

CHAPTER 122D**SERVICES FOR CHILDREN IN OUT-OF-HOME PLACEMENT****Authority**

N.J.S.A. 30:4C-4(h) and 30:4C-26a.

Source and Effective Date

R.2009 d.5, effective December 2, 2008.
See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Chapter Expiration Date

Chapter 122D, Services for Children in Out-of-Home Placement, expires on December 2, 2013.

Chapter Historical Note

Chapter 122D, Foster Care Services, was adopted as R.1993 d.17, effective January 4, 1993 (operative July 1, 1993). See: 23 N.J.R. 3703(a), 25 N.J.R. 124(a).

Pursuant to Executive Order No. 66(1978), Chapter 122D, Foster Care Services, was readopted as R.1998 d.63, effective December 22, 1997. See: 29 N.J.R. 4273(a), 30 N.J.R. 492(a).

Chapter 122D, Foster Care Services, was readopted as R.2003 d.255, effective June 5, 2003. See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

Chapter 122D, Foster Care Services, was readopted as R.2009 d.5, effective December 2, 2008. As a part of R.2009 d.5, Chapter 122D, Foster Care Services, was renamed Services for Children in Out-of-Home Placement; Subchapter 1, Visits Between the Foster Child and the Foster Child's Family, was renamed Visits Between the Child and the Child's Family; and Subchapter 2, Services to Children in Foster Home Placement, was renamed Services to Children in Out-of-Home Placement, effective January 5, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. VISITS BETWEEN THE CHILD AND THE CHILD'S FAMILY**10:122D-1.1 Purpose**

(a) The purpose of this subchapter is to ensure that each child placed by the Division in out-of-home placement shall have the opportunity to visit with parents, siblings and interested relatives. Visits with parents, siblings and other relatives may serve to:

1. Reinforce the child's identity;
2. Promote the child's need for stability, consistency, and permanency;
3. Maintain or establish family relationships;
4. Assess the parent's and other relative's motivation and ability to care for the child;
5. Provide an opportunity to model appropriate parenting behavior and skills; and
6. Facilitate the case goal of return home.

(b) The frequency and duration of visits are dependent on the purpose of the visits, the case goal and case plan and practical considerations of all parties. Visits that are frequent and of long duration are beneficial for most children placed in out-of-home placement and facilitate movement toward achieving a case goal that establishes permanency. The frequency and duration specified in each child's visitation schedule is a professional social work decision, which shall be made by the Division representatives, with full input from all those affected by the visitation plan. Unless otherwise limited by conditions set forth in N.J.A.C. 10:122B-1.4 and 10:122D-1.15, for most children in out-of-home placement, the goal is to hold a visit every week for a period as long in duration as possible.

Amended by R.1998 d.63, effective January 20, 1998.

See: 29 N.J.R. 4273(a), 30 N.J.R. 492(a).

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), substituted "placed by the Division in a licensed foster home" for "placed in a foster home approved by the Division" in the introductory paragraph, added "and permanency" in 2, added 6; in (b), inserted "representatives" following "Division" and amended the first N.J.A.C. reference.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In the introductory paragraph of (a), substituted "out-of-home placement" for "a licensed foster home"; in (a)1 and (a)2, deleted "foster" preceding "child's"; in (a)4, deleted "foster" preceding "child"; and in (b), substituted "that" for "which" following "Visits", "out-of-home placement" for "foster care" twice, "a" for "the" preceding the second occurrence of "case goal" and "that establishes permanency" for "of return home or permanency with a relative or family friend" and inserted a comma following "decision" and "representatives".

10:122D-1.2 Scope

The provisions of this subchapter shall apply to each child placed by the Division in an out-of-home placement, his or her parents, siblings, interested relatives, out-of-home placement provider, and the Division.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted "foster" preceding "child", inserted "placed by the Division in an out-of-home placement" and substituted "out-of-home placement provider" for "foster family".

10:122D-1.3 Definitions

The definitions in N.J.A.C. 10:122B-1.3 and 10:122C-1.3 are hereby incorporated in this subchapter by reference.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

Amended N.J.A.C. references.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted "1.2 and" following "10:122C-".

10:122D-1.4 Visitation plan

(a) A written visitation plan shall be developed to identify the type and frequency of visits to be instituted for every child in out-of-home placement unless otherwise directed by the court. The visitation plan is included in the case plan, in accordance with N.J.A.C. 10:133D-2.7(b)7.

(b) The visitation plan may exclude specific persons from having visits.

(c) The visitation plan shall give full consideration to the child's safety.

(d) The visitation plan shall include visits with siblings, if any. Sibling visits may take place with parental visits or separately.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), added the second sentence.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In (a), substituted "out-of-home placement" for "foster care"; and in (c), deleted "foster" preceding "child's".

10:122D-1.5 Developing the visitation plan

(a) The visitation plan for the first visit shall be developed and written prior to the date of placement or as soon as possible after the placement.

(b) The visitation plan for ongoing visits shall be completed within five working days of the initial date of placement.

(c) The visitation plan shall be evaluated and adjusted as needed and submitted in time for the first 45 day Child Placement Review, pursuant to N.J.S.A. 30:4C-50 et seq.

(d) For a child placed with a resource family parent or in shelter care, the visitation plan shall be developed through negotiation and agreement by the Division representative, the parents, the child, and other parties involved, such as relatives, a former resource family parent interested in visiting the child, siblings, and their representatives. For each child placed in a residential child care facility, the treatment team develops the visitation plan in accordance with N.J.A.C. 10:127-6.1 and 6.6. For each child placed in a group home, the treatment team develops the visitation plan in accordance with N.J.A.C. 10:128-6.1 and 6.6.

(e) Sections of the visitation plan shall be negotiated separately with the siblings or their representatives and other interested relatives.

(f) The Division representative shall encourage the out-of-home placement provider to participate in developing the visitation plan.

(g) The out-of-home placement provider shall be consulted for information pertinent to visitation.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In (d), substituted "For a child placed with a resource family parent or in shelter care, the" for "The" and "resource family parent" for "foster family", deleted "foster" preceding "child" twice and inserted the last two sentences; and in (f) and (g), substituted "out-of-home placement provider" for "foster parent".

10:122D-1.6 Distribution of the visitation plan

The Division representative shall give a copy of the visitation plan to the parent, the out-of-placement provider, the child, when of an appropriate age, and other parties, including siblings, who are involved in developing the visitation plan, and their representatives.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Substituted "out-of-placement provider" for "foster parent" and deleted "foster" preceding "child".

10:122D-1.7 Renegotiation of the visitation plan

(a) The Division representative shall renegotiate the visitation plan with all parties involved no less often than every six months.

(b) The Division representative shall also renegotiate the visitation plan:

1. When the case goal changes;
2. When circumstances change; or
3. Whenever any of the parties to the plan requests renegotiation.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In (a) and the introductory paragraph of (b), inserted "representative".

SUBCHAPTER 2. SERVICES TO CHILDREN IN OUT-OF-HOME PLACEMENT

10:122D-2.1 Purpose

(a) The purpose of this subchapter is to identify the services that the Division shall provide to a child in out-of-home placement in its efforts to:

1. Provide the child with safe care while in out-of-home placement;
2. Meet the child's physical, psychological, and other developmental needs;
3. Assure the child's well-being;
4. Help the child to understand the reasons for his or her out-of-home placement, the case goal, and to adjust to being a child in out-of-home placement; and
5. Achieve the case goal, which reflects the permanency plan for the child.

Amended by R.1998 d.63, effective January 20, 1998.

See: 29 N.J.R. 4273(a), 30 N.J.R. 492(a).

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), added “, which reflects the permanency plan for the foster child” at the end of 5.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In the introductory paragraph of (a), substituted “out-of-home” for “foster home”; in (a)1, (a)4 and (a)5, deleted “foster” preceding “child”; in (a)1, deleted “home” preceding “care” and inserted “while in out-of-home placement”; in (a)2 and (a)3, deleted “foster” preceding “child’s”; and in (a)4, substituted “out-of-home” for the first occurrence of “foster home” and the second occurrence of “out-of-home placement” for “a foster home”.

10:122D-2.2 Scope

The provisions of this subchapter shall apply to each child in out-of-home placement, his or her out-of-home placement provider, his or her family and the Division.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted “foster” preceding “child”; inserted “in out-of-home placement”; and substituted “out-of-home placement provider” for “foster family”.

10:122D-2.3 Definitions

The definitions in N.J.A.C. 10:122B-1.3 and 10:122C-1.3 are hereby incorporated into this subchapter by reference.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

Amended N.J.A.C. references.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted “1.2 and” following “10:122C-”.

10:122D-2.4 Case management

(a) The Division representative shall have face-to-face and other contact with the child, out-of-home placement provider,

parent and other interested parties according to N.J.A.C. 10:133D-3 and which is written in the case plan in order to:

1. Develop, implement and update a case plan which includes the permanency plan by assessing case needs, identifying services to meet those needs, including the role and responsibility of each party regarding the services, and establishing the case goal and assessing progress toward achieving the case goal in a timely manner;

2. Provide advocacy and support services to all parties, within program and fiscal parameters;

3. Assist the child and out-of-home placement provider to establish and maintain an ongoing and supportive relationship for the duration of the child's placement;

4. Update the child, out-of-home placement provider, parents and other parties on the progress toward achieving the case goal, consistent with the confidentiality provisions of N.J.S.A. 9:6-8.10a and N.J.A.C. 10:133G;

5. Facilitate visits in accordance with the case plan between the child, parent, siblings and other interested relatives. See N.J.A.C. 10:122D-1, Visits between the child and the child's family; and

6. Meet the requirements of the Child Placement Review Act, N.J.S.A. 30:4C-50 et seq.

(b) The Division representative shall have face-to-face contact with the parent, when applicable, the out-of-home placement provider, and the child in accordance with N.J.A.C. 10:133D-3.7, 3.8 and 3.9.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), added N.J.A.C. reference in the introductory paragraph, and inserted “which includes the permanency plan” following “case plan” in 1. Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted “foster” preceding “child” throughout; in the introductory paragraph of (a), substituted “out-of-home placement provider” for “foster parent”; in (a)3 and (a)4, substituted “out-of-home placement provider” for “foster family”; in (a)4, inserted “, consistent with the confidentiality provisions of N.J.S.A. 9:8-10a and N.J.A.C. 10:133G”; in (a)5, deleted “foster” preceding “child’s”; and rewrote (b).

Administrative correction.

See: 41 N.J.R. 798(b).

10:122D-2.5 Health care services

(a) The Division representative shall make every reasonable effort to assure that each child in out-of-home placement receives appropriate and necessary health care, including mental/behavioral health services.

(b) For each child initially entering out-of-home placement, the Division representative shall obtain a pre-placement assessment at the time of placement. The Division representative shall establish a health care record for each child and shall provide the out-of-home placement provider with a health care record, which documents health information concerning the child, including, but not limited to:

1. The names and addresses of the child's health care providers;
2. A record of the child's immunizations;
3. The child's known medical problems, if any, including the results of any lead tests;
4. The child's medications, if any;
5. The child's allergies, if any;
6. The child's birth and developmental history;
7. The family health history, if known and appropriate, in accordance with Federal regulations; and
8. The child's mental/behavioral health needs.

(c) The Division representative shall maintain a health care record for each child. The Division representative shall review and update the child's health record at the time of each placement into out-of-home placement.

(d) The Division representative shall provide the updated record to:

1. The out-of-home placement provider;
2. The child's parent upon reunification;
3. The adoptive parent or legal guardian;
4. The family court as part of the court report; and
5. The child upon exiting out-of-home placement at the time his or her case is closed.

(e) The Division representative shall ensure that the child shall receive a full medical examination within 60 days of placement.

(f) The Division representative shall assure that the child receives a medical examination at least annually after the initial medical examination performed at the time of placement and a dental examination at least semi-annually for each child age three years and older. The type and frequency of the examinations shall be based on the child's age and medical needs. The Division representative shall assure that each child with a suspected mental/behavioral health need receives a mental/behavioral health assessment and identified follow-up care. At a minimum, the child's examinations shall comply with the Early and Periodic Screening and Diagnostic Treatment periodicity schedule in accordance with N.J.A.C. 10:54-5.10 through 5.13.

(g) The out-of-home placement provider shall be responsible for arranging and providing care to meet the child's health needs, including, but not limited to, medical and dental examinations, ongoing care, mental/behavioral health services and follow-up care, as agreed to with the Division representative, and shall provide the Division representative with information concerning the child's health care, including mental/behavioral health care, and needs.

(h) The Division representative shall share health care information concerning the child with the child's parents, and the out-of-home placement provider, at the time of the child's placement or as soon as practical.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

Inserted "representative" following "Division" throughout.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Rewrote the section.

Administrative correction.

See: 41 N.J.R. 798(b).

10:122D-2.6 Educational services

(a) The Division representative shall make every reasonable effort to assure that every child in out-of-home placement receives an education appropriate to his or her abilities as provided for under State laws governing compulsory education and education for disabled children.

(b) The Division representative shall develop an education record for each child initially entering out-of-home placement, who is subject to the State laws governing compulsory education, see N.J.S.A. 18A, generally. This record shall include, but not be limited to:

1. The names and addresses of the child's educational providers;
2. The child's grade level performance;
3. The child's school record; and
4. Assurance that the child's placement in out-of-home placement takes into account proximity to the school in which the child was enrolled at the time of placement.

(c) The Division representative shall provide the out-of-home placement provider with the child's education record at the time of initial placement.

(d) The Division representative shall review and update the child's education record at the time of each out-of-home placement and shall provide the updated record to the out-of-home placement provider.

(e) The out-of-home placement provider shall:

1. Make every effort to ensure that the child attends school regularly;
2. Encourage good study habits;
3. Monitor the child's academic progress; and
4. Inform the Division representative of the child's academic progress.

(f) The Division representative shall:

1. Ensure that the child is enrolled in school, if age appropriate. If necessary, the Division representative shall give the out-of-home placement provider authorization to enroll the child in school;