

**CHAPTER 124**

**MANUAL OF STANDARDS FOR CHILDREN'S SHELTER FACILITIES AND HOMES**

**Authority**

N.J.S.A. 2A:4A-20 et seq., 2A:4A-37, 30:1-14 and 15, and 30:4C-4.

**Source and Effective Date**

R.2008 d.299, effective September 12, 2008.  
See: 40 N.J.R. 2195(a), 40 N.J.R. 5808(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, expires on September 12, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 124, Standard for Shelters Accepting Juveniles Awaiting Court Disposition, was adopted as R.1974 d.45, effective February 28, 1974. See: 6 N.J.R. 116(c).

Chapter 124, Standard for Shelters Accepting Juveniles Awaiting Court Disposition, was amended by R.1975 d.219, effective July 30, 1975. See: 7 N.J.R. 265(a), 7 N.J.R. 419(b).

Chapter 130 of Title 10, Manual of Standards for Children's Shelters, was adopted as R.1980 d.446, effective March 1, 1981. See: 12 N.J.R. 39(b), 12 N.J.R. 664(a). Chapter 130, Title 10 was recodified as a portion of Chapter 124 by R.1982 d.222, effective July 19, 1982 (operative September 1, 1982). See: 14 N.J.R. 125(a), 14 N.J.R. 761(a). Pursuant to Executive Order 66(1978), Chapter 124, Standard for Shelters Accepting Juveniles Awaiting Court Disposition, expired on July 19, 1987.

Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, was adopted as new rules R.1987 d.504, effective December 7, 1987. See: 19 N.J.R. 1394(a), 19 N.J.R. 2300(a).

Pursuant to Executive Order No. 66(1978), Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, was readopted as R.1992 d.485, effective November 4, 1992. See: 24 N.J.R. 3089(a), 24 N.J.R. 4387(a). Pursuant to Executive Order No. 66(1978), Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, expired on November 4, 1997.

Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, was adopted as new rules by R.1997 d.518, effective December 1, 1997. See: 29 N.J.R. 3587(a), 29 N.J.R. 5065(a).

Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, was readopted as R.2003 d.196, effective April 21, 2003. See: 34 N.J.R. 4309(a), 35 N.J.R. 2181(a).

Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, was readopted as R.2008 d.299, effective September 12, 2008. See: Source and Effective Date.

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## SUBCHAPTER 1. GENERAL PROVISIONS

**10:124-1.1 Legal authority**

(a) This chapter is promulgated pursuant to N.J.S.A. 30:1-14 and 15, N.J.S.A. 30:4C-4 and N.J.S.A. 2A:4A-37; 2A:4A-20 et seq.

(b) Under N.J.S.A. 30:1-14 and N.J.S.A. 30:4C-4, the Department of Human Services is authorized to inspect, evaluate and approve publicly or privately operated shelter facilities and/or homes that:

1. Provide board, lodging or care for children who are placed or financed by the Division of Youth and Family Services or any other State agency; and
2. Are not subject to licensing or regulation by any State agency.

(c) Under N.J.S.A. 2A:4A-20 et seq., the Department of Human Services is mandated to inspect, evaluate and “specify” (approve) shelter facilities and/or homes that:

1. Are operated either directly or indirectly by a county government agency; and
2. Provide board, lodging or care primarily for children in juvenile-family crisis as defined by State law, who are awaiting court disposition or post-disposition action.

(d) In order to be eligible to provide care for children, a shelter facility and/or home described in (b) or (c) above shall demonstrate to the satisfaction of the Department of Human Services or its duly authorized agent through such methods and procedures as may be prescribed that it complies with the rules and regulations contained in this chapter, which shall constitute minimum standards only.

(e) Responsibility for insuring that such shelter facilities and/or homes comply with the provisions of the statutes cited in (a) above and of this chapter is hereby delegated by the Department of Human Services to the Bureau of Licensing of the Division of Youth and Family Services.

(f) Under N.J.S.A. 30:1-15, the Department of Human Services is authorized to “visit and inspect” publicly or privately operated shelter facilities and/or homes 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 State agency; and
2. Are not subject to licensing or regulation by any State agency.

(g) The Department of Human Services or its duly authorized agent is authorized to “visit and inspect” such facilities and/or homes as noted in (f) above, to assess the general health, safety, and well-being of the children and the care and treatment they are receiving. Although such shelter facilities and/or homes cannot be required to comply with the rules and

regulations contained herein the Department may use these rules and regulations as the basis for its inspection.

Amended by R.1987 d.504, effective December 7, 1987.  
See: 19 N.J.R. 1394(a), 19 N.J.R. 2300(a).  
Added new authority.

**10:124-1.2 Definitions**

The following words and terms, when used in this chapter, have the following meanings:

“Bureau” means the Bureau of Licensing of the Division of Youth and Family Services.

“Child” means any person who is under the age of 18.

“Children’s shelter facility” or “shelter facility” or “juvenile-family in crisis shelter” means any public or private facility that provides 24-hour-a-day residential care to six or more children in a non-physically restrictive environment for a period of time usually not exceeding 30 days.

“Children’s shelter home coordinator” or “shelter home coordinator” means a person responsible for the recruitment, coordination, operation and management of one or more children’s shelter homes.

“Children’s shelter home” or “shelter home” or “juvenile-family in crisis home” means any public or private residence that provides 24-hour-a-day residential care to five or fewer children in a non-physically restrictive environment for a period of time usually not exceeding 30 days. Shelter homes shall not include the Division of Youth and Family Services emergency foster shelter homes.

“Children’s shelter home parent” or “shelter home parent” means any person who provides 24 hour-a-day residential care for five or fewer children in a private residence under the supervision of a children’s shelter home coordinator.

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

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

“Juvenile—family crisis” means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in:

1. A serious threat to the well-being and physical safety of a juvenile, or
2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or
3. Unauthorized absence by a juvenile for more than 24 hours from his home; or