

CHAPTER 128

**MANUAL OF REQUIREMENTS FOR
CHILDREN'S GROUP HOMES**

Authority

N.J.S.A. 30:1-14 and 15 and 30:4C-4.

Source and Effective Date

R.2001 d.171, effective May 21, 2001.
See: 33 N.J.R. 188(a), 33 N.J.R. 1612(a).

Executive Order No. 66(1978) Expiration Date

Chapter 128, Manual of Requirements for Children's Group Homes, expires on May 21, 2006.

Chapter Historical Note

Chapter 128, Manual of Standards for Group Homes, was adopted as R.1977 d.287, effective August 9, 1977. See: 9 N.J.R. 277(c), 9 N.J.R. 433(b).

Chapter 128, Manual of Standards for Group Homes, was repealed, and a new Chapter 128, Manual of Requirements for Children's Group Homes, was adopted by R.1991 d.66, effective February 19, 1991. See: 22 N.J.R. 2916(a), 23 N.J.R. 476(a).

Public Notice: Annual certification of facility standards pursuant to the Keys Amendment to the Social Security Act. See: 24 N.J.R. 656(a).

Public Notice: Annual certification of facility standards pursuant to the Keys Amendment to the Social Security Act. See: 25 N.J.R. 603(a).

Pursuant to Executive Order No. 66(1978), Chapter 128, Manual of Requirements for Children's Group Homes, was readopted as R.1996 d.118, effective January 31, 1996. See: 27 N.J.R. 4266(a), 28 N.J.R. 1379(c).

Pursuant to Executive Order No. 66(1978), Chapter 128, Manual of Requirements for Children's Group Homes, expired on January 31, 2001.

Chapter 128, Manual of Requirements for Children's Group Homes, was adopted as new rules by R.2001 d.171, effective May 21, 2001. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL REQUIREMENTS

- 10:128-1.1 Legal authority
- 10:128-1.2 Definition and types of children's group homes
- 10:128-1.3 Definitions

SUBCHAPTER 2. APPROVAL PROCEDURES

- 10:128-2.1 Application for a certificate of approval
- 10:128-2.2 Issuance of a certificate of approval
- 10:128-2.3 Denying, suspending, revoking or refusing to renew a certificate of approval
- 10:128-2.4 Administrative hearings
- 10:128-2.5 Complaints
- 10:128-2.6 Public access to the Bureau's licensing records

SUBCHAPTER 3. ADMINISTRATION

- 10:128-3.1 Statement of purpose
- 10:128-3.2 Rights of children

- 10:128-3.3 Information to parents and staff members
- 10:128-3.4 Community participation
- 10:128-3.5 Conflict of interest
- 10:128-3.6 Intake and admissions
- 10:128-3.7 Reporting requirements
- 10:128-3.8 Records
- 10:128-3.9 Comprehensive general liability insurance

**SUBCHAPTER 4. PHYSICAL FACILITY
REQUIREMENTS**

- 10:128-4.1 Physical facility initial approval requirements for all homes located in New Jersey
- 10:128-4.2 Physical facility initial approval requirements for all homes located outside of New Jersey
- 10:128-4.3 Maintenance and sanitation requirements for all homes
- 10:128-4.4 Additional maintenance and sanitation requirements for all homes located in New Jersey
- 10:128-4.5 Emergency evacuation instructions, medical emergencies, fire prevention, first aid and equipment
- 10:128-4.6 Prohibition on the use of tobacco products

SUBCHAPTER 5. STAFF REQUIREMENTS

- 10:128-5.1 General requirements for director and all staff members
- 10:128-5.2 Staff qualifications
- 10:128-5.3 Staff to child ratios
- 10:128-5.4 Staff training and development
- 10:128-5.5 Volunteers and student interns

SUBCHAPTER 6. PROGRAM REQUIREMENTS

- 10:128-6.1 Treatment plan for children in group homes, teaching family homes, treatment homes and alternative care homes
- 10:128-6.2 Discharge planning
- 10:128-6.3 Case management plan for children in supervised transitional living homes
- 10:128-6.4 Work and employment
- 10:128-6.5 Money and allowance
- 10:128-6.6 Visitation and communication
- 10:128-6.7 Education
- 10:128-6.8 Recreation
- 10:128-6.9 Religion
- 10:128-6.10 Rest, bedroom and sleep
- 10:128-6.11 Food and nutrition for children
- 10:128-6.12 Pets
- 10:128-6.13 Restrictive behavior management practices
- 10:128-6.14 Discipline and control
- 10:128-6.15 Search and seizure of weapons and contraband
- 10:128-6.16 Firearms and weapons
- 10:128-6.17 Clothing

SUBCHAPTER 7. HEALTH REQUIREMENTS

- 10:128-7.1 Comprehensive health plan for children
- 10:128-7.2 Health care and medical treatment for children
- 10:128-7.3 General medical practices
- 10:128-7.4 Medication other than psychotropic medication
- 10:128-7.5 Psychotropic medication
- 10:128-7.6 Health education and physical care for children
- 10:128-7.7 Health requirements for staff
- 10:128-7.8 Environmental sanitation and staff hygiene

**SUBCHAPTER 8. TRANSPORTATION
REQUIREMENTS**

- 10:128-8.1 General requirements
- 10:128-8.2 Vehicle insurance requirements
- 10:128-8.3 Additional requirements for transporting physically handicapped, non-ambulatory children
- 10:128-8.4 Record requirements

SUBCHAPTER 9. ADVENTURE ACTIVITIES

- 10:128-9.1 General requirements
- 10:128-9.2 Plans for emergency evacuation and search and rescue
- 10:128-9.3 Reporting requirements
- 10:128-9.4 Biking
- 10:128-9.5 Canoeing, kayaking and tubing
- 10:128-9.6 Caving
- 10:128-9.7 Hiking
- 10:128-9.8 Horseback riding
- 10:128-9.9 Ropes initiatives and rock climbing
- 10:128-9.10 Sailing and boating
- 10:128-9.11 Snow skiing, cross country skiing, snow boarding and snow tubing
- 10:128-9.12 Solo (solitary activities)
- 10:128-9.13 Swimming
- 10:128-9.14 Water skiing
- 10:128-9.15 Camping
- 10:128-9.16 Requirements for wagon trains
- 10:128-9.17 Health and sanitary practices
- 10:128-9.18 Qualifications for staff supervising adventure activities
- 10:128-9.19 Staff to child ratio requirements
- 10:128-9.20 Special requirements for communication and visiting

SUBCHAPTER 10. SERVICES FOR PREGNANT AND PARENTING ADOLESCENTS

- 10:128-10.1 General requirements
- 10:128-10.2 Staff and staff ratio requirements
- 10:128-10.3 Staff development and training
- 10:128-10.4 Case management requirements
- 10:128-10.5 Discharge planning requirements
- 10:128-10.6 Services regarding paternal involvement
- 10:128-10.7 Services to the adolescent's family
- 10:128-10.8 Parenting education
- 10:128-10.9 Infant stimulation
- 10:128-10.10 Infant toys and equipment
- 10:128-10.11 Recreation
- 10:128-10.12 Money and allowance
- 10:128-10.13 Visiting and communication
- 10:128-10.14 Behavior management
- 10:128-10.15 Comprehensive health plan for pregnant adolescents
- 10:128-10.16 Comprehensive health plan for infants
- 10:128-10.17 Comprehensive health care for adolescent mothers who are not pregnant
- 10:128-10.18 Care of sick infants
- 10:128-10.19 General medical practices
- 10:128-10.20 Medication
- 10:128-10.21 Environmental sanitation requirements for disinfecting
- 10:128-10.22 Personal hygiene requirements
- 10:128-10.23 Health education and physical care for adolescents and infants
- 10:128-10.24 Food and nutrition for infants
- 10:128-10.25 Life skills development

SUBCHAPTER 1. GENERAL REQUIREMENTS

10:128-1.1 Legal authority

(a) This manual is promulgated pursuant to N.J.S.A. 30:1-14 and 15 and N.J.S.A. 30:4C-4.

(b) Under N.J.S.A. 30:1-14 and N.J.S.A. 30:4C-4, the Department of Human Services is authorized to inspect, evaluate, and approve publicly or privately operated homes that provide board, lodging, care and treatment services for children who are placed and/or financed by the Division of Youth and Family Services or any other New Jersey State agency.

(c) Under N.J.S.A. 30:1-14, the following homes shall be subject to inspection, evaluation, and approval by the Department of Human Services, Division of Youth and Family Services:

1. New Jersey-based children's group homes, as defined in this manual, except homes that are licensed, approved or regulated pursuant to State law by the Division of Developmental Disabilities or the Division of Mental Health and Hospitals, both of the Department of Human Services, by the State Department of Health, by the State Department of Education, by the State Department of Corrections or by any other New Jersey State agency; and

2. Out-of-State children's group homes, as defined in this manual, that serve children under the supervision of the Division of Youth and Family Services. As a condition of approval by the Department, such group homes shall be licensed, certified, or otherwise approved to operate in the state where the home is located.

(d) In order to be approved, a children's group home shall demonstrate to the satisfaction of the Department of Human Services or its duly authorized agent that it complies with all applicable provisions of this manual.

(e) Responsibility for ensuring that these homes comply with the provisions of the statutes cited in (a) above and of this manual is delegated by the Department of Human Services to the Division of Youth and Family Services, Bureau of Licensing. The Division is authorized to visit and inspect such homes, as described in N.J.A.C. 10:128-1.2(a) and (b), to determine the extent of their compliance with such provisions.

(f) Under N.J.S.A. 30:1-15, the Department of Human Services is also authorized to visit and inspect publicly or privately maintained institutions or other institutions and noninstitutional agencies that:

1. Provide board, lodging or care for children who are not placed or financed by the Division of Youth and Family Services or any other New Jersey State agency; and

2. Are not subject to licensing or regulation by any New Jersey State agency.

(g) The Division of Youth and Family Services is authorized to visit and inspect such homes as described in (f) above to assess the general health, safety, and well-being of the children and the care and treatment they are receiving, but cannot require their compliance with this manual and must secure an order from a court of competent jurisdiction, pursuant to N.J.S.A. 30:1-16, to compel correction of serious deficiencies.

10:128-1.2 Definition and types of children's group homes

(a) "Children's group home" or "home" means any public or private establishment other than a foster home that provides board, lodging, care and treatment services on a 24-hour basis to 12 or fewer children in a homelike, community-based setting.

(b) Children's group homes that are subject to the provisions of this manual that typically serve children with less severe behavioral and emotional problems who are capable of functioning in a home-based setting are classified as follows:

1. Group home, which serves from six to 12 children with emotional, social, physical and/or behavioral needs who do not require a more restrictive facility for their own protection or that of others;

2. Supervised transitional living home, which serves 12 or fewer children who are 16 years of age or older, require minimum guidance from staff members in preparation to live independently, and demonstrate maturity to function with minimal adult supervision;

3. Teaching family home, which serves 12 or fewer children with emotional, behavioral or other disabilities and which is certified or in the process of being certified as a teaching family home in accordance with the standards of the National Teaching Family Association. Teaching family homes are used for children who require strong professional support and guidance to participate in the life of the community, but who do not require a more restrictive facility for their own protection or that of others;

4. Treatment home, which is an agency-operated residence serving five or fewer children who are capable of community living but who need a small group environment and intensive supervision by staff members in order to ameliorate emotional, social and/or behavioral difficulties; and

5. Alternative care home, which is an agency-operated residence serving three or fewer children with emotional, behavioral or other disabilities and which is certified or is in the process of being certified as an alternative care home in accordance with the standards of the National Teaching Family Association. Alternative care homes are used for children who require strong professional support and guidance to participate in the life of the community, but who do not require a more restrictive facility for their own protection or that of others.

Amended by R.1999 d.337, effective October 4, 1999.
See: 31 N.J.R. 1436(a), 31 N.J.R. 2886(a).

In (b), in the introductory text, inserted "that typically serve children with less severe behavioral and emotional problems who are capable of functioning in a home-based setting", and added (b)5.

Law Review and Journal Commentaries

Municipal Land Use—Group Homes. P.R. Chenoweth, 136 N.J.L.J. No. 10, 57 (1994).

Case Notes

Use of former single-family residence as group home for girls would not impermissibly expand nonconforming use. Institute for Evaluation and Planning, Inc. v. Board of Adjustment, 270 N.J.Super. 396, 637 A.2d 235 (L.1993).

10:128-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Adventure activity" means a planned activity of a wilderness or athletic nature that requires specially trained staff members and/or special equipment that is utilized with children to assist in their development of self-confidence and insight.

"Agency" means an organization which has received a certificate of approval from the Bureau to operate more than one group home, treatment home, and/or supervised transitional living home.

"Bureau" means the Bureau of Licensing of the Division of Youth and Family Services, New Jersey Department of Human Services.

"Certificate of approval" or "certificate" means a document issued by the Bureau to a home indicating that the home is in substantial compliance with all applicable provisions of this chapter, and there is no serious or imminent hazard to the education, health, safety, well-being or treatment needs that exists in the home affecting the children.

"Child" means any person who is under 18 years of age and/or any person between the ages of 18 and 21 who is under the supervision of the Division in placement in a children's group home.

"Denial of a certificate" means the withholding by the Bureau of an initial certificate of approval for which a home or agency has applied.

"Department" means the New Jersey Department of Human Services.

"Director" means the on-site staff member responsible for the daily operation and management of a home.

"Division" means the Division of Youth and Family Services, New Jersey Department of Human Services.

"Exclusion" means the removal of a child to an area or room in the home where there is limited or no stimulation. This removal is a therapeutic intervention and a time for the child to reflect on his or her behavior in order to gain control so he or she can return to the other children.

“Infant” means any person who is under the care of his or her adolescent mother in a home serving adolescent mothers.

“Manual of Requirements for Children’s Group Homes” or “manual” means the provisions contained in N.J.A.C. 10:128-1.1 to 10.25. These provisions constitute minimum baseline requirements below which no home that is subject to the authority of N.J.S.A. 30:1-14 and N.J.S.A. 30:4C-4 is legally permitted to operate.

“Parent” means a birth or adoptive parent, legal guardian, or any other person having responsibility for, or custody of, a child.

“Person” means any individual, agency, corporation, company, association, organization, society, firm, partnership, joint stock company, the State or any political subdivision thereof.

“Placing agency” means an agency that assumes responsibility for payment of room and board for a child placed in a group home, teaching family home, supervised transitional living home, or treatment home.

“Refusal to renew a certificate” means the non-issuance of a certificate of approval by the Bureau to a home after its existing certificate has expired.

“Restraint” means the holding of a child so that he or she cannot move all or part of his or her body, including those instances when staff physically escort the child.

“Restrictive behavior management practice” means the use of physical restraint and exclusion as part of a comprehensive treatment plan to help the child develop self-control, to reduce maladaptive behavior or to protect the child and others from harm.

“Revocation of a certificate” means a permanent removal of a home’s current certificate of approval to operate.

“Shall” denotes a provision of this manual that a home or agency must meet to qualify for a certificate of approval.

“Should” denotes a recommendation reflecting goals towards which a home or agency is encouraged to work.

“Staff member” or “staff” means any person employed by or working for or at a home on a regularly scheduled basis. This includes full-time, part-time, substitute, volunteer, student intern, contract or consulting personnel, whether compensated or not.

“Suspension of a certificate” means a temporary removal of a home’s current certificate of approval to operate.

“Time out” means instructing a child to calm down and remain quiet for a brief period of time as a means of discipline and to teach the child self-control. A time out may occur in the presence of other staff members and children or in an area of the home where the child has access to stimulation or activities such as a library or the child’s bedroom.

Amended by R.1996 d.118, effective March 4, 1996.
See: 27 N.J.R. 4266(a), 28 N.J.R. 1379(c).

SUBCHAPTER 2. APPROVAL PROCEDURES

10:128-2.1 Application for a certificate of approval

(a) No person shall operate a children’s group home that provides board, lodging, care and treatment services for children who are placed or financed by the Division or by any other New Jersey State agency without first securing a certificate of approval from the Bureau, except for homes that are subject to licensing or regulatory approval pursuant to State law by any other New Jersey State agency.

1. Each group home and supervised transitional living home serving six or more children and each teaching family home regardless of capacity shall obtain an individual certificate of approval.

2. Each agency operating more than one treatment home or more than one supervised transitional living home serving five or fewer children shall secure and maintain a single certificate for all such homes in its program. The Bureau-approved agency shall ensure and document that individual treatment homes and supervised transitional living homes serving five or fewer children comply with the provisions of this manual.

3. A single treatment home or supervised transitional living home serving five or fewer children and that is not part of a network or agency shall receive approval from the Division’s Regional Office in the region in which the home is located.

(b) A home or agency applying to the Bureau for an initial certificate of approval shall submit a completed application form to the Bureau, including the documentation specified in N.J.A.C. 10:128-4.1(a), (b) and (c), at least 45 calendar days prior to the anticipated opening of a home.

(c) A home or agency applying to the Bureau for a renewal of its certificate of approval shall submit a completed application form to the Bureau, including the documentation specified in N.J.A.C. 10:128-4.1(d), at least 45 calendar days prior to the expiration of its existing regular certificate.

Case Notes

Use of former single-family residence as group home for girls would not impermissibly expand nonconforming use. *Institute for Evaluation and Planning, Inc. v. Board of Adjustment*, 270 N.J.Super. 396, 637 A.2d 235 (L.1993).

10:128-2.2 Issuance of a certificate of approval

(a) The Bureau shall issue a certificate of approval to a home or agency that has achieved substantial or full compliance with all applicable provisions of this chapter.

(b) If the Bureau determines that a home or agency cannot be issued a certificate of approval because there is serious or imminent hazard to the education, health, safety, well-being or treatment needs of the children, the Bureau shall issue a written notification to the home or agency indicating the steps the home or agency must take to secure a certificate of approval.

(c) Each certificate period shall be two years.

1. In determining the expiration date of the first certificate of approval, the Bureau shall compute the two-year approval period from the date of issuance of the first certificate.

2. In determining the expiration date of a renewed certificate, the Bureau shall compute the two-year approval period from the date on which the previous certificate expired. If, however, the home or agency has ceased to operate for a period of one year following the expiration date of its previous certificate, the Bureau shall compute the date of expiration from the date of issuance of a new certificate.

(d) The certificate of approval shall be issued to a specific home or agency and shall not be transferable.

(e) The home shall maintain its certificate of approval on file.

(f) No home or agency shall make claims either in advertising or in any written or verbal announcement or presentation contrary to its approval status.

Law Review and Journal Commentaries

Municipal Land Use—Group Homes. P.R. Chenoweth, 136 N.J.L.J. No. 10, 57 (1994).

Case Notes

Use of former single-family residence as group home for girls would not impermissibly expand nonconforming use. *Institute for Evaluation and Planning, Inc. v. Board of Adjustment*, 270 N.J.Super. 396, 637 A.2d 235 (L.1993).

10:128-2.3 Denying, suspending, revoking or refusing to renew a certificate of approval

(a) The Bureau may deny, suspend, revoke or refuse to renew a certificate of approval for good cause, including, but not limited to, the following:

1. Failure to comply with the provisions of this manual;
2. Violation of the terms and conditions of a certificate of approval;
3. Fraud or misrepresentation in obtaining a certificate;
4. Refusal to furnish the Division with files, reports, or records as required by this manual;
5. Refusal to permit an authorized representative of the Division to gain admission to the home, agency or agency-approved home or to conduct an inspection or investigation;
6. Any activity, policy, or staff conduct that adversely affects or is deemed by the Bureau to be detrimental to the education, health, safety, well-being or treatment needs of children or that otherwise demonstrates unfitness by the owner or staff members of the home to operate a children's group home;
7. Failure of an out-of-state home, agency or agency-approved home to maintain a license, approval or certification in its own state; and
8. Failure by the agency or director to secure and maintain on file criminal conviction disclosures, as specified in N.J.A.C. 10:128-5.1(b)1.

(b) The Bureau shall provide written notice to the home or agency if it intends to deny, suspend, revoke or refuse to renew its application for a certificate. This notice shall specify the Bureau's reasons for such action.

(c) If the Bureau denies, revokes, or refuses to renew a certificate of approval, as specified in (a) above, the home or agency shall be prohibited from reapplying for a certificate of approval for one year from the date of certificate denial, revocation or refusal to renew. After the one-year period has elapsed, the home or agency may submit to the Bureau a new application for a certificate.

(d) If a certificate is suspended, the Bureau shall issue or reinstate the certificate once the home or agency achieves compliance with the provisions of this manual. In such a case, the Bureau shall not require the home or agency to submit a new application for a certificate unless such reapplication is expressly made a condition of the issuance or reinstatement of the certificate.

(e) Each certificate of approval issued by the Bureau to a home or agency remains the property of the State of New Jersey. If the Bureau suspends or revokes a certificate of approval, the home or agency shall return the certificate of approval to the Bureau immediately.

Case Notes

Regulations pertaining to group homes apply only to those operated by Division of Youth and Family Services; proposed use of property by

Department of Corrections for group home is not statutorily exempt from local zoning ordinance prohibiting such use; actions of Department in approving plan were arbitrary and unreasonable despite qualified immunity from zoning regulations provided by Municipal Land Use Law (cited as N.J.A.C. 10:128-3). *Pemberton Twp. v. State*, 171 N.J. Super. 287, 408 A.2d 832 (Law Div. 1979), reversed 178 N.J. Super. 346, 429 A.2d 360 (App. Div. 1981), certiorari denied 87 N.J. 364, 434 A.2d 1053 (1981).

10:128-2.4 Administrative hearings

(a) If a home or agency fails to comply with all applicable provisions of this manual, the Bureau shall issue a directive ordering compliance. Prior to the Bureau's decision to deny, suspend, refuse to renew or revoke a home's or agency's certificate of approval, the home or agency shall have the opportunity to request an administrative hearing, 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 Division determines that children are not at risk and that no imminent dangers exist, the Bureau may permit a home or agency that has requested an administrative hearing, as specified in (a) above, to continue to operate until a final decision is rendered as a result of the hearing.

10:128-2.5 Complaints

(a) Whenever the Bureau receives a report questioning the approval status or compliance of a home or agency or alleging a violation of this manual, the Bureau shall ensure that the allegation is promptly investigated to determine whether the complaint is substantiated.

(b) After the report of the investigation has been completed, the Bureau shall notify the home or agency in writing of the results of the investigation within 15 days, pursuant to the State Public Records Law, N.J.S.A. 47:1A-1 et seq., 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 law.

(c) Whenever the Division, through its Bureau of Licensing, Institutional Abuse Investigation Unit or District Offices, conducts complaint investigations, the home or agency shall cooperate with all Division investigators.

10:128-2.6 Public access to the Bureau's licensing records

Licensing files maintained by the Bureau are public records and shall be readily accessible for examination by any person, under the direction and supervision of the Bureau, except when public access to records is restricted, in keeping with the State Public Records Law, N.J.S.A. 47:1A-1 et seq., or other applicable statutes.

SUBCHAPTER 3. ADMINISTRATION

10:128-3.1 Statement of purpose

(a) The home or agency shall maintain on file a written statement of purpose that shall identify the following:

1. The home's philosophy, goals, and objectives;
2. Characteristics of the children to be served;
3. Types of treatment services provided to the children, including those provided directly by the home and those provided in cooperation with community agencies or outside individuals;
4. Procedures for implementing those services; and
5. Criteria for successful completion of the program.

(b) The home or agency shall give this statement of purpose to the parents of the children applying for services, to all staff members and to all persons who request this information.

(c) The home or agency shall secure and maintain on file a record of the parents' and staff members' signatures attesting to their receipt of the statement of purpose.

10:128-3.2 Rights of children

(a) The home or agency shall prepare a list of children's rights and shall post it in a prominent location in each home or give it to the children and document such in each child's record. At a minimum, the list shall specify the children's right to:

1. Receive prompt medical treatment;
2. Have access to an appropriate education;
3. Live in a safe, clean and healthy environment;
4. Be free of physical or sexual harassment or abuse and corporal punishment;
5. Attend religious services of their choice; and
6. Have unimpeded communication to the Division.

(b) The home or agency shall give this list of children's rights to the parents of the children applying for admission, to all staff members and to all persons who request this information.

(c) The home or agency shall secure and maintain on file a record of the parents' and staff members' signatures attesting to their receipt of the list of children's rights.

(d) If the home or agency chooses to develop a search and seizure policy, the home or agency shall give all children, staff and parents a copy of this policy, as specified in N.J.A.C. 10:128-6.15.

(e) The home or agency shall prepare, post or give to all staff members and children a written grievance procedure governing how the children may raise questions about or voice disagreements with and concerns about procedures, care, and specific incidents. The home or agency shall not take or threaten to take retaliatory or disciplinary action of any kind against a child who uses the grievance procedure or files a grievance. The home shall provide a procedure to explain the above to children who are developmentally disabled.

10:128-3.3 Information to parents and staff members

(a) The home or agency shall provide to every parent within five working days of his or her child's placement, and to every person upon becoming a staff member, a written document indicating that the home or agency is required to:

1. Secure a certificate of approval to operate from the Bureau of Licensing;
2. Comply with all applicable provisions of the manual;

3. Retain a current copy of the manual and make it available for review by parents of resident children;

4. Indicate how parents may secure a copy of the manual by contacting the Bureau of Licensing, Division of Youth and Family Services, CN 717, Trenton, New Jersey 08625-0717;

5. Afford parents the opportunity and time to review and discuss with the home or agency director any questions or concerns about policies, requirements, provisions, or alleged violations of the manual;

10:128-3.8 Records

(a) The home's or agency's records shall be open for inspection by authorized representatives of the Bureau, the Division's Institutional Abuse Investigation Unit (IAIU), the Division's contracting units and, provided that they may only secure information about children under the Division's supervision, Division case managers.

(b) The home or agency shall maintain on file the following administrative records until the expiration of its certificate of approval:

1. The following records shall be maintained in files located either at an agency's administrative office or at the home:

- i. A record of comprehensive general liability insurance, as specified in N.J.A.C. 10:128-3.9;
- ii. A record of performance of required monthly fire drills and/or evacuation drills, as specified in N.J.A.C. 10:128-4.5(c);
- iii. A record of training sessions for staff members on evacuation procedures, the use of fire extinguishers, the location of fire alarms, and emergency medical procedures, as specified in N.J.A.C. 10:128-5.4(a)3;
- iv. A copy of the home's or agency's vehicle insurance policy, as specified in N.J.A.C. 10:128-8.2; and
- v. Transportation records, if transportation is provided to children residing in the home, as specified in N.J.A.C. 10:128-8.4.

2. The following records shall be maintained in files located at the home:

- i. A current manual;
- ii. A statement of purpose, as specified in N.J.A.C. 10:128-3.1 and 9.1(b);
- iii. The Life/Safety and Program Inspection/Violation reports and Complaint Investigation Summary reports if applicable from the Bureau, as well as letters of enforcement or other actions taken against the agency or home if applicable, that cover the current certificate of approval period;
- iv. The document providing information to parents, as specified in N.J.A.C. 10:128-3.3(a);
- v. A record of each parent's signature attesting to the receipt of the information to parents document, as specified in N.J.A.C. 10:128-3.3(b)1;
- vi. Documentation of the use of extermination services, if applicable, as specified in N.J.A.C. 10:128-4.3(a)7;
- vii. Policies and procedures regarding behavior management, as specified in N.J.A.C. 10:128-6.13, 6.14 and 10.14;

viii. A record of in-service training conducted for staff members, as specified in N.J.A.C. 10:128-5.4 and 10.3;

ix. A record of all incidents and accidents, recorded on incident and accident report forms, noting all details of the incident and accident and any actions taken by the staff members, as specified in N.J.A.C. 10:128-6.13, 7.3(b) and 9.3(a) and (b);

x. A copy of the comprehensive health plan, as specified in N.J.A.C. 10:128-7.1, 10.15 and 10.16;

xi. Copies of menus of food served to the children, including special diets, as specified in N.J.A.C. 10:128-6.11 and 10.24;

xii. Aggregate statistical information on children served, including the date of each admission, date of each discharge, and reason for each discharge, as specified in N.J.A.C. 10:128-5.2(a)10;

xiii. A record of signed parental consent for children's participation in fund-raising, publicity, photography, or audiovisual activities related to the home, as specified in N.J.A.C. 10:128-3.2(a)11;

xiv. A copy of the children's grievance procedures, as specified in N.J.A.C. 10:128-3.2(d);

xv. A record of signed parental consent for medical treatment for each child, as specified in N.J.A.C. 10:128-3.6(b);

xvi. A daily record log, in which an on-duty staff member shall comment on positive and negative significant activities and events, such as, aggressive behavior, damage to property, running away, a child threatening self-harm or refusing to meet his or her daily needs, educational achievements or problems demonstrated by the child and other personal achievements of the child that occur, along with the staff member's response to those events;

xvii. A daily log book, a separate log book or notation in the child's case record, in which all visits to the child shall be recorded;

xviii. A copy of the staff members' work schedules and time sheets;

xix. A medication log book, as specified in N.J.A.C. 10:128-7.4, 7.5 and 10.20;

xx. For group homes, a written daily schedule of planned recreational, leisure time and physical exercise activities, as specified in N.J.A.C. 10:128-6.8(b) and 10.11;

xxi. A record of pet vaccinations and the name and address of the licensed veterinarian providing care for the pets, as specified in N.J.A.C. 10:128-6.12;

xxii. A copy of the parenting education curriculum, as specified in N.J.A.C. 10:128-10.8;

xxiii. A copy of the plan for emergency evacuation procedures, as specified in N.J.A.C. 10:128-9.2(a);

xxiv. A copy of the plan for search and rescue procedures, as specified in N.J.A.C. 10:128-9.2(b);

xxv. Copies of biking permits, as specified in N.J.A.C. 10:128-9.4(a);

xxvi. Documentation that permission was obtained to enter a cave from the owner or public authority, as specified in N.J.A.C. 10:128-9.6(c);

xxvii. Documentation on the care of horses, as specified in N.J.A.C. 10:128-9.8(c);

xxviii. Documentation on the safety of ropes used in climbing, as specified in N.J.A.C. 10:128-9.9(d);

xxix. A copy of the plan for boating activities, as specified in N.J.A.C. 10:128-9.10;

xxx. Copies of all permits, certificates or licenses for camping, as specified in N.J.A.C. 10:128-9.15;

xxxi. A copy of the policy for treating snake, animal and insect bites and ingestion or contact with poisonous plants, as specified in N.J.A.C. 10:128-9.17(c);

xxxii. A copy of the plan and procedures that enable children to receive an emergency message, and send and receive mail, as specified in N.J.A.C. 10:128-9.20(c);

xxxiii. Documentation that children were permitted to make free telephone calls, as specified in N.J.A.C. 10:128-9.20(e);

xxxiv. A copy of the policy for visitation and communication for parents, as specified in N.J.A.C. 10:128-9.20(g); and

xxxv. A copy of the feed plan for horses, as specified in N.J.A.C. 10:128-9.8 and 9.16.

(c) The home or agency shall maintain on file the following staff records throughout a staff member's employment and for one year after the staff member has stopped working at the home.

1. The following records for the director and all staff members shall be maintained in files located either at an agency's administrative office or at the home:

i. Applications for employment, as specified in N.J.A.C. 10:128-5.1(b) and 9.18;

ii. References on the director and staff members, as specified in N.J.A.C. 10:128-5.1(b) and 9.18;

iii. A record of each staff member's signature attesting to his or her receipt of the policy statement on the disciplining of children by staff members, as specified in N.J.A.C. 10:128-3.3(b);

iv. A record of each staff member's signature attesting to his or her receipt of the information to parents document, as specified in N.J.A.C. 10:128-3.3(b);

v. Health information, as specified in N.J.A.C. 10:128-7.7; and

vi. A copy of a home study, as specified in N.J.A.C. 10:128-5.1(b)3.

2. The following staff records shall be maintained in files located at the home:

i. Current staff member attendance sheets;

ii. A full written disclosure of the director's and every staff member's background, previous work experience and criminal convictions, if any, as specified in N.J.A.C. 10:128-5.1(b) and 9.18;

iii. Documentation that every staff member received and reviewed a copy of the home's statement of purpose, grievance policy, children's bill of rights, fireplace policy and search and seizure policy, as specified in N.J.A.C. 10:128-3.1(b) and 3.3(b); and

iv. Documentation of training received by staff members, as specified in N.J.A.C. 10:128-5.4 and 10.3.

(d) The home shall maintain on file the following children's records during the child's placement at the home or agency for at least four years following the discharge of the child:

1. The home or agency shall ensure the confidentiality of the following records for each child, in accordance with New Jersey State law:

i. Identifying information, as specified in N.J.A.C. 10:128-3.6(b) and (c);

ii. A copy of each treatment plan developed for the child, for group homes, teaching family homes, alternative care homes or treatment homes, as specified in N.J.A.C. 10:128-6.1; a copy of the case management plan for supervised transitional living homes, as specified in N.J.A.C. 10:128-6.3; and a copy of the case management plan for homes that serve pregnant and parenting adolescents, as specified in N.J.A.C. 10:128-10.4;

iii. Education records, as specified in N.J.A.C. 10:128-6.7;

iv. Reports of incidents, including, but not limited to, acts of aggression, violent or destructive behavior, discovery of contraband, suicidal threats, discovery of a weapon, inappropriate sexual behavior, involvement with the police and documentation of efforts made to locate runaways, as specified in N.J.A.C. 10:128-6.13, 6.14, 6.15 and 6.16;

v. Reports of accidents, as specified in N.J.A.C. 10:128-7.3 and 9.3(a) and (b);

vi. Documentation of the opening of a child's mail by a home staff member, as specified in N.J.A.C. 10:128-6.6;

vii. Medical records, as specified in N.J.A.C. 10:128-7.2 and 9.17(a) and (b);

viii. A discharge summary, as specified in N.J.A.C. 10:128-6.2 and 10.5;

ix. An aftercare plan, as specified in N.J.A.C. 10:128-6.2 and 10.5;

x. An infant's feeding schedule, as specified in N.J.A.C. 10:128-10.24;

xi. Documentation that an adolescent mother received life skills development training, as specified in N.J.A.C. 10:128-10.25; and

xii. Documentation that a child received information on adventure activities, as specified in N.J.A.C. 10:128-9.1(d).

2. The home or agency shall ensure that all entries in the child's record indicate the entry date and the name and signature of the person making the entry.

Amended by R.1999 d.337, effective October 4, 1999.
See: 31 N.J.R. 1436(a), 31 N.J.R. 2886(a).
Rewrote (b)2xvi.

10:128-3.9 Comprehensive general liability insurance

A home or agency shall secure comprehensive general liability insurance coverage and shall maintain on file a copy of the insurance policy.

SUBCHAPTER 4. PHYSICAL FACILITY REQUIREMENTS

10:128-4.1 Physical facility initial approval requirements for all homes located in New Jersey

(a) An applicant seeking an initial certificate of approval, as specified in N.J.A.C. 10:128-2.1, to operate a home shall comply with all applicable provisions of the New Jersey Uniform Construction Code, as specified in N.J.A.C. 5:23 and hereinafter referred to as the NJUCC.

1. For newly constructed buildings, for existing buildings whose construction code use group classification would change from that which it had been, or for existing buildings that require major alteration or renovation, the home or agency shall submit to the Bureau a copy of a Certificate of Occupancy (CO) issued by the municipality in which it is located, reflecting the home's compliance with provisions of the NJUCC, for one of the following use group classifications:

i. R-2 (Residential) for buildings accommodating children 2½ years of age and older for more than 30 calendar days and having a total occupancy of more than five and fewer than 13 children; or

ii. I-2 (Institutional) for buildings accommodating six or more children less than 2½ years of age.

2. For homes or agencies that are planning to construct a new building, the home or agency shall submit to the Bureau:

i. Preliminary architectural drawings for review and comment prior to beginning construction; and

ii. If applicable, revised architectural or final drawings containing all required items listed in the preliminary plan review for final approval from the Bureau before the home can open.

3. For buildings constructed after the adoption of the NJUCC (1977), whose construction code use group classification is already R-2 or I-2 and that have not had major alterations or renovations since receipt of the CO, the home or agency shall obtain the CO issued by the municipality in which it is located at the time the building was originally constructed or approved for use in the NJUCC's R-2 or I-2 use group classification. The home or agency shall submit a copy of the building's CO to the Bureau.

4. For existing buildings, whose use prior to the adoption of the NJUCC (before 1977) was and continues to be for a home and that have not had major alterations or renovations, the home shall obtain a Certificate of Continued Occupancy (CCO) or a letter to this effect, issued by the municipality in which it is located, reflecting the building's compliance with provisions of the municipality's construction code requirements that were in effect at the time it was originally constructed or converted for use as a home. The home or agency shall submit a copy of the building's CCO or letter reflecting the building's compliance to the Bureau.

5. The home or agency shall obtain a new CO issued by the municipality in which it is located, reflecting the building's compliance with provisions of the applicable NJUCC use group classification, and submit a copy of the new CO to the Bureau whenever it takes any of the following actions:

i. Changes the building's use group classification to one other than the one prescribed on its original CO;

ii. Makes a major alteration or renovation, as defined by the NJUCC, of the building or premises where the home is located;

iii. Increases the floor area or the number of stories to the building or premises where the home is located; or

iv. Relocates to another site.

6. Whenever a municipality grants a home a written variation from any of the requirements of the NJUCC, the Bureau may accept such variations as meeting the applicable requirements of this manual.

(b) An applicant seeking an initial approval, as specified in N.J.A.C. 10:128-2.1, to operate a home shall comply with all applicable provisions of the New Jersey Uniform Fire Code, as specified in N.J.A.C. 5:18, 18A and 18B and hereinafter referred to as the NJUFC. The home or agency shall obtain the building's fire safety inspection certificate issued by the municipality in which it is located, based on a fire inspection conducted within the preceding 12 months, reflecting the home's compliance with all applicable provisions of the NJUFC. The home or agency shall submit a copy of the building's fire safety inspection certificate to the Bureau.

(c) An applicant seeking an initial approval, as specified in N.J.A.C. 10:128-2.1, to operate a home shall comply with all applicable provisions of the State Sanitary Code, as specified in N.J.A.C. 8:24. The home or agency shall obtain a certificate or statement of satisfactory health approval issued by the applicable municipal, county or State health agency, based on a health inspection conducted within the preceding 12 months, certifying that the home complies with applicable provisions of local, county and State health codes and poses no health hazard to the children served. The home or agency shall submit a copy of the certificate or statement of satisfactory health approval to the Bureau.

(d) An applicant seeking the renewal of a certificate of approval to continue operating a home shall obtain and submit to the Bureau, copies of:

1. A current fire safety inspection certificate for the building; and
2. A current certificate or statement of satisfactory health approval for the home.

10:128-4.2 Physical facility initial approval requirements for all homes located outside of New Jersey

(a) A home located in a state other than New Jersey shall submit with each application documentation that the home meets the provisions of all applicable codes governing building, fire, safety and health requirements in the state, county and municipality in which the home is located.

(b) All homes located in a state other than New Jersey shall also comply with the physical facility and life-safety requirements specified in N.J.A.C. 10:128-4, with the exception of N.J.A.C. 10:128-4.4(c), (f)3, (g), (h), (i), and (l).

10:128-4.3 Maintenance and sanitation requirements for all homes

(a) The home shall maintain all indoor areas in a safe and sanitary manner by ensuring that:

1. The home is free of moisture resulting from water leaks or seepage;

2. All lally columns in areas used by the children have protective padding from the floor to a height of at least 72 inches;

3. Floors, walls, ceilings and other surfaces are kept clean and in good repair;

4. Stairways are free of hazards such as boxes, loose steps, torn carpeting or raised strips;

5. Carpeting is secured to the floor;

6. Garbage and food receptacles are:

i. Made of durable, leakproof and nonabsorbent materials;

ii. Covered in a secure manner;

iii. Emptied to the outdoor garbage receptacle when filled; and

iv. Lined and maintained in a sanitary manner;

7. The home is free of rodent or insect infestation. If there is evidence of rodent or insect infestation, immediate action shall be taken to remove such infestation. The home shall maintain on file a record documenting the use of extermination services in these incidences;

8. Toilets, wash basins, kitchen sinks, and other plumbing are maintained in good operating and sanitary condition;

9. All corrosive agents, insecticides, bleaches, detergents, polishes, any products under pressure in an aerosol can, and any toxic substance are stored in a locked cabinet or in an enclosure located in an area not accessible to children under six years of age;

10. Ventilation outlets are clean and free from obstructions, and filters are replaced when saturated;

11. Walls are painted or otherwise covered whenever there is evidence of:

i. Excessive peeling or chipped paint; or

ii. Heavily soiled conditions; and

12. All shelving is secured and not overloaded.

(b) The home shall maintain all outdoor areas in a safe and sanitary manner by ensuring that:

1. The building, land and outdoor play area are free from any hazards to the health, safety or welfare of the children;

2. The outdoor play area is graded or provided with drains to dispose of surface water;

3. The building structure is maintained to prevent:

i. Water from entering;

3. The procedure for obtaining emergency transportation;
4. The procedure for obtaining substitute or on-call supervision, if needed;
5. The telephone numbers of the local police, fire department, ambulance service and poison control; and
6. The location of the first aid kit and any additional first aid supplies.

(c) The home shall prepare written fire prevention instructions, which delineate that:

1. The home shall conduct fire drills at least once a month, which shall include all staff members and children, and shall inform all staff members and children of the procedures for leaving the building in an emergency situation;
2. The home shall maintain on file a record of each fire drill, which shall include:
 - i. The date and time of day of the drill;
 - ii. The weather condition at the time of evacuation;
 - iii. The number of participating children and staff members;
 - iv. The total amount of time taken to evacuate the home; and
 - v. The signature of the staff members conducting the drill;
3. All fire extinguishers shall be serviced and tagged at least once a year and recharged, if necessary; and
4. The home shall ensure that all staff members are trained in the use and operation of fire extinguishers.

(d) The following equipment shall be placed in a location that is convenient and accessible to staff members:

1. A standard first aid kit, which is fully restocked within 24 hours of use; and
2. The American Red Cross First Aid Manual or its equivalent.

10:128-4.6 Prohibition on the use of tobacco products

(a) The home shall prohibit the smoking of tobacco products or the use of smokeless tobacco by children.

(b) The home shall ensure that staff members comply with the provisions of N.J.S.A. 2A:170-51, which prohibits any person from directly or indirectly selling, giving or furnishing to a minor under 18 years of age any cigarettes made of tobacco or any matter or substance that can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco.

(c) The home shall maintain a smoke free environment in all buildings on the group home premises and in all vehicles used to transport children.

(d) The home may permit staff members, parents and adult visitors to smoke in a designated area outside the building(s) on the premises of the group home or in vehicles that are not used to transport children.

Amended by R.1996 d.118, effective March 4, 1996.
See: 27 N.J.R. 4266(a), 28 N.J.R. 1379(c).

Rewrote the section to prohibit use of tobacco products.

SUBCHAPTER 5. STAFF REQUIREMENTS

10:128-5.1 General requirements for director and all staff members

(a) The director and every staff member shall:

1. Be of good character and reputation;
2. Be in sufficient physical, mental and emotional health to perform his or her job duties satisfactorily; and
3. Possess skills, attributes and characteristics conducive to and suitable for operating a home or dealing with children, as applicable.

(b) Prior to hiring or utilizing a director or a staff member who will be working at the home, the home or agency shall secure and maintain on file:

1. A signed application for employment from each individual, indicating the applicant's name, address and telephone number; education and work experience; and disclosure of the presence or absence of criminal convictions;
2. Two written or two verbal references on each individual. These references shall be secured from former employers or other persons who have knowledge of the individual's work experience or education and who can attest to the individual's suitability to work with children. The verbal references shall be documented in writing by the home or agency.
3. A copy of a home study for each treatment home, teaching family home serving five or fewer children, supervised transitional living home serving five or fewer children and alternative care home utilized by the agency for children supervised by the Division. The home study shall include:

- i. A description of the rooms in the home;
- ii. A description of the child's bedroom;
- iii. A description of the neighborhood;
- iv. The names of all persons residing in the home, including biological children, other children placed by the Division, boarders and frequent overnight guests;

v. References as specified in (b)2 above, on all persons identified in (b)3iv above;

vi. A written health statement on all persons identified in (b)3iv above; and

vii. A statement from the agency that verifies that the supply of hot tap water has been tested and does not exceed 140 degrees Fahrenheit.

(c) Failure by any agency, director or other staff member to comply with the requirements as specified in (a) and (b) above, and/or any evidence demonstrating unfitness or unsuitability to fulfill the responsibilities and duties of his or her position or to serve or deal with children in an appropriate manner, shall constitute grounds for one or more of the following actions:

1. Removal of the director or staff member from his or her position;
2. Reassignment to other duties that do not involve contact with children; or
3. Termination from the home.

(d) Evidence of conviction for crimes of violence, antisocial behavior or child abuse and neglect shall be among those actions that are considered in determining an individual's suitability to serve as director or staff member in a home.

(e) Evidence of conviction of a crime, in itself, shall not automatically preclude an individual from serving as director or staff member or from working in the home and shall not automatically result in the removal or termination of a director or staff member. The home shall submit a written justification to the Bureau, indicating and documenting why it feels the individual at issue should not be precluded from working or holding a leadership position at the home; the Bureau, after assessing the facts on a case by case basis, shall make the final determination, in keeping with the provisions of the State Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq., which provides that a person convicted of a crime may not be disqualified or discriminated against by a licensing authority unless the conviction relates adversely to the occupation, trade, vocation, profession or business for which the license is sought.

(f) The home shall disclose to the Bureau, in writing, information about and circumstances surrounding any previous denial, suspension, revocation or refusal to renew a certificate of approval or a license to operate a home either by the Bureau or by the licensing agency of another state. Evidence of a previous denial, suspension, revocation or refusal to renew a certificate of approval or license, shall not in and of itself result in an automatic disqualification of the prospective agency or home to secure a certificate of approval for another or the same home, but shall constitute grounds for the Bureau to investigate the circumstances that led to the original negative action and make a determination as to whether to reject or process the new application for a certificate of approval.

(g) Requirements to prevent child abuse or neglect are as follows:

1. The director or any staff member shall verbally notify the Division's Office of Child Abuse Control or District Office immediately whenever there is reasonable cause to believe that a child has been subjected to abuse or neglect by a staff member, or any other person, pursuant to the Child Abuse and Neglect Law (see N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14). This provision shall also apply to homes located outside of New Jersey, notwithstanding the child abuse and neglect provisions of the State in which the home is located.

2. The home shall report any suspected abuse or neglect of the child by his or her parents or other family members to the Division case manager assigned to the family.

3. In addition to the reporting requirements specified in 1 above, the home shall notify the Division case manager and parents of any unusual incidents that occurred at the home and that might indicate possible abuse or neglect involving the child. Such notification shall be made on the same day on which the incident occurred. Such incidents may include, but are not limited to: acts of aggression, violent or destructive behavior, suicidal threats or behavior, homicidal threats, inappropriate sexual behavior, running away, withdrawal or passivity, drug or alcohol abuse, or significant changes in the child's behavior or habits. The home shall maintain on file a record of such incidents and documentation that parents and Division case managers have been informed of them.

4. The Division, during the course of investigating an allegation of child abuse and neglect, may determine that immediate, corrective action is necessary to protect the children whenever:

- i. The director or staff member has been found by the Division's Institutional Abuse Investigation Unit (IAIU) to pose a risk of harm to children; or
- ii. The director or staff member has committed an act of child abuse or neglect, as substantiated by the IAIU; or
- iii. The director or staff member has been convicted of such acts.

5. Whenever the IAIU makes such a determination, the agency or director shall carry out the Division's recommendation for immediate remedial action and long term corrective action. Such remedial action may include, but not be limited to:

- i. Removal or suspension of the affected director or staff members from the home or reassignment to other duties that do not involve contact with the children; or
- ii. When the director or staff member resides at the home, removal of the affected employee from the premises.

6. Such suspension, removal or reassignment, as specified in (g)5 above, shall remain in effect until the results of the Division's investigation have been determined, and a final decision in the matter has been rendered by the Bureau.

7. Substantiation of the child abuse and neglect allegation by the Division's IAIU shall not, in itself, automatically result in the termination of the accused director or staff member from his or her position in the home, but shall constitute grounds for possible termination if the person's continued employment at the home would place the children at risk. Such determination shall be made by the Bureau after considering information provided by the agency, the director, the affected staff member, the IAIU and law enforcement authorities, as applicable and available.

(h) The home or agency shall utilize medical, dental, and psychological personnel serving children on either a staff or community provider basis who shall:

1. Be responsible for ensuring that the needs of the children for medical, dental, and psychological services are met; and

2. Be licensed to practice in the state where the staff member or community provider is located, if required by the laws of that state.

10:128-5.2 Staff qualifications

(a) Group homes, supervised transitional living homes and treatment homes shall have a full-time agency administrator or home director, social service workers and house parents or child care staff members, who shall meet the requirements in (c) through (e) below.

(b) Teaching family home programs shall have a full-time program administrator, teaching family consultants and teaching family parents, who shall meet the requirements in (g) through (j) below.

(c) The full-time agency administrator or home director shall:

1. Be at least 21 years of age;
2. Have one of the following qualifications:
 - i. A bachelor's degree in social work, psychology or a related field from an accredited college or university and four years of professional experience in the human services field, two of which shall have been in a supervisory or administrative position;
 - ii. A master's degree from an accredited graduate school in social work, psychology, or a related field and three years of professional experience in the human services field;

iii. For publicly operated homes, meet the requirements of the State Department of Personnel for the position, if applicable;

iv. Meet the requirements for a licensed clinical social worker or a licensed social worker as specified in N.J.A.C. 13:44G-4.1 and 4.2 and have three years of professional experience in the human services field; or

v. Meet the requirements for a certified social worker as specified in N.J.A.C. 13:44G-4.3, have a bachelor's degree in social work, psychology or related field from an accredited college or university and have three years of professional experience in the human services field, one of which shall have been in a supervisory or administrative position.

3. Be responsible for implementing the overall planning, operation, and management of the home, including the home's recreational and food programs;

4. Designate staff members to be in charge at all times during his or her absence;

5. Be on call to assist the staff in admissions, emergencies, and personnel or other responsibilities;

6. Be responsible for maintaining aggregate statistical information on children served, including the date of each admission, date of each discharge, and reason for each discharge; and

7. If qualified under (c)2i, ii, or v above, not supervise a licensed clinical social worker, licensed social worker or certified social worker.

(d) A social worker or staff member who provides social services shall:

1. Be at least 21 years of age;
2. Provide at least two hours of service per week to each child, including, but not limited to, casework services, intake, treatment planning, family contacts, group work services, and maintenance of each child's record; and
3. Have one of the following qualifications:
 - i. Meet the requirements for a licensed clinical social worker, licensed social worker or certified social worker as specified in N.J.A.C. 13:44G-4.1 and 4.2 and have a minimum of one year professional experience in the human services field;
 - ii. A bachelor's degree in social work, psychology or a related field from an accredited college or university and one year of professional experience in the human services field, except that any person who does not meet the qualifications in (d)3i above and provides services as specified in (d)2 above, shall:

(1) Only provide social work services in the course of employment with the home;

(2) Not provide psychotherapeutic counseling to residents;

(3) Not advertise or represent themselves as a licensed clinical social worker, licensed social worker or certified social worker; or

(4) Not use any title or name, the use of which is restricted by N.J.S.A. 45:15BB-4 of the Social Worker's Licensing Act; or

iii. A master's degree from an accredited graduate school in social work, psychology or a related field, except that any person who does not meet the qualifications in (d)3i above and provides services as specified in (d)2 above, shall:

(1) Only provide psychotherapeutic counseling under the supervision of a licensed clinical social worker or other State-licensed mental health professional;

(2) Not advertise or represent themselves as a licensed clinical social worker, licensed social worker or certified social worker; or

(3) Not use any title or name, the use of which is restricted by N.J.S.A. 45:15BB-4 of the Social Worker's Licensing Act; or

iv. Meet the requirements of the State Department of Personnel for the position, if applicable.

(e) The house parents or child care staff members shall:

1. Be at least 18 years of age;

2. Provide daily care and supervision of the children;

3. Inform the social service staff members or director of any incidents that may impact on the child's treatment planning, as specified in N.J.A.C. 10:128-6.1, 6.2 and 6.3; and

4. Have one of the following qualifications:

i. A high school or high school equivalency diploma and one year of experience working with children in a group setting;

ii. An associate's or bachelor's degree from an accredited college or university in a field that is unrelated to social work or psychology and six months experience working with children in a group setting;

iii. An associate's or bachelor's degree from an accredited college or university in social work, psychology or a related field; or

iv. Meet the requirements of the State Department of Personnel for the position, if applicable.

(f) Group homes and supervised transitional living homes may hire persons who do not meet the qualifications specified in (e)4 above, but who offer a background or life experience that demonstrate characteristics, skills and attributes that would enable them to work with children in a positive manner. The home or agency shall develop and maintain on file a policy that delineates the criteria for hiring staff members who do not meet the qualifications specified in (e)4 above. Such criteria shall include, but not be limited to, the following:

1. The person shall have life experiences that deal with raising a child, providing foster care, participating in volunteer activities with a child or adopting a child;

2. The person shall exhibit characteristics, skills and attributes that would enable him or her to work effectively and sensitively with emotionally disturbed or handicapped children in a group setting; and

3. The person, after he or she is hired, shall work together with an experienced staff member for an initial probationary period of at least six months unless terminated for cause prior to completing the six-month probationary period. After this initial six month period has ended, the home or agency shall review the person's work performance, document his or her ability to continue work without being supervised by an experienced staff member and may either:

i. Appoint the probationary staff member to fill the position as a child care staff member;

ii. Extend the initial six-month period to further evaluate the performance of the probationary staff member and continue to have the probationary staff member supervised by an experienced staff member; or

iii. Terminate the probationary staff member after the initial six-month period or any extension of the initial six-month period for failing to perform the job duties and responsibilities of the position.

(g) The teaching family home program administrator shall:

1. Meet the qualifications specified in (c)1 and 2 above;

2. Provide the Bureau with current listings of teaching family consultants and the homes to which they are assigned;

3. Ensure that the teaching family homes comply with all applicable provisions of this manual;

4. Designate a staff member to be in charge at all times during his or her absence;

5. Be on call to assist the teaching family consultants in admissions, emergencies and personnel or other problems;

6. Be responsible for ensuring that all teaching family consultants receive an annual performance evaluation; and

7. Assist in the recruitment and training of teaching family parents.

(h) The teaching family consultants shall:

1. Be at least 21 years of age;
2. Meet the requirements of the State Department of Personnel for the position; and
3. Be responsible for ensuring that the teaching family parents perform the duties specified in (i) below.

(i) The teaching family parents and relief staff shall:

1. Be at least 18 years of age;
2. Implement the overall planning, operation and management of the home;
3. Maintain all staff members' work schedules, time sheets, and/or payment vouchers for relief staff;
4. Maintain a daily log book, separate log book or record in the child's case record of all visits to children;
5. Complete entries in the daily log book that reflect the activities and events of each day;
6. Maintain aggregate statistical information on children served, including the date of each admission, date of each discharge, and reason for each discharge; and
7. Meet all the requirements specified in (e) above.

(j) Teaching family home staff members shall meet staff training and certification requirements of the National Teaching Family Association.

Amended by R.1996 d.118, effective March 4, 1996.
 See: 27 N.J.R. 4266(a), 28 N.J.R. 1379(c).
 Amended by R.1999 d.337, effective October 4, 1999.
 See: 31 N.J.R. 1436(a), 31 N.J.R. 2886(a).
 Rewrote (c)9.

10:128-5.3 Staff to child ratios

(a) Group homes and supervised transitional living homes shall meet the following staff to child ratios:

1. The home shall have at least one staff member present in the home or reachable by telephone when the home is in operation but the children are not in the home on a particular day.
2. The home shall have at least one staff member for every six or fewer children when the children are awake and present in the home and when the children are participating in an activity organized by the home.
3. The home shall have at least one staff member on duty when there are 12 or fewer children in the home and the children are asleep.

i. In a single-sex home, the staff member may be asleep.

ii. In a coed home, the staff member shall be awake.

iii. An additional staff member shall be available to provide emergency in-person coverage within 30 minutes.

(b) Teaching family homes, supervised transitional living homes serving five or fewer children and treatment homes shall have:

1. One staff member on duty whenever a child is scheduled to be present in the home;

2. One staff member as identified in (b)1 above who is accessible by telephone or beeper at all times when the home is in operation and the children are not present; and

3. One staff member who can provide emergency in-person coverage within 30 minutes.

(c) As an exception to (b) above, teaching family homes, supervised transitional living homes and treatment homes may permit a child to remain in the home when the home is in operation without a staff member present only when the following conditions have been met:

1. The child is at least 16 years of age;

2. The child does not have the responsibility to supervise other children in the home or is not supervised by other children in the home;

3. The treatment team, as specified at N.J.A.C. 10:128-6.1(b), documents in the child's treatment plan that the child has acquired the necessary skills that would enable the child to be in the home without a staff member present, including:

i. The ability to contact the police, ambulance or fire department in the event of an emergency;

ii. The ability to safely self-evacuate the home if there is a fire, gas leak or other potentially dangerous situation;

iii. The knowledge that strangers and visitors are not permitted in the home without the prior approval of the staff member; and

iv. If an adolescent mother with an infant, the ability to provide care and supervision of her child;

4. The treatment team, as specified at N.J.A.C. 10:128-6.1(b), documents in the child's treatment plan that the child has achieved treatment goals that would enable the child to be in the home without a staff member present. Such treatment goals may include, but are not limited to:

i. Regular attendance in school, vocational program or work;

ii. Consistent participation in counseling, based on the child's treatment plan, if applicable; and

iii. Demonstration by the child that he or she has not been involved in incidents of aggressive/assaultive behavior, damage or destruction of property, inappropriate sexual behavior or other behavioral or emotional episodes that would indicate that the child could be a potential risk to self or others;

5. The child does not require medication and/or psychotropic medication to be administered during the time that he or she is in the home unsupervised; and

6. The staff member does not permit the child to remain in the home unsupervised:

i. Because of his or her employment commitments;

ii. For overnight stays as a part of a vacation or outing; or

iii. For periods of time that exceed four consecutive hours; and

7. A staff member is accessible by telephone or beeper at all times and can provide in-person coverage within 30 minutes.

Amended by R.1999 d.337, effective October 4, 1999.
See: 31 N.J.R. 1436(a), 31 N.J.R. 2886(a).

In (a)2, substituted "six" for "12", in the introductory text of (b), substituted "five" for "six", and added (c).

10:128-5.4 Staff training and development

(a) The home shall develop a training plan and the director shall ensure that all staff members, upon employment, are trained in:

1. The home's statement of purpose, as specified in N.J.A.C. 10:128-3.1;

2. The home's behavior management policy and search and seizure policy, if any, as specified in N.J.A.C. 10:128-6.14 and 6.15;

3. Emergency procedures, as specified in N.J.A.C. 10:128-4.5(a), (b) and (c);

4. Protocols for medication, as specified in N.J.A.C. 10:128-7.4 and 5;

5. Infection control procedures, as specified in N.J.A.C. 10:128-7.8; and

6. The home's techniques for safe physical restraint, if applicable, as specified in N.J.A.C. 10:128-6.13(e)6.

(b) The home shall ensure that every new staff member is accompanied on his or her duties by an experienced staff member as part of an orientation, until the new staff member is familiar with daily routines and operations of the home.

(c) The home shall document in each staff member's record that all social service and child care staff members, including full and part-time staff members, receive a minimum of 12 hours of training each year in the following areas:

1. The principles of behavior management;
2. Alcohol and substance abuse;
3. Human sexuality and AIDS; and
4. Suicide prevention.

(d) The home's training plan may include in-depth discussions at staff meetings or attendance at workshops or conferences.

10:128-5.5 Volunteers and student interns

(a) The home may use volunteers or student interns to support the activities of regular paid staff members, but shall not use volunteers or student interns to substitute for paid staff members.

(b) The home shall ensure that volunteers and student interns are briefed fully on any special needs or problems they might encounter while working with the children.

(c) The home shall ensure that volunteers and student interns who have contact with children or parents receive an orientation to the home's program and are supervised by paid staff members. Volunteers and student interns shall receive authorization from the home prior to accompanying children off-grounds for trips, medical appointments and visits.

(d) The home shall require references, as specified in 10:128-5.1(b)2, for volunteers and student interns who provide activities or transportation to a child by themselves.

SUBCHAPTER 6. PROGRAM REQUIREMENTS

10:128-6.1 Treatment plan for children in group homes, teaching family homes, treatment homes and alternative care homes

(a) Group homes, teaching family homes and treatment homes shall develop, implement and maintain on file a written individual treatment plan for each child. The plan shall delineate how to meet that child's needs and to remediate the problems and behavior that led to the child's placement.

(b) Group homes, teaching family homes, and treatment homes shall form a treatment team that is responsible for the development of a treatment plan for each child. The treatment team shall consist of each of the following: