See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (b)11, deleted "time of the" preceding "next", substituted "annual or renewal" for "licensing", and inserted ", whichever comes first"; and in (d), updated the N.J.A.C. reference. Former N.J.A.C. 10:122C-2.5, Administrative hearings, recodified to N.J.A.C. 10:122C-2.6.

10:122C-2.6 Administrative hearings

(a) Before denying, suspending, revoking or refusing to renew a license, the Office of Licensing shall give written notice to the resource family parent or applicant personally, or by mail to the last known address of the resource family parent or applicant with return receipt requested. The notice shall:

1. State the reason for the action; and
2. Afford the resource family parent or applicant the opportunity to request a hearing to contest the action, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) As long as the Department determines that children are not at risk and that no imminent hazard exists, the Office of Licensing may permit a resource family parent whose license has been suspended, revoked or refused for renewal, and who has requested a hearing, as specified in (a) above, to continue to operate the resource family home until a final decision is rendered as a result of the hearing.

Recodified from N.J.A.C. 10:122C-2.5 and amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).
See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).
Former N.J.A.C. 10:122C-2.6, Complaints, recodified to N.J.A.C. 10:122C-2.7.

10:122C-2.7 Complaints

(a) Whenever the Office of Licensing receives a report questioning the licensing status or compliance of a resource family parent or applicant or alleging a violation of the requirements specified in this chapter, the Office shall ensure

that the allegation is promptly investigated to determine whether the complaint is confirmed.

(b) Upon completion of the complaint investigation, the Department shall notify the resource family parent or applicant and the Division office or contract agency that has supervision of the resource family home in writing of the results of the investigation, with the exception of any information not permitted to be disclosed pursuant to the Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a, or any other State or Federal law.

(c) Whenever the Department conducts a complaint investigation, the resource family parent or applicant shall cooperate with all Department investigators.

(d) The Department, during the course of investigating a report of child abuse and neglect, may determine that immediate corrective action is necessary to protect a child whenever:

1. A resource family parent, applicant or household member has been found by the Department to have harmed or to pose a risk of harm to a child;
2. A resource family parent, applicant or household member has committed an act of child abuse or neglect, as substantiated by the Department; or
3. A resource family parent, applicant or household member has been convicted of such acts.

(e) When the Department makes a determination that immediate remedial action and/or long-term corrective action is necessary, such action may include temporary or permanent closure of the resource family home.

(f) Substantiation by the Department of a child abuse or neglect report shall not in itself automatically result in the denial, suspension or revocation of or refusal to renew a license, but shall constitute grounds for such action at the discretion of the Office of Licensing after considering information provided by the Department. The Office of Licensing may issue or continue the license if the resource family parent's or applicant's continued service poses no continuing risk of harm to any child residing in the home and the issuance or continuation of the license is in the best interests of a specific child who is or will be placed in the home.

Recodified from N.J.A.C. 10:122C-2.6 and amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).
See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

SUBCHAPTER 3. ADMINISTRATION

10:122C-3.1 Rights of children in placement

(a) Level I children's rights requirements are as follows:

7. The resource family parent shall ensure that each meal contains a sufficient amount of food for each child in placement.

8. The resource family parent shall make available, as necessary, an alternate choice of food for each child in placement on a special diet or who, because of religious beliefs, cannot eat certain foods.

9. If the child in placement is an infant, the resource family parent shall consult with the infant's health care provider and follow recommendations in regard to the feeding schedule, special formula, nutritional needs and introduction of new foods.

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)9, substituted "consult" for "follow a written plan developed" and "and follow recommendations in regard to" for "that includes".

10:122C-6.7 Pets

(a) The resource family parent shall ensure that pets kept in the home pose no danger to the health, safety or well-being of a child in placement.

(b) The resource family parent shall ensure that all pets kept in the home are:

1. Domesticated and non-aggressive;

2. Vaccinated, if applicable, as prescribed by law or as recommended by a licensed veterinarian. The record of the vaccinations shall be maintained in the home, along with the name and address of the licensed veterinarian providing care for the pet;

3. If sick, removed from the areas occupied by the child in placement, until the pet has been examined by a licensed veterinarian who verifies that the pet does not present a risk to the child; and

4. Effectively controlled by leash, command or cage.

(c) The resource family parent shall ensure that animal waste is disposed of in a sanitary manner.

(d) If the child in placement is a pregnant adolescent, the resource family parent shall prohibit the child from cleaning a cat's litter box.

10:122C-6.8 Discipline and control

(a) Level I discipline and control requirements are as follows:

1. The resource family parent shall not assign the responsibility for the discipline and control of a child in placement to another child, or to an adult who is not a resource family parent, unless the adult is providing temporary care on behalf of the resource family parent, as specified in N.J.A.C. 10:122C-6.1.

2. The resource family parent shall not threaten discipline or administer discipline to a child in placement for the misbehavior of another child.

3. The resource family parent shall not use the following types of punishment on a child in placement:

i. Any type of physical hitting, shaking or the use of corporal punishment;

ii. Forced physical exercise or forcing the child to take an uncomfortable position;

iii. Subjection to verbal abuse, ridicule, humiliation, or other forms of degradation;

iv. Deprivation of meals, sleep, clothing, or communication;

v. Mechanical or chemical restraint;

vi. Assignment of overly strenuous work;

vii. Exclusion from medical treatment, education or clinical treatment;

viii. Locking the child out of the home;

ix. Locking the child in a room or area of the home;

x. Withholding or threatening to withhold visits with the child's birth family; or

xi. Removing or threatening to remove the child from the home.

4. The resource family parent shall not use restrictive behavior management practices to control or modify the behavior of a child in placement.

5. The resource family parent shall use acceptable methods of discipline and control for the child in placement, such as:

i. Brief time-out;

ii. Withholding of privileges, such as television, play time, or other activity;

iii. Early bedtimes;

iv. Writing a story or an essay;

v. Having the child do extra chores that are appropriate to the child's age and ability; or

vi. Discussing the child's behavior with the child in a supportive manner.

10:122C-6.9 Firearms and weapons

(a) Level I firearms and weapons requirements are as follows:

1. All firearms shall be secured in a locked steel gun vault approved by the Office of Licensing.

2. All ammunition shall be secured in a locked area separate from the firearm storage vault.

3. The resource family parent shall not maintain chemical weapons such as mace or pepper spray in the home unless these items are stored in a place inaccessible to children.

10:122C-6.10 Clothing

(a) Level I clothing requirements are as follows:

1. The resource family parent shall ensure that each child in placement has a personal supply of adequate, clean, well-fitting, and attractive clothing appropriate to the child's age, gender, individual needs, community standards and season.

2. The resource family parent shall ensure that clothing for each child in placement is laundered as necessary and maintained in good repair.

3. The resource family parent shall not require a child in placement to wear any article of clothing that identifies the child as a member of an organization unless the child chooses to wear such clothing.

4. The resource family parent shall provide each child in placement with a chest of drawers or other permanent arrangement for storage of clothing and other personal belongings.

(b) The resource family parent shall maintain documentation of all medical, dental and other health care examinations and treatment for each child in placement. The resource family parent shall contact the caseworker to obtain this information if he or she does not have documentation of a child's examinations and treatment.

(c) The resource family parent shall ensure that all medical, dental, psychological and psychiatric treatment or medication administered to a child in placement is explained to the child in an age-appropriate manner.

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)1, inserted "mental/behavioral health" and "including arranging for emergency, routine, and follow-up medical, dental, mental/behavioral health and other health care"; deleted former (a)2 through (a)7; recodified (a)8 and (a)9 as (a)2 and (a)3; and in (b), inserted the last sentence.

10:122C-7.2 General health practices

(a) Level I general health practices requirements are as follows:

1. If a serious accident or illness occurs to a child in placement, the resource family parent shall take necessary emergency action and immediately notify the Department office or contract agency having supervision of the child, or the State Central Registry, if after business hours.

2. If a child in placement, resource family parent or household member has a serious communicable disease, the resource family parent shall:

i. Seek appropriate medical attention from a physician for the individual and determine the possible risks to others in the home;

ii. Isolate the individual posing a risk to others; and

iii. Contact the Division or contract agency caseworker or the State Central Registry, if after office hours, who shall determine whether the New Jersey State Department of Health and Senior Services, the local health department or other appropriate public health authority needs to be contacted.

3. The resource family parent shall maintain a smoke-free environment in all indoor areas of the home, and in all vehicles used to transport a child in placement.

i. The resource family parent shall prohibit smoking and the use of smokeless tobacco by children in placement.

ii. The resource family parent shall comply with the provisions of N.J.S.A. 2A:170-51.4 prohibiting any person from directly or indirectly selling, giving or furnishing to a minor under 19 years of age any cigarettes made of tobacco, any matter or substance that can be smoked, any cigarette paper or tobacco in any form, including smokeless tobacco.

SUBCHAPTER 7. HEALTH REQUIREMENTS

10:122C-7.1 Health care and medical treatment

(a) Level I health care and medical treatment requirements for children are as follows:

1. The resource family parent, in cooperation with the Division or contract agency caseworker, shall ensure that the medical, dental, mental/behavioral health and other health care needs of each child in placement are adequately and promptly met, including arranging for emergency, routine, and follow-up medical, dental, mental/behavioral health and other health care.

2. The resource family parent shall ensure that each child living in the home, including children in placement and all other children in the resource family, receives all age-appropriate immunizations as recommended by the child's physician.

3. A child residing in the home who is not in placement shall be exempted from immunization if the parent objects thereto in a written statement submitted to the Department or contract agency, signed by the parent, explaining how the immunization conflicts with the child's exercise of bona fide religious tenets or practices.

- iii. The resource family parent may permit smoking outdoors when no child in placement is present.

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)3ii, substituted "19" for "18".

10:122C-7.3 Prescription and non-prescription medication

(a) Level I prescription and non-prescription medication requirements are as follows:

1. The resource family parent shall administer prescription medication to a child in placement only when a physician, clinical nurse specialist, nurse practitioner or dentist authorizes the medication.
2. The resource family parent shall administer non-prescription over-the-counter medication only in accordance with the recommended dosage for the age or weight of the child in placement, as indicated on the label or as directed by the child's physician, clinical nurse specialist, nurse practitioner or dentist.

3. The resource family parent shall ensure that all prescription and non-prescription medications are kept in an area inaccessible to children.

(b) The resource family parent shall safely dispose of all expired medications and prescriptions for each child in placement, which are no longer in use.

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)2, substituted "administer" for "dispense"; and in (b), inserted "for each child in placement, which are".

10:122C-7.4 Psychotropic medication

(a) Level I psychotropic medication requirements are as follows:

1. Before any psychotropic medication is administered to a child in placement:
 - i. The resource family parent, in conjunction with the Division or contract agency caseworker, shall ensure that the child is assessed by a psychiatrist, mental health clinical nurse specialist or mental health nurse practitioner, to determine the need for and the possible risks or side effects of the psychotropic medication; and
 - ii. The resource family parent shall be knowledgeable about the indications for the use of psychotropic medication, the therapeutic benefits and the side effects of such medication.
2. The resource family parent shall not administer psychotropic medication as a punishment or for the convenience of the resource family parent.

3. The resource family parent shall ensure that psychotropic medication is stored in an area inaccessible to children.

4. The resource family parent shall ensure that the child in placement receiving psychotropic medication is monitored in the following manner:

- i. The resource family parent shall immediately report any observed side effects, which are identified in the assessment specified in (a)1 above, to the Division or contract agency caseworker and the prescribing psychiatrist, mental health clinical nurse specialist or mental health nurse practitioner.
- ii. The resource family parent, in conjunction with the Division or contract agency caseworker, shall ensure that the psychiatrist, mental health clinical nurse specialist or mental health nurse practitioner reviews the child's status, behavior, well-being, progress, side effects and reason for continuing the medication every 30 days or as the psychiatrist, mental health clinical nurse specialist or mental health nurse practitioner deems necessary.

(b) When a child in placement is receiving psychotropic medication, the resource family parent shall maintain a medication log indicating the child's name, the type of psychotropic medication, and the date and time the medication is administered.

10:122C-7.5 Personal care and hygiene

(a) Level I personal care and hygiene requirements are as follows:

1. The resource family parent shall provide the child in placement with the following:
 - i. Towels and washcloths;
 - ii. Diapers, if appropriate;
 - iii. Soap and toilet paper; and
 - iv. Hygiene supplies that are age-appropriate for the child's needs, such as toothpaste, toothbrush, shampoo, comb, brush, mouthwash, deodorant, razors, shaving cream and feminine hygiene articles.
2. For a child in placement unable to provide for his or her own personal care and hygiene, the resource family parent shall bathe and groom the child, and provide other personal hygiene services that are necessary to meet the child's needs.
3. The resource family parent shall ensure that each child in placement has the opportunity for at least eight hours of uninterrupted sleep each night.

(b) The resource family parent shall instruct the child in placement in age-appropriate personal care, hygiene and grooming habits.

(c) The resource family parent may permit a child in placement to maintain over-the-counter cosmetics, acne preparations and personal hygiene supplies among his or her personal possessions, as developmentally appropriate.

10:122C-7.6 Environmental sanitation and hygiene

(a) Level I environmental sanitation and hygiene requirements are as follows:

1. The resource family parent shall ensure that disposable gloves, which shall be discarded after each use, are used when any person in the home has contact with blood, vomit, urine, fecal matter or other body secretions of any person known to have an infectious disease.

2. The resource family parent shall ensure that all items in the home and outdoors that come into contact with blood, vomit, urine, fecal matter or other body secretions are washed and disinfected with a commercially prepared disinfectant whose label indicates it kills bacteria, viruses and parasites.

i. Disinfectant shall be used in accordance with label instructions.

ii. Items to be washed and disinfected shall include:

- (1) Bedding and clothing;
- (2) Furniture and carpeting;
- (3) Toilet seats, sinks and faucets;
- (4) Fever thermometers; and

(5) Mops, washcloths, towels and sponges that were used in the clean-up.

3. The resource family parent shall ensure that all persons in the home thoroughly wash their hands with a disinfectant soap after each incident of coming into contact

with blood, vomit, urine, fecal matter or other body secretions.

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)1, deleted "rubber" following "disposable".

SUBCHAPTER 8. TRANSPORTATION REQUIREMENTS

10:122C-8.1 Transportation and vehicle safety requirements

(a) Level I transportation and vehicle safety requirements are as follows:

1. Each resource family parent shall provide or arrange for the routine transportation needs of each child in placement.

2. Each resource family parent, household member, or other person known to the resource family parent who provides transportation to a child in placement shall have:

- i. A current driver's license;
- ii. Automobile insurance coverage; and
- iii. A vehicle with ample space, seatbelts and age-appropriate safety seats for each child placed with him or her.

3. Each resource family parent providing transportation to a child placed with him or her shall maintain current automobile insurance throughout his or her career as a resource family parent.

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (a)1, substituted "Each" for "The"; rewrote (a)2 and (a)3; and deleted (a)4, (b), and (c).