

CHAPTER 121C
REQUIREMENTS FOR DYFS ADOPTIONS

Authority

N.J.S.A. 9:3-37 et seq., 9:6B-4 and 30:4C-4(h);
and 42 U.S.C. §622(b) and §670 et seq.

Source and Effective Date

R.2006 d.336, effective August 20, 2006.
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 121C, Requirements for DYFS Adoptions, expires on August 20, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 121C, Requirements for DYFS Adoptions, was adopted as R.1996 d.172, effective April 1, 1996. See: 27 N.J.R. 5007(a), 28 N.J.R. 1856(b).

Pursuant to Executive Order No. 66(1978), Chapter 121C, Requirements for DYFS Adoptions, was readopted as R.2001 d.92, effective February 21, 2001. See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Chapter 121C, Requirements for DYFS Adoptions, was readopted as R.2006 d.336, effective August 20, 2006. As a part of R.2006 d.336, Subchapter 7, Registry Services, was repealed, effective September 18, 2006. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10:121C-1.1 Purpose
- 10:121C-1.2 Scope
- 10:121C-1.3 Definitions
- 10:121C-1.4 Application of rules
- 10:121C-1.5 Service limitations

SUBCHAPTER 2. RECRUITMENT OF ADOPTIVE HOMES

- 10:121C-2.1 Confidentiality
- 10:121C-2.2 Community partnerships
- 10:121C-2.3 Utilizing contract agencies
- 10:121C-2.4 State and national exchange registration
- 10:121C-2.5 Recruitment methods
- 10:121C-2.6 Non-discrimination
- 10:121C-2.7 (Reserved)

SUBCHAPTER 3. ACCEPTING APPLICATIONS AND HOME STUDY

- 10:121C-3.1 Adoptive applicant
- 10:121C-3.2 Release of home studies

SUBCHAPTER 4. ADOPTIVE HOME SELECTION AND PLACEMENT PROCESS

- 10:121C-4.1 Criteria for adoptive home selection
- 10:121C-4.2 Placement of the child with the adoptive parent

SUBCHAPTER 5. POST-PLACEMENT SERVICES AND FINALIZATION OF ADOPTIVE PLACEMENT

- 10:121C-5.1 Post-placement services
- 10:121C-5.2 Division activities related to finalization

SUBCHAPTER 6. POST-ADOPTION SERVICES

- 10:121C-6.1 Post-adoption services available
- 10:121C-6.2 Adoption registry services available
- 10:121C-6.3 Person's identity verified

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 1. GENERAL PROVISIONS

10:121C-1.1 Purpose

(a) The purpose of this chapter is to specify the process used by the Division to assure that each child who is under the supervision of the Division with a case goal of adoption is adopted.

(b) This chapter describes the following actions or circumstances necessary to complete the adoption process:

1. The recruitment program for adoptive homes for each child who is in need of an adoptive placement;
2. The conditions under which the Division accepts applications from persons seeking to become adoptive parents;
3. The Division's process for the study of adoptive applicants for the adoptive placement of children, in accordance with N.J.A.C. 10:121A-5.6, Home study services;
4. The Division's adoptive home selection and placement processes;
5. The Division's activities from the time a child is placed with an adoptive parent through the adoption finalization;
6. The post-adoption services available through the Division; and
7. The adoption registry services available through the Division.

Amended by R.2001 d.92, effective March 19, 2001.
See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Rewrote (a).
Amended by R.2006 d.336, effective September 18, 2006.
See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

In (b)5, substituted "parent" for "family"; and in (b)7, inserted "adoption".

10:121C-1.2 Scope

(a) The provisions of this chapter shall apply to:

1. The Division;
2. Each person who applies to the Division to be an adoptive parent;

3. Each person who is licensed by the Office of Licensing as a resource parent with an interest in adopting;
4. Each person who adopts a child through the Division;
5. Each birth parent whose child's adoption is processed by the Division;
6. Each child placed in an adoptive home and supervised by the Division;
7. Each adoption agency seeking an adoptive home from the Division for a special needs child;
8. Each private and public agency that may recruit adoptive homes for the Division; and
9. Each adult adoptee who may use the Division's adoption registry services.

Amended by R.2001 d.92, effective March 19, 2001.

See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Rewrote (a).

Amended by R.2006 d.336, effective September 18, 2006.

See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Rewrote (a)3; in (a)7, substituted "special needs" for "hard-to-place"; and in (a)9, inserted "adoption".

10:121C-1.3 Definitions

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

"Adoption registry services" means services to an adult adoptee to find a member of his or her birth family; services to an adoptive parent of a minor adoptee to assist him or her in securing medical information or in dealing with identity issues related to adoption; or services to a birth family member who has a desire or need for knowledge of or contact with a child who was placed for adoption.

"Adoptive applicant" means a person who has applied to the Division to adopt a child.

"Adoptive parent" means a person with whom a child has been placed by the Division for adoption or who has adopted a child.

"Adoptive placement" means the placement of a child in an adoptive home by the Division for the purpose of adoption. For foster home adoptions, the adoptive placement begins on the date the Division consent for adoption is signed by the office manager.

"Adult adoptee" means an individual 18 years of age or older whose adoptive placement was made by the Division or its predecessor agencies, that is, the Bureau of Children's Services, the State Board of Child Welfare or the State Board of Children's Guardians.

"Birth family member" means a person, or a relative of a person, whose child was placed for adoption through the Division or its predecessor agencies.

"Child" means any person under 18 years of age.

"Finalization" means the entry of a legal order of adoption issued by a court of competent jurisdiction, pursuant to N.J.S.A. 9:3-38 et seq.

"Home study" means the Division's formal assessment of the capacity and readiness of prospective adoptive parents to adopt a child, including the Division's written report and recommendation.

"Licensed adoptive applicant" means a person who has an approved home study from the Division or a licensed private adoption agency and is a licensed resource parent, but who has not yet received a child for adoptive placement.

"Office of Licensing" means the Office of Licensing in the New Jersey Department of Children and Families.

"Post-adoption services" means all services, other than adoption registry services, offered by or through the auspices of the Division to any party involved in an adoption after finalization of the adoption.

"Post-placement services" means any and all services offered by or through the auspices of the Division to any member of an adoptive family from the time of the adoptive placement of the child by the Division to the time of finalization of the adoption.

"Recruitment" means enhancing public awareness of issues related to adoption through the use of public service announcements, social events, newspaper series, videos, educational displays, public speaking engagements and the dissemination of literature for the purpose of developing new adoptive homes for special needs children.

"Selected adoptive home" means a licensed adoptive applicant who provides or wants to provide an adoptive home to a child who does not reside with the licensed adoptive applicant as a foster child or through the Relative Care Permanency Support Program.

"Special needs child" means any child who the State of New Jersey has the legal right to place for adoption, but who is reasonably expected to be hard to place due to difficulty in finding a prospective adoptive home as specified in N.J.A.C. 10:121-1.2.

Amended by R.2001 d.92, effective March 19, 2001.

See: 32 N.J.R. 4181(a), 33 N.J.R. 1003(a).

Rewrote the section.

Amended by R.2006 d.336, effective September 18, 2006.

See: 38 N.J.R. 1505(a), 38 N.J.R. 3902(a).

Inserted definitions "Adoption registry services", "Licensed adopted applicant", "Office of Licensing" and "Special needs child"; deleted definitions "Approved adopted applicant", "Hard-to-place child" and "Registry services"; in definition "Post-adoption services", inserted first