

CHAPTER 122B
REQUIREMENTS FOR FOSTER CARE

Authority

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

Source and Effective Date

R.1998 d.61, effective December 22, 1997.
See: 29 N.J.R. 4268(a), 30 N.J.R. 491(a).

Executive Order No. 66(1978) Expiration Date

Chapter 122B, Requirements for Foster Care, expires on December 22, 2002.

Chapter Historical Note

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

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

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

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126, Manual of Requirements for Family Day Care Registration, adopted as R.1988 d.507, effective November 7, 1988, superseded and incorporated the provisions of Chapter 122B, Family Day Care Standards.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

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

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

Pursuant to Executive Order No. 66(1978), Chapter 122B, Requirements for Foster Care, was readopted as R.1998 d.61, effective December 22, 1997. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:122B-1.1 Authority

Pursuant to N.J.S.A. 30:4C-4(h) and 30:4C-26a, the Division of Youth and Family Services, Department of Human

Services, is authorized to establish standards for foster homes which are used by the Division for the foster care placement of children under its supervision.

10:122B-1.2 Purpose

(a) The purpose of this chapter is to define certain words and terms used throughout the chapters on foster care services which follow, so as to provide standardization and ease of accessibility to the user of the chapter. The purpose of this series of chapters on foster care services 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.

(b) The purpose of this chapter does not:

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

10:122B-1.3 Scope

(a) The provisions of this chapter and this series of chapters 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. Any person who resides either full-time or part-time in the home shall be considered a household member.

(b) The regulatory framework of this series of chapters on foster care services which, as of January 4, 1993, includes this chapter and N.J.A.C. 10:122C, Approval of Foster Homes, N.J.A.C. 10:122D, Foster Care Services and N.J.A.C. 10:122E, Removal of Foster Children and Closure of Foster Homes, is intended to be expanded to include other chapters on foster care services, all of which will be in the series of N.J.A.C. 10:122B et seq.

10:122B-1.4 Definitions

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

“Adult” means a person 18 years of age or older.

“Case goal” means a specific goal selected for a person receiving services from the Division which defines and guides case activity to maintain or achieve an appropriate permanent plan for a child.

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

“Corporal punishment” means any type of physical punishment.

“Department” means the New Jersey Department of Human Services.

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

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

“Division Director” means the Director of the Division of Youth and Family Services.

“Foster child” means a child under the care or custody of the Division of Youth and Family Services who is placed in a foster home because he or she cannot live with his or her own family due to neglect, abuse or other circumstances, and who is either under 18 years of age or who meets the criteria set forth in N.J.S.A. 9:17B-2(f).

“Foster home” means a private residence approved by the Division for the temporary substitute family care of children.

“Foster parent” means any person approved by the Division for the general placement of children in his or her own home. Unless otherwise indicated, “foster parent” includes those persons who have applied to be foster parents.

“Foster parent applicant” means any person who has applied to be a foster parent.

“Goal” means the result toward which effort is directed.

“Household member” means an adult or child, other than the foster parent or foster child, who resides full-time or part-time in the foster parent’s household.

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

“Primary caretaker” means an adult household member who provides care for a foster child regularly or for significant periods of time.

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

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

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

10:122B-1.5 Service limitations

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

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

10:122B-1.6 Nondiscrimination

Pursuant to section 554 of the Multiethnic Placement Act of 1994, Pub. L. 103-382, the Division shall not deny to any individual the opportunity to become a foster parent on the basis of the race, color, or national origin of the individual or of the child involved; or delay or deny the placement of a child into foster care on the basis of the race, color, or national origin of the foster parent or child involved.

New Rule, R.1998 d.61, effective January 20, 1998.

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

10:122B-1.7 Dispute resolution

Any person included in the scope of these rules, as specified in N.J.A.C. 10:122B-1.3(a), shall refer to N.J.A.C. 10:120A, Dispute Resolution, to determine if he or she has any opportunity available to resolve a dispute with the Division.

New Rule, R.1998 d.61, effective January 20, 1998.

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