

CHAPTER 122C**APPROVAL OF FOSTER HOMES****Authority**

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

Source and Effective Date

R.1993 d.16, effective January 4, 1993 (operative July 1, 1993).
See: 23 N.J.R. 3696(a), 25 N.J.R. 117(a).

Executive Order No. 66(1978) Expiration Date

Chapter 122C, Requirements For Foster Homes, expires on January 4, 1998.

Chapter Historical Note

Chapter 122C, Approval of Foster Homes, was adopted as new rules by R.1993 d.16. See: Source and Effective Date.

Cross References

See N.J.A.C. 10:122E-3.1, Reasons for foster home closures.

See N.J.A.C. 10:122E-3.6, Foster home closure due to non-compliance with standards.

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APPENDIX FORMS**SUBCHAPTER 1. FOSTER HOME STANDARDS****10:122C-1.1 Purpose**

The purpose of this chapter is to ensure that each child requiring foster care shall reside in a safe home with a nurturing substitute family who can meet the child's individual needs. Any person who resides either full-time or part-time in the home shall be considered a household member.

10:122C-1.2 Scope

(a) The provisions of this chapter shall apply to all persons approved by the Division to provide foster care services and to each household member; to all persons making application to the Division to be foster parents for the general placement of children and to each household member; and to each Division representative responsible for studying, reevaluating or approving foster parents and their families.

(b) These rules provide a process for a foster parent applicant and the Division to determine whether an applicant and the applicant's family meet the Division's standards to provide suitable foster care for children, provide a process for the annual reevaluation of each foster home previously approved, assist the Division in carrying out its responsibilities for children in placement, and use the agency's services for the best interests of children and families.

10:122C-1.3 Definitions

The definitions in N.J.A.C. 10:122B, Requirements for Foster Care, are hereby incorporated into this chapter by reference.

10:122C-1.4 Compliance

(a) Unless provisional approval is granted under the provisions of N.J.A.C. 10:122C-2.11, a prospective foster family shall comply with all standards in this chapter which can be assessed prior to approval and the placement of a child. The foster family also shall agree to comply with those standards in this chapter which cannot be assessed until after approval and the placement of a child.

(b) Once approved, the foster family shall continue to comply with all standards in this chapter or meet the provisions of N.J.A.C. 10:122C-2.17 and 2.18.

10:122C-1.5 Age

(a) The foster parent shall be 21 years of age or older and shall provide verification of age. The office manager may waive the age requirement for a foster parent who is between 18 and 21 years of age, if the spouse or partner of the foster parent is 21 years of age or older and living in the home.

(b) There shall be no upper age limit for foster parents.

10:122C-1.6 Personal and family requirements

(a) The foster parent shall be able to care effectively for a foster child. The Division shall make this determination by a review of personal and professional references; observation of the foster parent's interactions in the pre-service training; observation during the home visit of the foster parent's interaction with household members; and discussion with the foster parent. The Division shall assess the following areas:

1. Motivation for taking a foster child into the home;
2. Relationships among immediate and extended family members;
3. Expectations of children;
4. Impact a foster child might have on the family's functioning and the resources available to moderate that impact;
5. Attitude of the foster parent applicant's own children toward accepting a foster child;
6. Foster parent's willingness to accept and care for a foster child despite the child's possible limitations, changing needs and problems;
7. Foster parent's understanding of the positive and negative aspects of foster parenthood;
8. Foster parent's willingness to work through problems and difficult behavior with a foster child;
9. Foster parent's willingness to advocate for a foster child's needs;
10. Foster parent's willingness to accept a foster child's relationship with his or her family and the need to promote the positive aspects of such a relationship;
11. Foster parent's utilization of community resources; and
12. Foster parent's willingness to help a foster child return to his or her own home or be adopted.

(b) Each foster parent applicant and household member shall provide the Division with a medical reference completed by a physician.

(c) A foster parent must be free of any physical, mental or emotional illness which, in the judgment of the Division, would impair his or her ability to assume and carry out the responsibilities of a foster parent.

(d) A handicap in and of itself shall not disqualify an individual from eligibility as a foster parent.

(e) Each foster parent applicant and household member shall be free of serious contagious diseases which may put a foster child at risk.

(f) A foster parent or other household member shall not abuse alcohol or drugs.

(g) Each child living in the foster home shall have all age appropriate inoculations.

(h) The Division shall evaluate the effect of any disability or disease on the family's ability to care for a foster child.

(i) The foster parent shall provide the necessities of life for the foster parent's family.

(j) The foster parent shall have income or other means of financial support that makes the family economically independent of the expected foster care maintenance payment.

(k) The foster parent shall use all the money received in the name of the foster child for that foster child's care.

10:122C-1.7 Criminal and child abuse and neglect history

(a) A foster parent or household member shall not evidence personal conduct that may present a potential danger to the foster child.

(b) A foster parent or household member shall not have caused risk or injury to a child through abuse or neglect.

(c) A foster parent or household member shall not have been convicted of a crime of violence against any child or against a family member or a crime of sexual nature or any other act of a similarly serious nature.

(d) A foster parent or household member shall not have been convicted of being a disorderly person on the basis of an act involving violence against any child or against a family member or any other act of a similarly serious nature.

(e) A foster parent or household member shall not have a finding of domestic violence as defined in N.J.S.A. 2C:25-1 et seq.

10:122C-1.8 Marital status of a foster parent

(a) A foster parent may be married, co-habiting, single, separated, widowed or divorced.

(b) When a couple lives together, both partners shall be considered to be foster parents who shall meet the standards contained in this chapter.

10:122C-1.9 Family size

(a) The foster family shall be able to provide sufficient time and attention to each foster child placed in their home without causing other family members' needs to go unmet, causing the quality of care to be substantially diminished, or over-burdening the foster parent.

(b) The Division representative and the foster family shall agree mutually on the number of foster children who may be placed in the foster home. The determination shall be based upon the following criteria:

1. The home shall meet requirements of the State Uniform Construction Code, N.J.A.C. 5:23, when more than five foster children live in the home. The specific approval of the Assistant Director of Program Operations of the Division of Youth and Family Services is required for the total number of foster children in the foster home to exceed five;

2. The foster home is large enough to accommodate the number of foster children and meets the standards of N.J.A.C. 10:122C-1.16, concerning sleeping space;

3. The foster family has met and continues to meet the needs of each foster child placed in the home; and

4. The foster family has the ability to meet the needs of each additional foster child needing placement.

10:122C-1.10 Citizenship

(a) A foster parent may be a citizen of any country.

(b) If not a United States citizen, a foster parent applicant shall present a visa or U.S. Immigration and Naturalization Service documentation as evidence of legal residency. The Division shall consider how long the foster parent applicant is authorized to remain in this country to determine if the applicant can complete the approval process and serve as a foster parent.

10:122C-1.11 Religion

(a) The foster parent may be of any religion or be of no religion.

(b) The foster parent's religious practices shall not interfere with a foster child receiving medical care.

(c) The foster parent and the Division representative shall establish a plan to provide the foster child with reasonable opportunities to exercise religious practices in accor-

dance with the foster child's preference and the wishes of the parents.

10:122C-1.12 Foster parent's employment and supervision or child care for the foster child

(a) Either or both foster parents may be employed.

(b) If a single foster parent is, or both foster parents are, employed outside the home, the foster parent shall develop with the Division representative, as part of the case plan, a plan for the care and supervision of each foster child. The plan shall be appropriate to the age and needs of the foster child and shall be subject to supervisory approval.

1. If the plan is to use a day care center or a family day care home, the day care center shall be licensed, according to N.J.A.C. 10:122, and the family day care home shall be registered, according to N.J.A.C. 10:126 and N.J.A.C. 10:126A.

2. If the plan is approved, the Division shall pay for child care arrangements as outlined in the case plan, according to established rates.

3. The foster parent shall provide the Division representative with a telephone number through which the foster parent can be reached at work in an emergency, where possible.

(c) The participants of the Division's internal placement review shall review the child care plan.

10:122C-1.13 Foster parent's responsibilities to a foster child

(a) A foster parent shall have the ability to provide for a foster child's basic nutritional, developmental, educational, and health needs. The Division shall provide the foster parent with information on nutrition and child health needs through consultation and training. The foster parent shall be responsible for arranging to meet the child's health needs, including an annual medical and dental checkup, as agreed to with the Division.

(b) The foster parent shall use fair, reasonable, and consistent discipline to enhance or modify behavior, based on an understanding of the individual foster child's needs, behavior and stage of development. The foster parent shall not use corporal punishment or words or actions which inflict pain or are emotionally damaging to a foster child as a form of discipline. The Division shall provide the foster parent with consultation and training about appropriate disciplinary practices.

(c) If there is a need for the foster child to transfer to a different school, the Division representative shall obtain the school transfer card promptly and give it to the foster parent. The foster parent shall register the foster child in school, as negotiated with the Division representative, and ensure that the foster child attends regularly according to

school regulations. The foster parent shall encourage good study habits, be involved with the foster child's academic progress, attend school conferences and meet with school personnel when there are problems or for periodic reviews. The foster parent shall advise the Division representative about the child's academic progress. The foster parent shall request that the Division representative attend school conferences and other meetings with school personnel when necessary.

(d) A foster parent, with the assistance of the Division representative, shall support and encourage the foster child to engage in recreational and social activities appropriate to the age, interests and abilities of the foster child.

(e) A foster parent shall provide or arrange for the routine transportation needs of a foster child. The Division representative shall identify with the foster parent a foster child's special transportation needs, if any, and how they will be met. Transportation for special needs which is provided by the foster parent shall be reimbursed by the Division with prior office manager approval. Transportation for special needs may include transportation for the treatment of physical, emotional, mental or cognitive conditions or to comply with a court summons or court order.

(f) The foster parent shall ensure the opportunity for the continuity of the cultural and ethnic growth and cultural and ethnic education of any foster child placed in his or her home.

(g) The foster parent shall cooperate with any activities as specified in the case plan, see, for example, N.J.A.C. 10:122C-1.12(b), for the foster child such as counseling, therapy or court sessions or visits with the foster child's family.

10:122C-1.14 Relationship of the foster family to the community

The foster family shall indicate to the Division the components of their support system, such as family members, friends and neighbors.

10:122C-1.15 Relationship between a foster parent and the Division

(a) The foster parent and the Division representative shall develop and maintain a cooperative relationship.

(b) The foster parent shall demonstrate reasonable and mature attitudes toward professional figures and institutions, as determined by a review of references and an assessment of the foster parent's interactions in the pre-service training and during the home visit(s).

(c) The foster parent shall be bound by the same standards of confidentiality regarding a foster child and his or her family as the Division and its employees. The Division shall inform the foster parent of the standards of confidentiality contained in N.J.S.A. 9:6-8.10a and 45 CFR 205.50.

(d) The foster parent and the Division representative shall advise each other of any vacation plans, emergencies, unusual occurrences or significant problems involving the foster child.

(e) The Division representative shall provide the foster parent with a means of access to the Division on a 24-hour basis.

(f) The foster parent shall notify the Division of any change in address, telephone number, living situation, employment or number of persons residing in the household, whenever possible, prior to the change or immediately thereafter. The Division shall assess the changes using the standards set in this subchapter. Any new primary caretaker or spouse of a foster parent shall be required to complete pre-service training within four months of becoming a household member.

(g) The foster parent shall notify the Division within one working day of any change in the health of a foster parent or household member which may adversely affect the foster family's ability to care effectively for a foster child.

(h) The foster parent shall notify the Division representative within one working day of any civil or criminal charges brought against the foster parent, foster child or any household member.

(i) The foster parent shall comply with the Division's system for receipt of reimbursement. The Division shall comply with the system for payment of reimbursement. The foster parent and the Division shall comply with the provisions of the agreement between the foster family and the Division, see N.J.A.C. 10:122C-2.10, Foster home approval.

(j) The foster parent shall participate with the Division representative in establishing the role of the foster parent in working with the parent to achieve the case goal, including parent-child and sibling visitation, and how the Division shall support the foster parent in fulfilling his or her role.

10:122C-1.16 Sleeping space

(a) The foster parent shall provide each foster child with his or her own bed which is located in a bedroom, along with adequate space for personal possessions.

(b) When a foster child shares a bedroom with one or more children, the bedroom shall be of adequate size to accommodate the number of children sleeping there, with adequate ventilation and clear access to and from the room.

(c) The foster parent shall allow no foster child to sleep in the same room with a child of the opposite sex, when any of the children, including the foster child, is more than five years old.

(d) The foster parent shall allow no foster child over the age of two to share a bedroom with an adult, except temporarily during periods of illness or in emergencies.

10:122C-1.17 Life safety factors

(a) The foster parent shall maintain all indoor and outdoor areas of the foster home in a safe and sanitary manner which does not create any condition of poor hygiene or physical hazard. The foster parent's home shall comply with all local and State laws, including the State Uniform Construction Code, N.J.A.C. 5:23, regarding occupancy of a dwelling and health and fire standards. When a foster home is in a building designated as R-1 or R-2, three or more family living units, as designated by the State Uniform Construction Code, the building shall have:

1. A Certificate of Occupancy; and
2. A fire safety certificate.

(b) The Division representative shall assess sanitary and safety conditions in all areas of the home, including basements, attics, grounds and outbuildings.

(c) The foster parent shall ensure that each basement or attic which is used as a bedroom for a foster child is in compliance with all standards for indoor safety and sanitation, as listed in this section, and, in addition, shall meet the following requirements:

1. Two independent means of exit shall exist, at least one of which is an operable window or door suitable for emergency escape or rescue which leads directly outside;
2. The area shall have finished surfaces on walls, floors, ceilings, etc.;
3. A minimum of one window per room shall open for ventilation and shall have screening; and
4. The room shall have an area of no less than 70 square feet with at least one dimension no less than seven feet. The room shall have a height of no less than seven feet.

(d) The foster parent's daily practices regarding indoor sanitation and safety shall meet the following standards:

1. Insect or rodent infestation shall not be evident;
2. Major plumbing, drains, sewer lines, and septic systems shall be operable. Hot and cold running water shall be available in the residence;
3. Garbage shall be kept in receptacles. Garbage storage and removal from the house shall not present a health risk;
4. Indoor and outdoor pets, kept by the foster family, shall not present a health risk or danger to a child. The foster parent shall provide proof that each cat and dog has a current vaccination against rabies;

5. The home shall have at least one smoke detector on each floor, an operable five pound ABC fire extinguisher, and an unobstructed means of exit in case of fire. Combustible and flammable materials shall not be stored adjacent to or near a furnace or other heat source or accumulated in the attic, basement or other parts of the residence in an unsafe manner;

6. Emergency telephone numbers shall be posted by the telephone;

7. Lighting shall be sufficient to prevent accidents. There shall be no observable electrical hazards;

8. The home shall have a stove and refrigerator which are clean and in working order;

9. Firearms, other weapons and potentially dangerous implements shall be stored in a locked area out of the reach of children. Poisons, drugs and dangerous cleaning supplies shall be labeled and stored in places inaccessible to children;

10. Windows in living and sleeping areas shall be intact and allow for adequate ventilation. Doors and windows used for ventilation shall have screening;

11. The foster home shall have central heat. The temperature in the living areas used by any foster child shall be maintained at a minimum of 65 degrees Fahrenheit during waking hours when any foster child is present;

12. Paint on interior surfaces shall not be flaking, peeling or chipped;

13. The home shall be generally clean, in good repair and free of clutter which would present a hazard; and

14. All areas or equipment which present a high risk for accidents shall be safeguarded.

(e) The foster parent's daily practices regarding outdoor sanitation and safety shall meet the following standards:

1. Garbage shall be kept in receptacles, with organic garbage kept covered. Garbage storage shall not present a health risk;

2. The exterior of the residence shall provide protection against infestation from rodents, insects, etc.;

3. The land, including the outdoor play area, shall be free of standing surface water;

4. Each pet or domestic animal shall not present a health risk or danger to any child;

5. Paint on exterior surfaces which are accessible to any child shall not be flaking, peeling or chipped;

6. The exterior of the residence shall be generally free of hazards and clutter. Entrance ways and stairways shall be lighted. Each stairway, balcony, landing and porch shall be maintained to minimize the possibility of tripping or falling; and

7. Every outdoor area and piece of equipment which present a high risk for accidents shall be safeguarded.

(f) The foster home shall be accessible to the Division representative by motor vehicle. A foster family shall have a telephone in the residence so that the Division can contact the foster family directly and immediately when necessary.

SUBCHAPTER 2. STUDY AND APPROVAL OF FOSTER HOMES

10:122C-2.1 Inquiry requirements

(a) The Division shall respond to an inquiry from any individual who requests information about becoming a foster parent within one week of receipt by the Division.

(b) As part of the response, the Division representative shall collect and record identifying information from the individual, provide the individual with the basic standards for becoming a foster parent, screen the individual and offer to schedule the individual for pre-service training.

(c) When the individual indicates an interest and the Division representative has no reason to screen out the individual, the Division representative shall mail to the individual, within one week of contact, a written confirmation of the initial pre-service training session.

(d) When the individual does not attend the first pre-service training session, the Division representative shall mail him or her an invitation to the next initial pre-service training session.

10:122C-2.2 Division employees and relatives as foster parents

(a) A Division employee or a Division employee's relative may apply to become a foster parent. For the purpose of this subsection, the term "relative" is defined as a person connected to a Division employee by blood, marriage, or adoption.

(b) The study of an employee's home shall be conducted by the county office which serves the geographic area where the employee lives, except when the employee works in that office. In this situation, the county office in an adjacent county shall conduct the study of the employee's home.

(c) The Division shall take every measure to prevent any undue influence by the Division employee on the study process and decision-making, as well as to prevent the appearance of influence.

10:122C-2.3 Forms to be completed

(a) During the initial phase of the study process the Division representative shall give the applicant the following forms which the applicant or household member shall complete accurately (see Appendix, incorporated herein by reference);

1. An application to provide foster care, if not given previously;
2. Release of information forms for State and Federal criminal history checks;
3. Release of information forms for a local criminal history check, when obtainable;
4. Release of information forms to obtain the following references; personal, medical, employment, school and day care, child care and any other placement agency with whom the applicant is affiliated; and
5. A home study form.

(b) Each applicant and potential primary caretaker shall complete release of information forms, as indicated in (a) above.

(c) Each new household member who is identified as a potential primary caretaker shall complete release of information forms for personal, employment, school and day care and child care references.

(d) These forms, which are incorporated herein by reference as an Appendix, are not reproduced herein but are available from:

Division of Youth and Family Services
CN 717
Trenton, New Jersey 08625

10:122C-2.4 Medical reference

(a) The applicant shall provide a medical reference from a physician on each applicant and household member. The Division shall send a medical reference form to each physician, which shall request the following information:

1. Whether the individual is free from serious contagious disease;
2. Whether the individual has any conditions or residual effects resulting from a particular disease;
3. Whether the individual is in good physical health;
4. The inoculations given to each child living in the home;
5. To the physician's knowledge, whether the individual is in good emotional health;
6. To the physician's knowledge, whether the individual uses any substance, such as tobacco, alcohol or drugs, in a way which affects his or her ability to function;

7. Whether the individual should not care for or associate with a foster child;
8. How long the individual has been a patient of the physician; and
9. The date the physician last examined the individual.

(b) The applicant may request reimbursement of the cost of a physical examination necessary to provide the information required in this section. The office manager shall approve reimbursement at a rate determined by the Division, if the family has a verified income below 150 percent of the Federal Poverty Income Guidelines, as published in the Federal Register, and the examination is not available free of charge.

(c) The foster parent shall provide the Division with a medical reference completed by a physician for each new household member.

10:122C-2.5 Other references

(a) Each applicant and potential primary caretaker shall provide three personal references from persons unrelated to the applicants. Applicants from the same household may provide the same personal reference, provided that the reference has knowledge of both applicants.

1. At least one personal reference shall have known the applicant for five years.
2. At least one personal reference shall have been a neighbor of the applicant within the last six months.

(b) Each applicant and potential primary caretaker shall provide employment, school and day care, and child care references, as appropriate, including a reference from any other placement agency with whom the applicant is or has been affiliated. The Division shall send a reference request to each entity named.

1. If the applicant states that a current job reference will jeopardize the applicant's employment status, the applicant shall provide a reference from a previous employer.
2. If a previous employer is not available, the applicant shall provide a reference from an appropriate alternative such as a former teacher or the applicant's supervisor in a volunteer activity.

(c) The Division shall obtain all references and assess all information obtained.

10:122C-2.6 Record checks

(a) The Division shall arrange for or take fingerprints for State and Federal criminal history checks, pursuant to N.J.S.A. 30:4C-26.8, to be conducted for each applicant and each adult household member. The Division shall obtain State and Federal criminal history checks for each new adult

household member including all children who reach 18 years of age.

(b) The Division may request a local criminal history check on each foster parent applicant and adult household member. The Division may request a local criminal history check for each new adult household member.

(c) The foster parent shall disclose any criminal convictions and disorderly persons convictions of any household member, 14 years of age or older.

(d) The Division shall keep confidential all information obtained regarding the applicant and each household member.

(e) The Division shall conduct a review of its internal records to determine whether the foster parent applicant or any household member has neglected or abused a child.

10:122C-2.7 Pre-service training

(a) Each foster parent applicant and adult household member who is identified as a potential primary caretaker shall complete the pre-service training and evaluation program.

(b) The Division shall conduct pre-service training on a monthly basis in various locations throughout the State.

1. The Division shall develop the standardized pre-service training curriculum used.
2. The Division may provide the pre-service training at the applicant's home if the applicant demonstrates a compelling need to receive the training in his or her home.

(c) A professional Division representative shall conduct the pre-service training program and shall utilize an experienced foster parent who is approved by the Division as a co-trainer, as resources permit.

(d) During the initial phase of the pre-service training, the Division representative shall provide information about the standards for becoming a foster parent, the home study process, the foster home resource needs of the Division, and the Division's policies and procedures related to foster care, as specified in this chapter. The pre-service training shall include an explanation of the difference between the Division's foster care and adoption programs and the Division's requirements for becoming a foster parent, as outlined in N.J.A.C. 10:122C-1 and 2.

(e) The applicant and Division representative shall mutually assess the applicant's interest and ability to become a foster parent during the pre-service training program.

(f) The applicant may file for reimbursement for transportation, parking and babysitting costs incurred by the applicant which are directly related to attendance at the pre-

service training sessions. The Division shall establish rates of reimbursement for this purpose. The applicant may file for reimbursement after completing the entire pre-service training program.

10:122C-2.8 Home visit

(a) The Division representative shall visit the applicant's home at least one time as part of the study process.

(b) Each applicant and every household member shall be present at the home visit.

(c) During the home visit, the Division representative shall:

1. Assess compliance with the sleeping space and life safety standards, as outlined in N.J.A.C. 10:122C-1.16 and 1.17;
2. Interview each household member who is not participating in the pre-service training;
3. Discuss any inconsistencies or concerns by any party regarding any information gathered during the assessment process;
4. Verify identifying information about each family member and household member listed on the application;
5. Discuss the type of child acceptable and the impact of foster care on the family; and
6. Discuss any other questions raised by the applicant or any household member.

10:122C-2.9 Foster home study disposition

(a) The Division representative and supervisor shall determine whether to approve, provisionally approve, reject or consider the application withdrawn.

(b) The determination shall be made through a supervisory conference held within one week of:

1. Obtaining all references and forms;
2. Completing the pre-service training; and
3. Completing the home visit.

10:122C-2.10 Foster home approval

(a) The Division shall approve a foster home when the foster parent applicant and each primary caretaker completes the mandatory pre-service training and study process, and the family meets all foster home standards.

(b) The Division shall send the foster parent applicant a formal written notice of acceptance as a foster parent for one year, subject to annual reevaluation. The foster parent shall sign an agreement with the Division (see Appendix).

10:122C-2.11 Foster home provisional approval

(a) The Division office manager or county supervisor may grant provisional approval to a foster home when all components of the home study process are completed but only one parent of a two-parent or two-primary caretaker family has completed mandatory pre-service training and no approved home is available and appropriate for the placement of the child.

1. The Division representative shall make a home visit prior to the placement of a foster child in order to discuss the placement with the parent or caretaker who has not completed the training.

2. The second parent or primary caretaker shall attend and complete the training within three months.

3. If the second parent or primary caretaker fails to complete the training during the three month exception period, no other foster child shall be placed and the foster home shall be closed when the original placement ends, unless the second parent or primary caretaker has subsequently completed the training.

(b) The Assistant Director of Program Operations may grant provisional approval of a foster home for up to six months or until the Federal criminal history record check is received, whichever is sooner.

(c) The Assistant Director of Program Operations shall follow the provisions of N.J.S.A. 30:4C-26.8 when granting provisional approval. In addition, the Assistant Director of Program Operations shall grant provisional approval only when:

1. There is a compelling need to utilize the specific home for the placement of a specific child; and

2. The Federal criminal history record check has been pending for more than 45 days or the fingerprints for the Federal criminal history record check have been rejected and resubmitted.

(d) The office manager or county supervisor may grant provisional approval of a foster home before the abatement of minor life safety hazards, see N.J.A.C. 10:122C-1.17, provided that the foster parents can provide assurances that interim safety measures will be taken and that hazards will be corrected within 30 days of notification by the Division of the violations.

(e) The Division representative shall notify the foster parent in writing of the conditions of the provisional approval.

10:122C-2.12 Foster home withdrawal

(a) A foster parent applicant may withdraw his or her application at any time during the study and approval process.

1. The Division shall consider that the applicant has withdrawn if he or she fails to respond to at least two invitations to attend group training sessions.

2. The applicant may withdraw due to a decision that it is not in his or her best interest to continue.

(b) The Division shall give the applicant a formal written notice acknowledging the withdrawal and informing the applicant that he or she may reapply at any time.

10:122C-2.13 Foster home rejection and waivers

(a) The Division may reject an applicant at any time during the study process. The decision is made in a supervisory conference. An applicant shall be rejected if the applicant does not meet the requirements of this chapter.

(b) An applicant shall be rejected immediately under the following circumstances:

1. The Division's records indicate that the applicant or anyone living in the applicant's household has caused risk or injury to a child through neglect, abuse or emotional trauma;

2. The applicant or any household member has been convicted of a crime of a sexual nature or a crime of violence against any child or a family member or a disorderly persons offense involving similar acts or any other act of a similarly serious nature;

3. Should information come to the Division during the study process that a foster parent applicant or household member has a finding of domestic violence pursuant to N.J.S.A. 2C:25-1 et seq. against him or her; or

4. The applicant falsifies or intentionally provides significant misleading information or omits significant information to the Division about himself or herself or any household member or who allows a household member to do the same.

(c) An applicant shall not be rejected automatically when the applicant or a household member has a criminal conviction not listed in (b)2 above. The criminal record shall be discussed with the applicant or the involved household member. The criminal record shall then be evaluated in relation to the ability of the applicant to care for, protect and influence a foster child. Based upon the affirmative recommendation of both the office manager and the regional administrator, the Division Director shall decide whether to approve the application of a foster parent who:

1. Has a criminal record, but who is not rejected immediately according to (b)2 above; or

2. Has a household member who has a criminal record, but who is not rejected immediately according to (b)2 above.

(d) The Division representative shall inform the applicant in writing of a rejection, summarizing the reasons for rejection,

based on the standards set in this chapter, and informing the applicant that he or she may request a review of the decision by the office manager or the county supervisor responsible for the applicant within one month of receiving the letter. If the applicant requests such a review, the office manager or the county supervisor responsible for the applicant shall review the decision and make a recommendation to the regional administrator whether to uphold or change that decision. The regional administrator shall make the decision and inform the applicant in writing of the decision, summarizing the reasons for the decision, based on the standards set in this chapter, within one month of the applicant's request. The regional administrator's decision is the final administrative determination of the Division.

10:122C-2.14 Reevaluation of a foster home

(a) A Division representative shall reevaluate annually each approved foster home based on the standards in this chapter. The reevaluation of an employee's foster home shall be conducted by the county office which supervises the employee's foster home, except when the employee works in that county office. In this situation, the county office in an adjacent county shall conduct the reevaluation.

(b) The Division representative shall notify the foster parent within 10 working days in writing of the outcome of the reevaluation and of the right to request a meeting with administrative personnel to discuss the outcome if the foster parent does not agree with the reevaluation.

10:122C-2.15 Closure at reevaluation

(a) When the Division reevaluates a foster home which does not meet the requirements of N.J.A.C. 10:122C-1.7 regarding disorderly persons offenses or crimes of violence or of a sexual nature, or other act of a similarly serious nature, or in which the foster parent or any household member has caused injury through child abuse or neglect, the Division shall close the foster home. See N.J.A.C. 10:122E-3.4(b) and 3.7(c).

(b) Should information come to the Division that a foster parent or household member has a finding of domestic violence pursuant to N.J.S.A. 2C:25-1 et seq. against him or her, the Division shall close the foster home. See N.J.A.C. 10:122E-3.7(c).

(c) The Division may close the foster home when it determines that the foster parent has falsified or intentionally provided significant misleading information or omitted significant information or has allowed a household member to do so.

(d) The Division may close a foster home when it determines that the foster home does not meet any of the

requirements of this chapter. See N.J.A.C. 10:122E, Removal of Foster Children and Closure of Foster Homes.

Administrative Correction to (a).
See: 25 N.J.R. 1514(b).

10:122C-2.16 Division action when a foster home does not meet standards after reevaluation

(a) When the Division reevaluates a foster home which does not meet the provisions of this chapter, other than those covered in N.J.A.C. 10:122C-2.15(a) or (b), the Division shall assess if there is immediate danger to any foster child placed in the foster home, if the foster child should be removed and assess whether the foster home should be closed or whether the foster family may be able to correct the violations and meet the standards within six months or less.

1. The Division shall provide protection to each child in the home, as necessary.
2. The Division may use available allocated funds to assist the foster family to meet the foster home standards when a foster child is placed in the foster home or refer the foster family to appropriate community resources to retain the foster home as a placement resource.

10:122C-2.17 Agreement to meet standards after reevaluation

(a) After assessing that there is no danger to any foster child and that it is possible for the foster family to meet the standards contained in this chapter, with office manager approval, the Division and the foster parent shall agree in writing on a time frame for meeting the standards, which shall not exceed six months. The Division shall make no additional placements until the standards in this chapter are met.

1. Approval of the office manager is required to permit a foster child to remain in the foster home during this time.
2. Approval by the Division Director shall be required to permit a child to remain in the foster home when the criminal history or child abuse and neglect standards are not met. See N.J.A.C. 10:122C-1.7 and 2.13(b). This approval shall be based on a determination by the office manager and regional administrator that it is in the foster child's best interest to remain in the foster home.

Cross References

See N.J.A.C. 10:122E-3.4, Foster home closure due to abuse or neglect.

10:122C-2.18 Division action when a foster home does not comply with written agreement

(a) The Division representative shall close the foster home if the foster family does not meet the standards set in this chapter at the end of the time frame stated in the written agreement. See N.J.A.C. 10:122C-2.17(a). The Division representative shall send written notice to the foster parent stating the reasons for closing the home.

(b) Approval by the regional administrator shall be required to permit a foster child to remain in the foster home if the foster home does not meet the standards of this chapter in accordance with the written agreement. This approval shall be based on a determination by the office manager that it is in the foster child's best interests to remain in the foster home. The Division shall not place any more foster children in the foster home unless the foster home meets all the standards of this chapter.

1. The Division representative shall notify the foster parent in writing of the conditions under which the foster home will be permitted to remain open.

2. The Division shall inform the foster parent in writing that he or she may request a meeting with the office manager if the foster parent disagrees with the conditions under which the foster home will be permitted to remain open. If the foster parent requests such a meeting, the office manager shall hold a meeting, make a decision and notify the foster parent in writing of the decision, the reasons for the decision, and that to appeal the decision, the foster parent may request a meeting with the regional administrator. If the foster parent requests a meeting with the regional administrator, the regional administrator shall hold a meeting and shall make the decision and notify the foster parent in writing of the regional administrator's decision and the reasons for the decision within one month of the foster parent's request. This is a final agency determination.

Cross References

See N.J.A.C. 10:122E-3.1, Reasons for foster home closures.

APPENDIX

FORMS

The following forms to be completed by the foster care applicant (see N.J.A.C. 10:122C-2.3) or the applicant and DYFS (see N.J.A.C. 10:122C-2.10) are incorporated by reference in this chapter:

Authorization for Release of Information, DYFS 26-15 (rev. 8/85) (English) DYFS 26-15A (rev. 7/85) (Spanish)

Employment Reference, DYFS 5-24 (new 5/85)

Background Check Consent Form, DYFS 5-31 (new 1/86)

The Home Study, DYFS 5-26 (new 5/85) (English)

DYFS 5-26A (new 5/85) (Spanish)

Police Reference, DYFS 5-25 (rev. 9/88)

Personal Reference, DYFS 5-6a (rev. 5/85) (English)

DYFS 5-6a(A) (rev. 4/86) (Spanish)

School/Day Care Reference, DYFS 5-2e (rev. 4/86)

Medical Reference, DYFS 5-2c (rev. 3/92)

Foster and Adoptive Home Study Application, DYFS 5-2 (rev. 4/86)

Child Care Reference, DYFS 14-202 (new 4/86)

Foster Family Care Agreement, DYFS 5-5 (rev. 6/90) (English)

DYFS 5-5A (rev. 6/90) (Spanish)

While these forms are not reproduced in the Administrative Code, they are available from DYFS or from the Office of Administrative Law, Quakerbridge Plaza, Building 9, CN 049, Trenton, New Jersey 08625.