

CHAPTER 127

MANUAL OF REQUIREMENTS FOR RESIDENTIAL CHILD CARE FACILITIES

Authority

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

Source and Effective Date

R.2004 d.1, effective November 21, 2003.
See: 35 N.J.R. 3814(a), 36 N.J.R. 194(a).

Chapter Expiration Date

Chapter 127, Manual of Requirements for Residential Child Care Facilities, expires on November 21, 2008.

Chapter Historical Note

Chapter 127, Manual of Standards for Residential Child Care Facilities, was adopted as R.1976 d.77, effective March 10, 1976. See: 8 N.J.R. 37(a), 8 N.J.R. 195(e).

Chapter 127, Manual of Standards for Residential Child Care Facilities, was repealed and Chapter 127 was adopted as new rules by R.1983 d.393, effective September 19, 1983, (operative November 1, 1983). See: 15 N.J.R. 486(a), 15 N.J.R. 1597(a).

Pursuant to Executive Order No. 66(1978), Chapter 127, Manual of Standards for Residential Child Care Facilities, was readopted as R.1988 d.456, effective August 26, 1988. See: 20 N.J.R. 1149(a), 20 N.J.R. 2387(b).

Public Notice: Annual certification to Legislature of facility standards pursuant to Keys Amendment to Social Security Act. See: 24 N.J.R. 656(a); 25 N.J.R. 603(a).

Chapter 127, Manual of Standards for Residential Child Care Facilities, was repealed and Chapter 127, Manual of Requirements for Residential Child Care Facilities, was adopted as new rules by R.1993 d.403, effective August 16, 1993. See: 25 N.J.R. 1716(a), 25 N.J.R. 3787(a).

Pursuant to Executive Order No. 66(1978), Chapter 127, Manual of Requirements for Residential Child Care Facilities, was readopted as R.1998 d.413, effective July 15, 1998. See: 30 N.J.R. 1494(a), 30 N.J.R. 3055(a).

Chapter 127, Manual Requirements for Residential Child Care Facilities, was readopted as R.2004 d.1, effective November 21, 2003. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:127-1.1 Legal authority

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

(b) Under N.J.S.A. 30:1-14 and 30:4C-4, the Department of Human Services is authorized to inspect, evaluate, and approve publicly or privately operated facilities 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 facilities 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 residential facilities, as defined in this chapter, except facilities 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 residential facilities as defined in this chapter, that serve one or more children under the supervision of the Division of Youth and Family Services. As a condition of approval by the Department, such facilities shall be licensed, certified, or otherwise approved to operate in the state where the facility is located.

(d) In order to be approved, a children's residential facility 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 chapter.

(e) Responsibility for ensuring that the facility specified in (c) above complies with the provisions of the statutes cited in (a) above and of this chapter 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 facilities, as described in N.J.A.C. 10:127-1.2(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 facilities 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 chapter 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.

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 director or staff members of the facility to operate a residential child care facility;

7. Failure of an out-of-State facility to maintain a license, approval or certificate in its own state; and

8. Failure by the director to secure and maintain on file criminal conviction disclosures, as specified in N.J.A.C. 10:127-5.1(b)1.

(b) The Bureau shall provide written notice to the facility 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 and the need for the facility to come into compliance prior to such action being taken.

(c) If the Bureau denies, revokes, or refuses to renew a certificate of approval, as specified in (a) above, the facility 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 facility 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 facility achieves compliance with the provisions of this chapter. In such a case, the Bureau shall not require the facility 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 facility remains the property of the State of New Jersey. If the Bureau suspends or revokes a certificate of approval, the facility shall return the certificate of approval to the Bureau immediately.

10:127-2.4 Administrative hearings

(a) If a facility fails to comply with all applicable provisions of this chapter, the Bureau shall issue a directive ordering compliance. Prior to the Bureau's decision to deny, suspend, refuse to renew or revoke a facility's certificate of approval, the facility 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 facility 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.

10:127-2.5 Complaints

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

(b) If a serious complaint is received that alleges imminent hazard or risk to the health, safety and welfare of the children, the Bureau shall investigate the complaint within 24 hours.

(c) After the report of the investigation has been completed, the Bureau shall notify the facility 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.

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

10:127-2.6 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

10:127-3.1 Statement of purpose

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

1. The facility'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 facility and those provided in cooperation with community agencies or outside individuals;
4. Procedures for implementing those services; and
5. Criteria for completion of the program.

(b) The facility shall give this statement of purpose to the parents of the children being considered for services, and shall make it available to all staff members.

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

10:127-3.2 Rights of children

(a) The facility shall prepare a list of children's rights and shall post it in prominent locations in the facility, including in each living unit, or give it to the children and document such in each child's record. The list shall comply with the applicable provisions of N.J.S.A. 9:6B-1 et seq., the Child Placement Bill of Rights Act. 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 with the Division and other professional persons or agencies.

(b) The facility shall give this list of children's rights to the parents of the children being considered for admission and shall make it available to all staff members.

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

(d) If the facility chooses to develop a search and seizure policy, the facility shall give all children, staff and parents a copy of this policy, as specified in N.J.A.C. 10:127-6.15.

(e) The facility 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 and concerns about procedures, care and specific incidents. The facility shall not take or threaten to take retaliatory or disciplinary action of any kind against a child who uses the grievance procedure. The facility shall provide a procedure to explain the above to children who are developmentally disabled, unable to read or unable to hear.

Case Notes

Student's right to attend community day nursery was voided by student's withdrawal and enrollment in another day care program. *D.Y. v. Bayonne Community Day Nursery*, 94 N.J.A.R.2d (DYF) 1.

10:127-3.3 Information to parents and staff members

(a) The facility 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 facility 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 facility director any questions or concerns about policies, requirements, provisions, or alleged violations of the manual;
6. Advise parents that if they believe or suspect that the facility is in violation of any provision of the manual, they may report such alleged violations to the Bureau;
7. Make available, upon request, for parents' review the Bureau's Inspection/Violation and Complaint Reports on the facility, as well as any letters of enforcement or other actions taken against the facility during the current certificate of approval period;
8. Inform parents that they shall be provided a copy of the facility's behavior management policy, including policies for searches, as specified in N.J.A.C. 10:127-6.13 and 6.15;
9. Inform parents that the facility is required to provide the child's parents with copies of the facility's visitation and communication policies, a copy of the procedures for expressing concern or registering complaints regarding their child's placement, and a description of its religious policies, including a statement that the child has a right to practice his or her religion;
10. Indicate through this document that any person who has reasonable cause to believe that a child residing in the facility has been or is being subjected to any form of hitting, corporal punishment, abusive language, ridicule, or harsh, humiliating or frightening treatment, or any other kind of child abuse, neglect or exploitation by any person, whether working at the facility or not, is required by State law to report such allegations to the Division's Office of Child Abuse Control, TOLL FREE in New Jersey at 1-800-792-8610, or for out-of-State calls use (609) 292-8799 or any District Office immediately, and indicate that such reports may be made anonymously;
11. Indicate through this document how parents and staff members may secure information about the prevention and reporting of child abuse and neglect by contacting the Division;

- x. A copy of the comprehensive health plan, as specified in N.J.A.C. 10:127-7.1, 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. 10:127-6.11 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. 10:127-5.2(a)10;
 - xiii. A record of signed parental consent for children's participation in fund-raising, publicity, photography, or audiovisual activities related to the facility, as specified in N.J.A.C. 10:127-3.3(a)12;
 - xiv. A copy of the children's grievance procedures, as specified in N.J.A.C. 10:127-3.2(e);
 - xv. A record of signed parental consent for medical treatment for each child, as specified in N.J.A.C. 10:127-3.6(b)10;
 - xvi. A daily log book, in which an on-duty staff member shall comment on the activities and events of each day and staff member response to those events, as specified in N.J.A.C. 10:127-5.2;
 - 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, as specified in N.J.A.C. 10:127-5.2;
 - xviii. A copy of the staff members' work schedules and time sheets, as specified in N.J.A.C. 10:127-5.2;
 - xix. A medication log book, as specified in N.J.A.C. 10:127-7.4, 7.5 and 10.20;
 - xx. A written daily schedule of planned recreational, leisure time and physical exercise activities, as specified in N.J.A.C. 10:127-6.8(b) and 10.11;
 - xxi. A record of pet vaccinations and the name and address of the licensed veterinarian providing care for the pets, if applicable, as specified in N.J.A.C. 10:127-6.12;
 - xxii. A copy of the parenting education curriculum, if applicable, as specified in N.J.A.C. 10:127-10.8;
 - xxiii. Documentation of the information received from the National Weather Service and park service, if applicable, as specified in N.J.A.C. 10:127-9.1(n) and (o);
 - xxiv. A copy of the plan for emergency evacuation procedures, if applicable, as specified in N.J.A.C. 10:127-9.2(a);
 - xxv. A copy of the plan for search and rescue procedures, if applicable, as specified in N.J.A.C. 10:127-9.2(b);
 - xxvi. Copies of biking permits, if applicable, as specified in N.J.A.C. 10:127-9.4(a);
 - xxvii. Documentation that permission was obtained to enter a cave from the owner or public authority, if applicable, as specified in N.J.A.C. 10:127-9.6(c);
 - xxviii. Documentation of the care of horses, if applicable, as specified in N.J.A.C. 10:127-9.8(d);
 - xxix. Documentation on the safety of ropes used in climbing, if applicable, as specified in N.J.A.C. 10:127-9.9(d);
 - xxx. A copy of the plan for boating activities, if applicable, as specified in N.J.A.C. 10:127-9.10(b);
 - xxxi. Copies of all permits, certificates or licenses for camping, if applicable, as specified in N.J.A.C. 10:127-9.15(a);
 - xxxii. A copy of the policy for treating snake, animal and insect bites and contact with poisonous plants, if applicable, as specified in N.J.A.C. 10:127-9.17(c);
 - xxxiii. A copy of the plan and procedures that enable children to receive an emergency message, and send and receive mail, if applicable, as specified in N.J.A.C. 10:127-9.20(c);
 - xxxiv. Documentation that children were permitted to make free telephone calls, if applicable, as specified in N.J.A.C. 10:127-9.20(e);
 - xxxv. A copy of the policy for visiting and communication for parents, if applicable, as specified in N.J.A.C. 10:127-9.20(g); and
 - xxxvi. A copy of the feed plan for horses, if applicable, as specified in N.J.A.C. 10:127-9.8 and 9.16.
2. The following records shall be maintained in files located either at the facility's administrative office or at the facility:
- i. A record of comprehensive general liability insurance, as specified in N.J.A.C. 10:127-3.9;
 - ii. A record of performance of required monthly fire drills and/or evacuation drills, as specified in N.J.A.C. 10:127-4.5(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. 10:127-5.4(a)3;
 - iv. A copy of the facility's vehicle insurance policy, as specified in N.J.A.C. 10:127-8.2; and
 - v. Transportation records, if transportation is provided to children residing in the facility, as specified in N.J.A.C. 10:127-8.4.

3. For all facilities whose programs are primarily adventure based, the following records shall be maintained on location:

- i. A copy of this chapter;
- ii. The Life/Safety and Program Inspection/Violation Reports and Complaint Investigation Summary Reports from the Bureau, if applicable, as well as letters of enforcement or other actions taken against the facility, if applicable, that cover the current certificate of approval period;
- iii. Policies and procedures regarding behavior management, as specified in N.J.A.C. 10:127-6.13, 6.14 and 10.14;
- iv. 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. 10:127-6.13, 7.3(b) and 9.3(a) and (b);
- v. Copies of menus of food served to the children, including special diets, as specified in N.J.A.C. 10:127-6.11 and 10.24;
- vi. A record of signed parental consent for children's participation in fund-raising, publicity, photography, or audiovisual activities related to the facility, as specified in N.J.A.C. 10:127-3.3(a)12;
- vii. A record of signed parental consent for medical treatment for each child, as specified in N.J.A.C. 10:127-3.6(b)10;
- viii. A daily log book, in which an on-duty staff member shall comment on the activities and events of each day and staff member response to those events, as specified in N.J.A.C. 10:127-5.2;
- ix. A copy of staff members' work schedules and time sheets, as specified in N.J.A.C. 10:127-5.2;
- x. A medication log book, as specified in N.J.A.C. 10:127-7.4, 7.5, and 10.20;
- xi. A written daily schedule of planned recreational, leisure time and physical exercise activities, as specified in N.J.A.C. 10:127-6.8(b) and 10.11;
- xii. A copy of the plan for emergency evacuation procedures, as specified in N.J.A.C. 10:127-9.2(a); and
- xiii. A copy of the plan for search and rescue procedures, as specified in N.J.A.C. 10:127-9.2(b).

(c) The facility 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 facility:

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

- i. Applications for employment, with disclosure statement(s), as specified in N.J.A.C. 10:127-5.1(b) and 9.18;
- ii. References on the director and staff members, as specified in N.J.A.C. 10:127-5.1(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. 10:127-3.3(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. 10:127-3.3(b); and
- v. Health information, as specified in N.J.A.C. 10:127-7.7.

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

- i. Current staff member attendance sheets;
- ii. Reasons for discontinuance of employment, if applicable, as specified in N.J.A.C. 10:127-5.1;
- iii. 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. 10:127-5.1(b) and 9.18;
- iv. Documentation that every staff member received and reviewed a copy of the facility's statement of purpose, grievance policy, children's bill of rights, fire-place policy, search and seizure policy, and information to parents statement, as specified in N.J.A.C. 10:127-3.1(b), 3.2(b) to (d), 3.3(b) and 4.4(c)6;
- v. A written annual performance evaluation, as specified in N.J.A.C. 10:127-5.2; and
- vi. Documentation of training received by staff members, as specified in N.J.A.C. 10:127-5.4 and 10.3.

(d) The facility shall maintain on file the following children's records during the child's placement at the facility and for at least three years following the discharge of the child:

1. Identifying information, as specified in N.J.A.C. 10:127-3.6(b) and (c);
2. A copy of each treatment plan developed for the child, as specified in N.J.A.C. 10:127-6.1, and a copy of the case management plan for facilities that serve pregnant and parenting adolescents, as specified in N.J.A.C. 10:127-10.4;
3. Education records, as specified in N.J.A.C. 10:127-6.7;

4. 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. 10:127-6.13, 6.14 and 6.15;

5. Reports of accidents, as specified in N.J.A.C. 10:127-7.3 and 9.3(a) and (b);

6. Documentation of the opening of a child's mail by facility staff, as specified in N.J.A.C. 10:127-6.6;

7. Medical records, as specified in N.J.A.C. 10:127-7.2 and 9.17(a) and (b);

8. Explanations of medical treatment, as specified in N.J.A.C. 10:127-10.19;

9. A discharge summary, as specified in N.J.A.C. 10:127-6.2 and 10.5;

10. An aftercare plan, as specified in N.J.A.C. 10:127-6.2 and 10.5;

11. An infant's feeding schedule, as specified in N.J.A.C. 10:127-10.24;

12. Documentation that an adolescent mother received life skills development training, as specified in N.J.A.C. 10:127-10.25; and

13. Documentation that a child received information on adventure activities, as specified in N.J.A.C. 10:127-9.1(c).

(e) The facility shall ensure the confidentiality of the records for each child enumerated in (d) above, in accordance with New Jersey State law, including N.J.S.A. 9:6-8.10(a) covering abuse and neglect information. The facility 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.

Administrative Correction.
See: 25 N.J.R. 4932(c).

10:127-3.9 Comprehensive general liability insurance

The facility shall secure comprehensive general liability insurance coverage and shall maintain on file a copy of the insurance policy.

SUBCHAPTER 4. PHYSICAL FACILITY REQUIREMENTS

10:127-4.1 Physical facility initial approval requirements for all facilities located in New Jersey

(a) An applicant seeking an initial certificate of approval, as specified in N.J.A.C. 10:127-2.1, to operate a facility

located in New Jersey 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 facility shall submit to the Bureau a copy of a Certificate of Occupancy (CO) issued by the municipality in which it is located, reflecting the facility's compliance with provisions of the NJUCC, for one of the following use group classifications:

i. R-2 (Residential) for buildings accommodating children $2\frac{1}{2}$ years of age and older for more than 30 calendar days and having a total occupancy of more than five and fewer than 16 children; or

ii. I-1 (Institutional) for buildings accommodating 16 or more children over $2\frac{1}{2}$ years of age; or

iii. I-2 (Institutional) for buildings accommodating six or more children who are under $2\frac{1}{2}$ years of age.

2. For facilities that are planning to construct a new building, the facility 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 facility can open.

3. For buildings constructed after the adoption of the NJUCC (1977), whose construction code use group classification is already R-2, I-1 or I-2 and that have not had major alterations or renovations since receipt of the CO, the facility 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, I-1 or I-2 use group classification. The facility 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 children's residential facility and that have not had major alterations or renovations, the facility 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 facility. The facility shall submit a copy of the building's CCO or letter reflecting the building's compliance to the Bureau.

5. The facility 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 facility is located;
- iii. Increases the floor area or the number of stories to the building or premises where the facility is located; or
- iv. Relocates to another site.

6. Whenever a municipality grants a facility 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.

i. When the Bureau does not accept the variation, the non-acceptance shall be based on the best interests of the residents of the facility, and shall include consideration for their health and safety.

ii. Should the facility disagree with the Bureau, the facility may seek a hearing in accordance with N.J.A.C. 10:127-2.4(a) and the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1, as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) An applicant seeking an initial approval, as specified in N.J.A.C. 10:127-2.1, to operate a facility 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 facility 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 facility's compliance with all applicable provisions of the NJUFC. The facility 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. 10:127-2.1, to operate a facility shall comply with all applicable provisions of the State Sanitary Code, as specified in N.J.A.C. 8:24. The facility 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 facility complies with applicable provisions of local, county and State health codes and poses no health hazard to the children served. The facility 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 facility 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 facility.

10:127-4.2 Physical facility initial approval requirements for all facilities located outside of New Jersey

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

(b) All facilities 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. 10:127-4, with the exception of N.J.A.C. 10:127-4.4(c), (f)3, (g), (h), (i), and (l).

10:127-4.3 Maintenance and sanitation requirements for all facilities

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

1. The facility 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 facility 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 facility shall maintain on file a record documenting the use of extermination services in these cases;
8. Toilets, wash basins, kitchen sinks, and other plumbing are maintained in good operating and sanitary condition;

iii. Any bedroom containing two or more single beds and occupied by more than one child shall provide a minimum of 70 square feet of floor space for the first child and 50 square feet of floor space for each additional child, including space that is occupied by furniture.

iv. Any bedroom containing bunk beds or any combination of single beds and bunk beds shall provide 50 square feet of floor space for each child, including space that is occupied by furniture.

10:127-4.5 Emergency evacuation instructions, medical emergencies, fire prevention, first aid and equipment

(a) The facility shall prepare and post on each floor written emergency evacuation instructions that include:

1. A diagram showing how the facility is to be evacuated in the event of an emergency; and
2. The location of fire alarms and fire extinguishers.

(b) The facility shall maintain the following information near a staff telephone or other accessible area for use in the event of a medical emergency:

1. The name, address and telephone number of the physician retained by the facility or of the health facility to be used in emergencies;
2. The location of written authorizations from parents for emergency medical care for each child;
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 centers; and
6. The location of the first aid kit and any additional first aid supplies.

(c) The facility shall prepare written fire prevention instructions, which specify that:

1. The facility 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;
 - i. Fire drills shall be conducted on all shifts; and
 - ii. Evacuations should be completed within three minutes. If evacuations are not completed within three minutes, the facility should contact its local fire official for assistance with improving its evacuation time.

2. The facility shall maintain on file a record of each fire drill, which shall include:

- i. The date and time of the drill;
- ii. The weather condition at the time of evacuation;
- iii. A notation of any problems encountered during the drill;
- iv. The number of participating children and staff members;
- v. The total amount of time taken to evacuate the facility; and
- vi. The signature of the staff members conducting the drill.

3. Each facility shall ensure that fire protection requirements, including those for boiler/furnace separation, electrical fire alarm systems, emergency lighting and exit signs conform to all applicable provisions of the NJUFC and the NJUCC; and

4. The facility 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.

10:127-4.6 Prohibition on the use of tobacco products

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

(b) The facility 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 facility shall maintain a smoke-free environment in all buildings on the facility premises and in all vehicles used to transport children.

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

Amended by R.1998 d.413, effective August 17, 1998.
See: 30 N.J.R. 1494(a), 30 N.J.R. 3055(a).
Rewrote the section.

SUBCHAPTER 5. STAFF REQUIREMENTS

10:127-5.1 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 facility or dealing with children, as applicable.

(b) Prior to hiring or utilizing a director or a staff member who will be working at the facility, the facility 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. The employment application shall be updated to indicate the reasons for discontinuance of employment, if applicable; and

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 facility.

(c) Failure by the director or other staff member to comply with the requirements 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 by the governing board;
2. Reassignment to other duties that do not involve contact with children;
3. Termination from the facility; or
4. Denial, refusal to renew, suspension or revocation of the facility's certificate of approval by the Bureau.

(d) Evidence of conviction for crimes of violence, felonies, illegal substance abuse 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 facility.

(e) Evidence of conviction of a crime, in and of itself, shall not automatically preclude an individual from serving as director or staff member or from working in the facility and shall not automatically result in the removal or termination of a director or staff member. The facility 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 facility. 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 facility 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 facility 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 facility to secure a certificate of approval for another or the same facility, 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 appropriate 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 other than the child's parent or family member, pursuant to the State Child Abuse and Neglect Law (N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14). This provision shall also apply to facilities located outside of New Jersey, notwithstanding the child abuse and neglect provisions of the state in which the facility is located;

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

3. When reporting to the Division as specified in (g)1 above, the facility shall also notify the parent(s) of the incident(s) reported which might indicate possible abuse or neglect involving the child. Such notification shall be made on the same day on which the incident(s) occurred. The facility shall maintain on file a record of such incident(s) and documentation that the parent(s) 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;

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 governing board 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 member from the facility or reassignment to other duties that do not involve contact with the children; or

ii. When the director or staff member resides at the facility, 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 Division; and

7. Substantiation of the child abuse and neglect allegation by the Division's IAIU shall not, in and of itself, automatically result in the termination of the accused director or staff member from his or her position in the facility, but shall constitute grounds for possible termination if the person's continued employment at the facility 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.

(h) The facility 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 medical, dental, and psychological needs of the children are met; and

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

10:127-5.2 Staff qualifications

(a) Residential child care facilities shall have a full-time administrator or director, social service staff, teaching staff members (if the facility provides an on-grounds educational

program), medical and nursing staff, child care staff, a staff member(s) designated to plan and implement the facility's recreational program, a staff member(s) designated to direct and be responsible for food services, and staff who shall be responsible for daily housekeeping and maintenance.

(b) The full-time administrator or director of the facility 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 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 facilities, 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 facility, including the facility'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/or other responsibilities;

6. Be responsible for ensuring that all staff members receive an annual performance evaluation;

7. Be responsible for ensuring that all staff members' work schedules and time sheets are maintained;

8. Be responsible for ensuring that a daily log book, separate log book, or the child's case record contains a written notation of all visits to children;

9. Be responsible for ensuring that on-duty staff members complete entries in the daily log book that reflect the activities and events of each day;

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

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

(c) The social services/clinical director of the facility 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 related field from an accredited college or university and three years of professional clinical experience in the human services field, one year 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 two years of professional experience in the human services field;

iii. For publicly operated facilities, 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. Ensure that any staff member or consultant that utilizes the title or designation of social worker, licensed clinical social worker, licensed social worker, certified social worker or any abbreviations such as LCSW, LSW or CSW, is certified or licensed as specified in N.J.A.C. 13:44G-4.1 and 4.2;

i. All facilities located in a state other than New Jersey shall ensure that social work staff and social work supervisors are certified or licensed pursuant to that state's laws or requirements, if applicable;

4. Be responsible for the overall treatment planning for children;

5. Provide support and technical assistance to the social services staff;

6. Provide clinical supervision to staff and ensure that social services staff receive job performance evaluations; and

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

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

1. Be at least 21 years of age;

2. Provide services for children as outlined in the treatment plan; and

3. Have one of the following qualifications:

i. A bachelor's degree in social work, psychology or related field from an accredited college or university and one year of professional experience in the human services field, but does not meet the qualifications in (c)2iv and v above and provides services as specified in (d)2 above shall:

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

(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 section 4 of P.L. 1991, c.134, the Social Worker's Licensing Act; or

ii. A master's degree from an accredited graduate school in social work, psychology, or a related field, but does not meet the qualifications in (c)2iv and v 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 section 4 of P.L. 1991, c.134, the Social Worker's Licensing Act; or

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

(e) The child care director of the facility shall:

1. Be at least 21 years of age;

2. Have one of the following qualifications:

i. A bachelor's degree in the human services field from an accredited college or university and three years of professional experience in the human services field, two years of which shall have been in a supervisory or administrative position in a residential child care facility, group home or children's shelter;

ii. A master's degree from an accredited graduate school in the human services field and one year of professional experience in the human services field in a residential child care facility, group home or children's shelter; or

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

3. Be responsible for the daily operation of the child care program; and

4. Ensure that all child care staff receive job performance evaluations.

(f) Each child care staff member 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. 10:127-6.1 and 6.2; 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.

(g) Each staff member designated to plan and implement the facility's recreational program shall:

1. Be at least 21 years of age;

2. Meet the qualification(s) for child care staff as specified in (f) above; and

3. Have at least three years experience in planning or implementing recreational activities for children in residential child care centers, group homes, children's shelters, children's camps or Boy Scouts/Girl Scouts.

(h) Education staff of the facility including administrative, supervisory and teaching staff shall comply with the staff

qualifications, certifications, licenses and experience requirements of the New Jersey Department of Education or the equivalent agency in the state where the facility is located.

(i) Each physician, nurse, dentist, psychologist, speech therapist, physical therapist and occupational therapist employed by the facility or providing services on a contracted basis to the facility shall:

1. Be licensed/credentialed to practice in the state where the staff member or community provider is located, if required by the laws of that state; and

2. Be responsible for ensuring that the needs of the children for medical, dental, psychological, psychiatric or other services are met.

(j) Each staff member designated to direct and be responsible for providing food services shall:

1. Be registered or eligible for registration by the Commission on Dietetic Registration of the American Dietetic Association or meet the applicable requirements established by the state where the facility is located;

2. Meet the requirements of the Child Nutrition Program;

3. Have a bachelor's degree from a college or university with a major in foods, nutrition, food service or institution management, or the equivalent course work for a major in the subject area; and have completed a dietetic internship accredited by the American Dietetic Association or a dietetic traineeship approved by the American Dietetic Association or have one year of full-time, or full-time equivalent, experience in nutrition and/or food service management in a health care setting;

4. Have a master's degree plus six months of full-time, or full-time equivalent, experience in nutrition and/or food service management in a health care setting; or

5. Develop a plan approved by a dietician or dietary consultant who meets the qualifications specified in (j)1 through 4 above.

Administrative Correction.

See: 25 N.J.R. 4932(c).

Amended by R.1998 d.413, effective August 17, 1998.

See: 30 N.J.R. 1494(a), 30 N.J.R. 3055(a).

In (b), added iv and v in 2, and added 11; in (c), added iv and v in 2, rewrote 3, and added 7; and in (d), rewrote 3i and ii.

10:127-5.3 Staff to child ratios

(a) Each residential child care facility shall meet the following staff to child ratios:

1. The facility shall have a social services/clinical director when its capacity is more than 80 children;

2. The facility shall have a child care director when its capacity is more than 50 children;

3. There shall be at least one social services worker for every 20 children;

4. There shall be at least one full-time nurse at a facility that serves at least 35 children. A facility that serves fewer than 35 children shall have at least access to a part-time nurse;

5. There shall be at least one child care staff member for every six or fewer children during the waking hours;

6. During sleeping hours, there shall be at least one child care staff member in each living unit in the facility and at least one additional staff member awake and on-duty for each 50 children or fraction thereof, in the facility; and

7. There shall be at least one child care staff member awake and on-duty in living units that are co-educational during sleeping hours.

(b) A facility that has a capacity of 30 or fewer children may utilize the administrator/director of the facility to serve as the director of one other program area, provided that such person meets the qualifications for that position.

10:127-5.4 Staff training and development

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

1. The facility's statement of purpose, as specified in N.J.A.C. 10:127-3.1;

2. The facility's behavior management policy and search and seizure policy, if any, as specified in N.J.A.C. 10:127-6.14 and 6.15;

3. Emergency procedures, as specified in N.J.A.C. 10:127-4.5(a), (b) and (c);

4. Protocols for medication, as specified in N.J.A.C. 10:127-7.4 and 7.5;

5. Infection control procedures, as specified in N.J.A.C. 10:127-7.8;

6. The facility's techniques for safe physical and mechanical restraint, if applicable, as specified in N.J.A.C. 10:127-6.13(i) and (k);

7. The facility's policy and procedures for utilizing a behavior management room, if applicable, as specified in N.J.A.C. 10:127-6.13(m); and

8. The facility's policy and procedures for utilizing exclusion, as specified in N.J.A.C. 10:127-6.13(j).

(b) The facility 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 facility.

(c) The facility 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 a total of 12 hours of training each year in the following areas:

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

(d) The facility's training plan may include in-depth discussions at staff meetings, attendance at workshops, conferences or relevant college courses.

10:127-5.5 Volunteers and student interns

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

(d) The facility shall require an application, disclosure and references, as specified in N.J.A.C. 10:127-5.1(b)1 and 2, for volunteers and student interns who provide activities or transportation to a child by themselves.

SUBCHAPTER 6. PROGRAM REQUIREMENTS

10:127-6.1 Treatment plan for children in residential child care facilities

(a) The facility 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 in order to assist the child in completing the program.

(b) The facility 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:

1. Staff members representing the clinical and social work components;
2. Staff members representing the child care component;
3. Staff members representing the administration of the facility, if necessary;
4. Representatives from the child's responsible school district and/or current school district, if necessary;
5. The Division's case manager; and
6. The child's parent(s), unless there is an explicit legal or medical basis to exclude them.

(d) The facility shall provide staff members with the following equipment:

1. Whistle; and
2. Ring buoy with rope.

10:127-9.14 Water skiing

(a) The facility shall ensure that:

1. No water skiing occurs after sunset or before sunrise;
2. No water skiing occurs in water that has debris;
3. The water skier wears a personal flotation device (PFD) rated Class II or III by the U.S. Coast Guard;
4. A staff member or responsible child other than the boat driver sits in the boat and acts as an observer of the water skier;
5. There is one staff member for every six additional children on the dock or on land; and
6. The motor boat used for water skiing meets all of the regulations as specified in N.J.A.C. 10:127-9.10.

10:127-9.15 Camping

(a) The facility shall obtain and maintain on file at the administrative office all permits, certificates or licenses that are required by the host state and local governments when using a campsite.

(b) The facility shall ensure that all campsites it utilizes are located in areas that are well-drained and free of observable seepage.

(c) The facility shall ensure that all tents, teepees and canvas on covered wagons are:

1. Made of fire retardant material; and
2. Made of waterproof material that have seams that are coated to resist water.

(d) The facility shall ensure that cabins, tents that are designed for two or more children, teepees and covered wagons when used for sleeping provide:

1. At least 20 square feet per person (for teepees, usable space is measured from the four foot level from the ground and does not include space taken up by any inside liners);
2. At least 30 inches between beds and sleeping bags;
3. At least six feet between heads of sleepers; and
4. Cross ventilation.

(e) The facility may follow the manufacturer's tent capacity instead of the requirements identified in (d) above when children and staff utilize a tent(s) for three days or less.

(f) The facility shall prohibit smoking of tobacco products and cooking in all tents, teepees and covered wagons.

(g) The facility shall ensure that male and female children do not sleep in the same quarters.

(h) If the facility uses sleeping bags instead of beds or bed linens, the facility shall ensure that sleeping bags are:

1. Flame resistant;
2. When in use, aired at least every five days and cleaned at least once a month and more often if necessary;
3. Sufficient for the temperatures where the sleeping bags will be used, as indicated by the manufacturer's label; and
4. Placed on a mat or padding when the air temperature at night is below 35 degrees Fahrenheit.

(i) If the facility uses bunk beds, the facility shall ensure that bunk beds:

1. Have railings on top bunks that are no more than 3½ inches from the top of the bed frame;
2. Have mattresses that are at least five inches from the top of the railing; and
3. Are limited to two in height.

(j) If the facility uses latrines instead of toilets, the facility shall ensure that all latrines:

1. Provide for privacy;
2. Are dug at least six feet deep; and
3. Are at least 100 feet to 200 feet from the campsite and bodies of water, based on accepted practice and local terrain.

(k) The facility using latrines shall ensure that there is one latrine for every 10 persons.

(l) Facilities using cabins, tents or teepees for over seven continuous days shall ensure that:

1. There is one shower or bathtub for every 10 children and staff members;
2. The children have access to bathing facilities every day during normal waking hours; and
3. The children have privacy when bathing.

(m) Facilities that camp overnight for seven or fewer continuous days shall ensure that children have access to bathing facilities or are provided with other means of maintaining personal hygiene. These may include, but are not limited to, wet towels, dry shampoo and using showers in schools or in other public facilities.

(n) Whenever regular plumbing facilities are not available for bathing or washing, the facility shall:

1. Ensure that all washing is done with biodegradable nondetergent soap; and
2. Prohibit all washing and bathing in lakes, rivers and streams.

10:127-9.16 Requirements for wagon trains

(a) The facility shall ensure that the canvas and wagon wheels are in good repair.

(b) If horses are used, the facility shall ensure that the requirements regarding the care of horses, as specified in N.J.A.C. 10:127-9.8, are met.

(c) If animals other than horses are used, the facility shall:

1. Limit travel to 10 hours a day;
2. Water the animals at least every four hours;
3. Develop and maintain on file a feed plan; and
4. Check the animals daily for broken hooves and bones.

10:127-9.17 Health and sanitary practices

(a) Before a child participates in a scheduled adventure activity, the facility shall ensure that the child has had a health examination performed by a licensed physician that documents:

1. That the child can perform each type of adventure activity that he or she will be asked to do;
2. Receipt of a tetanus shot or booster shot as appropriate;
3. Notation of asthma, allergies or dietary needs; and
4. Notation of whether the child is on medication that would require the child to avoid using sun screen and/or to take other special precautions.

(b) Within 30 days of a child's forthcoming participation in an adventure activity, the facility shall document in writing and maintain on file in the child's record that the child's current health status, as determined by a physician or nurse in consultation with a physician, allows the child to engage in the specified adventure activity.

(c) The facility shall develop and give to each staff member a written policy for treating:

1. Snake, animal and insect bites; and
2. Contact with poisonous plants.

(d) The facility shall ensure that all perishable food is refrigerated at a temperature of 45 degrees Fahrenheit or lower.

(e) The facility shall ensure that all non-disposable utensils used for eating and preparing food are:

1. Not used by another person before rewashing;
2. Washed and rinsed in water that is at least 180 degrees Fahrenheit or water that has been sanitized chemically; and
3. Free of cracks.

(f) The facility shall ensure that all water in streams and lakes that is used for drinking, food preparation and dish-washing is boiled, filtered or purified with iodine or tablets specifically designed to purify water.

(g) The facility shall corral or tie the animals, other than household pets, in an area located at least 50 feet from any areas where food is prepared, cooked or served.

(h) The facility shall:

1. Use fly repellants as necessary;
2. Remove manure daily to a distance of at least 100 feet from the campsite, cooking and dining areas; and
3. Dispose of animal wastes through burial in a sanitary manner.

10:127-9.18 Qualifications for staff supervising adventure activities

(a) The facility shall comply with the applicable rules specifying criminal disclosure, academic credentials, and years of experience for the director, social service staff, and direct child care staff as specified in N.J.A.C. 10:127-5.1, 5.2 and 5.3.

(b) For all ropes initiatives, rock climbing and water activities, except swimming at supervised public recreational bathing facilities, the facility shall ensure that:

1. The adventure activity program is certified by an organization with recognized expertise in the applicable activity; and/or
2. At least one staff member is certified to conduct the adventure activity.

(c) For land activities other than ropes initiatives and rock climbing, the facility shall ensure that at least one staff member:

1. Is certified to conduct the adventure activity; or
2. Has had at least one year of experience and demonstrated skill in the adventure activity for which he or she will be supervising children.

(d) The facility shall ensure that for each adventure activity there is at least one staff member present who is currently certified in first aid and cardiopulmonary resuscitation (CPR), as defined by a recognized health organization (such as the American Red Cross).

(e) The facility shall ensure that for each adventure activity there are at least two staff members present who are currently certified in first aid and CPR when there are nine or more children present.

10:127-9.19 Staff to child ratio requirements

(a) When children are engaged in an adventure activity, the facility shall ensure that:

1. There is at least one staff member present when there are eight or fewer children engaged in an adventure activity as specified in N.J.A.C. 10:127-9.5(c)1 and 9.18(d).
2. There are at least two staff members present when nine or more children are engaged in an adventure activity as specified in N.J.A.C. 10:127-9.5(c)2 and 9.18(e); and
3. If more than 12 children are involved, there is one staff member for every additional six children.

(b) For purposes of determining whether a required staff ratio is met, only those staff members who are providing direct care and supervision of the children shall be counted. These staff may be regular staff members or adventure staff members.

10:127-9.20 Special requirements for communication and visiting

(a) The requirements in this section shall apply only to facilities providing or contracting for adventure activities that:

1. Are located in areas that are remote or away from ordinary means of communication; or
2. Use travel, including, but not limited to, backpacking, sailing or a wagon train.

(b) The facility shall permit family members, the Division's case manager or other placing agency to visit the child where he or she is currently living and shall provide comfortable inside space when the weather prohibits outside visitation.

1. The facility shall provide privacy for all visits between the child and the Division's case manager or other placing agency.
2. The facility shall provide privacy for family visits unless the facility documents in the child's record that the child would be at risk during a private family visit.

(c) The facility shall develop and maintain on file, in the administrative office, plans and procedures to ensure that each child:

1. Can receive an emergency message from his or her family and from the Division's case manager or other placing agency within 24 hours of the family member or the Division's case manager or other placing agency contacting the facility's administrative office;
2. Is given necessary postage to send mail to family members, the Division's case manager or other placing agency; and
3. Can receive mail from his or her family and the Division's case manager or other placing agency on a weekly basis.

(d) The facility shall permit each child to make private telephone calls to the Division's case manager or other placing agency, upon reasonable request.

(e) The facility shall permit each child to make a telephone call at the facility's expense to a family member at least every other week.

1. The facility may impose a time limit of 15 minutes on telephone calls made by children to family members.
2. The facility may require children to telephone family members at off-peak times.
3. The facility shall not use electronic devices to monitor children's telephone calls to family members, but may observe their reaction during the telephone call.
4. The facility shall maintain documentation that children were permitted to make telephone calls at the facility's expense to family members. Such documentation may include, but is not limited to, copies of telephone bills or notes in logs.

(f) The facility shall not prohibit a child from receiving messages or mail or from making bi-weekly telephone calls as a consequence for misbehavior.

(g) The facility shall explain its policies and procedures to all families and children upon admission and give parents a written explanation of the policy for visiting and communication. This explanation shall include the procedures for sending emergency messages and mail.

SUBCHAPTER 10. SERVICES FOR PREGNANT AND PARENTING ADOLESCENTS

10:127-10.1 General requirements

(a) Any facility that provides services to pregnant adolescents and adolescent parents caring for their children shall

meet all requirements of this subchapter and all applicable requirements of N.J.A.C. 10:127-1 through 9.

(b) The facility shall provide services that include the following:

1. Services regarding paternal involvement;
2. Services to the adolescent's family;
3. Parenting education;
4. Infant stimulation;
5. Health education, prenatal care, postnatal care and physical care of the adolescent mothers and infants;
6. Nutrition; and
7. Life skills development.

(c) The facility shall provide the following indoor space:

1. A private place where adolescents can store their belongings and those of their infants, which is accessible to the adolescents at all times;
2. Sufficient space to accommodate tables and chairs for all adolescents and on-duty child care staff to eat meals together;
3. Adequate space for the implementation of treatment services including individual counseling sessions, parent training sessions, family counseling sessions and case management planning meetings; and
4. The following additional floor space:
 - i. At least 70 square feet for the first occupant of a bedroom and 50 additional square feet for each additional occupant. The facility shall not allow more than four occupants, including adolescents and/or infants, to sleep in the same bedroom; and
 - ii. For each adolescent and infant, at least 30 square feet of common living space, defined as those areas that adolescents and infants can use for socializing or recreation during waking hours. The dining area shall not be included in determining compliance with this requirement, unless the dining area is accessible to adolescents and infants outside of meal time.

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

1. There are no poisonous plants;
2. Any corrosive agents, insecticides, bleaches, detergents, polishes, any products under pressure in an aerosol spray can, and any toxic substances are stored in locked cabinets or enclosed in areas not accessible to infants;
3. All electrical outlets accessible to infants have protective covers;
4. All fluorescent tubes and incandescent light bulbs have protective covers or shields;

5. All windows and other glass surfaces that are not made of safety glass and that are located within three feet above the floor shall have protective guards unless the facility does not provide services to ambulatory infants or toddlers;

6. Staff has access to any bedrooms that the adolescents are allowed to lock;

7. Non-permanent safety barriers (safety gates) are installed to prevent infants from falling down stairs, ramps, balconies, porches or elevated play areas;

8. Materials and furniture for indoor and outdoor use are of sturdy and safe construction, easy to clean and free of hazards that may be injurious to adolescents and infants;

9. Infants are kept away from hot stoves, irons and ironing boards, knives, glassware and other equipment that may cause injury; and

10. Poisons, insect traps, and rodent traps are kept out of the reach of infants.

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

1. Non-permanent safety barriers (safety gates) are installed to block steps used by infants, unless the steps are blocked by a door;
2. Snow is removed from sidewalks and from the walkways and paths leading to the entrances and exits of the facility:
 - i. Within 24 hours of cessation of snowfall; or
 - ii. According to local ordinance; and
3. All drains and wells have protective coverings.

(f) The facility shall provide a crib for each infant under 18 months of age but may allow infants to sleep in a playpen or on a mat at least one inch thick on the floor for naps during the daytime.

(g) The facility shall provide a crib or bed for each infant 18 months of age or older.

(h) The facility shall ensure that:

1. Crib and playpen slats are no more than $2\frac{3}{8}$ inches apart;
2. Crib, bed and playpen mattresses are fire retardant;
3. The top rails of the crib or playpen are at least 19 inches above the mattress;
4. Any locks or latches on the dropside of a crib are safe from accidental release;
5. The mattress used in all cribs and playpens fits snugly;