

**CHAPTER 122B****FOSTER CARE****Authority**

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

**Source and Effective Date**

R.2003 d.254, effective June 5, 2003.  
See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

**Chapter Expiration Date**

Chapter 122B, Foster Care, expires on June 5, 2008.

**Chapter Historical Note**

Chapter 122B, formerly Family Day Care Standards, was adopted pursuant to N.J.S.A. 30:1-12 and 30:4C-26a as R.1979 d.359, effective September 11, 1979, and originally codified as Chapter 122, Subchapter 4. See: 10 N.J.R. 539(a), 11 N.J.R. 519(b).

Chapter 122, Subchapter 4 was recodified as Chapter 122B by R.1980 d.314, effective January 1, 1981. See: 12 N.J.R. 39(a), 12 N.J.R. 483(a).

Pursuant to Executive Order No. 66(1978), Chapter 122B was readopted as R.1984 d.428, effective September 10, 1984. See: 16 N.J.R. 1936(a), 16 N.J.R. 2674(a).

Chapter 126, Manual of Requirements for Family Day Care Registration, adopted as R.1988 d.507, effective November 7, 1988, superseded and incorporated the provisions of Chapter 122B, Family Day Care Standards. See: 20 N.J.R. 1508(a), 20 N.J.R. 2774(b).

Pursuant to Executive Order No. 66 (1978), Chapter 122B, Family Day Care Standards, expired on September 10, 1989.

Chapter 122B, Requirements for Foster Care, was adopted as R.1993 d.15, effective January 4, 1993 (operative July 1, 1993). See: 23 N.J.R. 3693(a), 25 N.J.R. 116(a).

Pursuant to Executive Order No. 66(1978), Chapter 122B, Requirements for Foster Care, was readopted as R.1998 d.61, effective December 22, 1997. See: 29 N.J.R. 4268(a), 30 N.J.R. 491(a).

Chapter 122B, Foster Care, was readopted as R.2003 d.254, effective June 5, 2003. As part of R.2003 d.254, Subchapter 2, Division Employees, Relatives and Household Members as Foster Parents, Subchapter 3, Criminal History Records Checks, Subchapter 4, Division and Contract Agency Responsibilities, and Subchapter 5, Provisions Related to Applicants and Foster Parents Licensed and Supervised by the Division, were adopted as new rules effective July 7, 2003. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. GENERAL PROVISIONS**

- 10:122B-1.1 Purpose
- 10:122B-1.2 Scope
- 10:122B-1.3 Definitions
- 10:122B-1.4 Service limitations
- 10:122B-1.5 Nondiscrimination
- 10:122B-1.6 Dispute resolution

**SUBCHAPTER 2. DIVISION EMPLOYEES, RELATIVES AND HOUSEHOLD MEMBERS AS FOSTER PARENTS**

- 10:122B-2.1 Division employees and household members as foster parents
- 10:122B-2.2 Relatives of an employee who have a separate household

**SUBCHAPTER 3. CRIMINAL HISTORY RECORDS CHECKS**

- 10:122B-3.1 Criminal history records checks

**SUBCHAPTER 4. DIVISION AND CONTRACT AGENCY RESPONSIBILITIES**

- 10:122B-4.1 Division or contract agency responsibilities to a foster parent

**SUBCHAPTER 5. PROVISIONS RELATED TO APPLICANTS AND FOSTER PARENTS LICENSED AND SUPERVISED BY THE DIVISION**

- 10:122B-5.1 Pre-service training
- 10:122B-5.2 Reimbursement for foster parent applicant
- 10:122B-5.3 Home visit
- 10:122B-5.4 Foster parent applicant withdrawal
- 10:122B-5.5 Transportation reimbursement
- 10:122B-5.6 Foster parent's employment and supervision or child care for the foster child

**SUBCHAPTER 1. GENERAL PROVISIONS****10:122B-1.1 Purpose**

(a) The purpose of this chapter is to state:

1. The definition of certain words and terms used in this chapter and N.J.A.C. 10:122D and 10:122E;
2. The Division's non-discrimination policy regarding foster parent applicants, foster parents, and foster children;
3. When and how services to foster children may be limited;
4. The circumstances under which a Division employee, household member, or relative can become a foster parent;
5. The Division's responsibilities for completing the home study process;
6. The Division's and contract agencies' responsibilities to the foster parent;
7. When a foster parent applicant can be reimbursed for a physical examination and other expenses incurred related to becoming a licensed foster parent;
8. How the Division approves and pays for child care when the foster parent is working; and
9. The Division's pre-service training program.

(b) The purpose of N.J.A.C. 10:122B, 10:122C, 10:122D and 10:122E does not:

1. Create an employer/employee relationship between the Division and a licensed foster parent; or
2. Create any right to be a foster parent, apart from that which may exist under statute or case law.

Recodified from N.J.A.C. 10:122B-1.2 and amended by R.2003 d.254, effective July 7, 2003.

See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

Rewrote the section. Former N.J.A.C. 10:122B-1.1, Authority, repealed.

#### 10:122B-1.2 Scope

(a) The provisions of this chapter and N.J.A.C. 10:122D and 10:122E shall apply to each person licensed by the Division to provide foster care services for a child under the Division's supervision and to each household member; to each person making application to be a foster parent for the general placement of children and to each household member; and to each Division representative or contract agency employee responsible for studying, reevaluating or licensing foster parents and their families or providing services to children in foster care.

(b) N.J.A.C. 10:122B-5 applies to Division representatives and foster parents licensed and supervised directly by the Division, and not to a contract agency's employees and foster parents.

(c) The regulatory framework of this series of chapters on foster care services includes this chapter and N.J.A.C. 10:122C, Licensure of Foster Homes, N.J.A.C. 10:122D, Foster Care Services, and N.J.A.C. 10:122E, Removal of Foster Children and Closure of Foster Homes. The rules contained in N.J.A.C. 10:122B, 10:122D and 10:122E are to be used in conjunction with the rules in N.J.A.C. 10:122C when applied to foster homes under the supervision of the Division.

Recodified from N.J.A.C. 10:122B-1.3 and amended by R.2003 d.254, effective July 7, 2003.

See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

Rewrote the section. Former N.J.A.C. 10:122B-1.2, Purpose, recodified to N.J.A.C. 10:122B-1.1.

#### 10:122B-1.3 Definitions

(a) The definitions in N.J.A.C. 10:122C-1.2 and 1.3 are hereby incorporated into this chapter by reference.

(b) The following words and terms used in this chapter and in N.J.A.C. 10:122D and 10:122E shall have the following meanings, unless the context clearly indicates otherwise:

"Adult" means a person 18 years of age or older.

"Child" means a person under 18 years of age except as otherwise provided by N.J.S.A. 9:17B-2f.

"Contract agency" means an organization under contract with the Division to provide an array of foster care services to the Division. Services may include recruitment, screening, assessment, training, and management of foster homes serving children.

"Division Director" means the Director of the Division of Youth and Family Services.

"Division representative" means a professional employee of the Division of Youth and Family Services.

"Foster home" means a private residence in which board, lodging, care, and temporary out-of-home placement services are provided by a foster parent on a 24-hour basis to a child under the auspices of the Division and which is licensed as a foster home in accordance with N.J.A.C. 10:122C.

"Goal" means the result toward which effort is directed.

"Office manager" means a Division employee charged with the direction of a field office of the Division.

Amended by R.1998 d.61, effective January 20, 1998.

See: 29 N.J.R. 4268(a), 30 N.J.R. 491(a).

In the definition of "Child" added an exception; and deleted a former definition of "Dispositional conference".

Recodified from N.J.A.C. 10:122B-1.4 and amended by R.2003 d.254, effective July 7, 2003.

See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

Added (a); designated former introductory paragraph as (b) and rewrote the paragraph; added "Contract Agency" and "Division Director"; deleted "Case goal", "Corporal punishment", "Department", "Division", "Division Director", "Foster child", "Foster parent", "Foster parent applicant", "Household member", and "Primary caretaker"; rewrote "Foster home". Former N.J.A.C. 10:122B-1.3, Scope, recodified to N.J.A.C. 10:122B-1.2.

#### 10:122B-1.4 Service limitations

(a) The Division shall provide needed services within the limits of legislative appropriations to all eligible foster children and their families in similar circumstances. The provision of services shall also be subject to limitations due to actual ability of the Division to provide such services directly or by purchasing such services from appropriate privately sponsored agencies or institutions.

(b) The demand for social services frequently exceeds the funds available to provide them. Therefore, in accordance with N.J.S.A. 30:4C-13, the Division Director may establish Division-wide service limitations based upon the need to focus finite resources to serve those individuals most in need. Service limitations shall be published within 90 days of imposition in the Public Notices section of the New Jersey Register.

Recodified from N.J.A.C. 10:122B-1.5 by R.2003 d.254, effective July 7, 2003.

See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

Former N.J.A.C. 10:122B-1.4, Definitions, recodified to N.J.A.C. 10:122B-1.3.