

(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-5.3(b);

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.

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: