

**CHAPTER 122D**  
**FOSTER CARE SERVICES**

**Authority**

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

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Chapter 122D, Foster Care Services, expires on January 4, 1998.

**Chapter Historical Note**

Chapter 122D, Foster Care Services, was adopted as new rules by R.1993 d.17. See: Source and Effective Date.

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**SUBCHAPTER 1. VISITS BETWEEN THE FOSTER CHILD AND THE FOSTER CHILD'S FAMILY**

**10:122D-1.1 Purpose**

(a) The purpose of this subchapter is to ensure that each child placed in a foster home approved by the Division shall have the opportunity to visit with parents, siblings and interested relatives. Visits with parents, siblings and other relatives may serve to:

1. Reinforce the foster child's identity;
2. Promote the foster child's need for stability and consistency;
3. Maintain or establish family relationships;
4. Assess the parent's and other relative's motivation and ability to care for the foster child; and
5. Provide an opportunity to model appropriate parenting behavior and skills.

(b) The frequency and duration of visits is dependent on the purpose of the visits, the case goal and case plan and practical considerations of all parties. Visits which are frequent and of long duration are beneficial for most children placed in foster care and facilitate movement toward achieving the case goal of family reunification. The frequency and duration specified in each foster child's visitation schedule is a professional social work decision which shall be made by the Division with full input from all those affected by the visitation plan. Unless otherwise limited by conditions set forth in N.J.A.C. 10:122B-1.5 and N.J.A.C. 10:122D-1.15, for most children in foster care, the goal is to hold a visit every week for a period as long in duration as possible.

**10:122D-1.2 Scope**

The provisions of this subchapter shall apply to each foster child, his or her parents, siblings, interested relatives, foster family, and the Division.

**10:122D-1.3 Definitions**

The definitions in N.J.A.C. 10:122B-1.4 are hereby incorporated in this subchapter by reference.

**10:122D-1.4 Visitation plan**

(a) A written visitation plan shall be developed to identify the type and frequency of visits to be instituted for every child in foster care unless otherwise directed by the court.

(b) The visitation plan may exclude specific persons from having visits.

(c) The visitation plan shall give full consideration to the foster child's safety.

(d) The visitation plan shall include visits with siblings, if any. Sibling visits may take place with parental visits or separately.

**10:122D-1.5 Developing the visitation plan**

(a) The visitation plan for the first visit shall be developed and written prior to the date of placement or as soon as possible after the placement.

(b) The visitation plan for ongoing visits shall be completed within five working days of the initial date of placement.

(c) The visitation plan shall be evaluated and adjusted as needed and submitted in time for the first 45 day Child Placement Review, pursuant to N.J.S.A. 30:4C-50 et seq.

(d) The visitation plan shall be developed through negotiation and agreement by the Division representative, the parents, the foster child, and other parties involved, such as relatives, a former foster family interested in visiting the foster child, siblings, and their representatives.

(e) Sections of the visitation plan shall be negotiated separately with the siblings or their representatives and other interested relatives.

(f) The Division representative shall encourage the foster parent to participate in developing the visitation plan.

(g) The foster parent shall be consulted for information pertinent to visitation.

**10:122D-1.6 Distribution of the visitation plan**

The Division representative shall give a copy of the visitation plan to the parent, the foster parent, the foster child, when of an appropriate age, and other parties, including siblings, who are involved in developing the visitation plan, and their representatives.

**10:122D-1.7 Renegotiation of the visitation plan**

(a) The Division shall renegotiate the visitation plan with all parties involved no less often than every six months.

(b) The Division shall also renegotiate the visitation plan:

1. When the case goal changes;
2. When circumstances change; or
3. Whenever any of the parties to the plan requests renegotiation.

**10:122D-1.8 Components of the visitation plan**

(a) The visitation plan shall include the following:

1. The goal of the visits;
2. The location of visits;
3. The frequency and regularity of visits;
4. Who will participate in the visits;
5. The roles of participants other than the foster child;
6. Who will provide needed transportation;

7. The date and time of visits;

8. The length of visits;

9. Whether the visit will be supervised, and, if so, by whom; and

10. What each party shall be expected to do in order to change or cancel a visit.

**10:122D-1.9 Locations for visits**

(a) Visits shall take place in the least restrictive, most comfortable setting possible. For example, visits may take place in the home of the parents, relatives or friends or in other suitable locations.

(b) Visits may also take place in the foster home, with the foster parent's permission.

(c) Visits may take place in a Division office when:

1. Necessary to protect the foster child;
2. For the convenience of those participating in the visit; or
3. When other suitable locations are not available.

**10:122D-1.10 Determination of whether visit is to be supervised**

(a) The parent or other visitors and the Division representative shall discuss the need for supervised visits at the time the visitation plan is negotiated or renegotiated.

(b) Unless the Division or the Family Court finds a need for supervision, visits shall be unsupervised.

(c) If visits will be supervised, the plan shall contain a statement of the reason supervision is required. Reasons for the supervision of visits may include:

1. Facilitating interactions between the parent and the foster child;
2. Modeling positive parenting behavior;
3. Mediating conflict between the parent and the foster child; and
4. Providing protection for the foster child.

**10:122D-1.11 Supervision of visits**

(a) Family, friends or others with whom the visitor and foster child feel comfortable may provide supervision with the agreement of all parties.

(b) Providers with whom the Division has contracts to supervise visitation may also be utilized.

(c) A Division representative may supervise visitation only under the following circumstances:

1. The Division finds that supervision by the Division is necessary to protect the foster child;
2. Supervision is needed and there is no other person appropriate to provide it;
3. The parent or foster child wants supervision by the Division;
4. The Division does not have enough information to determine that supervision is not needed; or
5. The Division does not have enough information to determine that the individual suggested by the parent or others to provide supervision is acceptable.

#### 10:122D-1.12 Division participation in visits

(a) Where the Division is not involved in supervising visitation, a Division representative shall participate in visits as necessary to formally assess the progress of visits and family relationships for the purpose of case planning.

(b) Whenever possible, the Division representative shall inform the participants in the visit in advance when he or she will participate.

#### 10:122D-1.13 Transportation for visits

(a) The Division shall provide or arrange for transportation of the foster child to the visit.

(b) The Division shall provide or pay for transportation when the parent or other relative lives in New Jersey and verifies that he or she cannot obtain or pay for his or her own transportation.

#### 10:122D-1.14 Standards for the visitation plan

(a) Except as limited in N.J.A.C. 10:122D-1.15(a), the visitation plan shall establish that:

1. The first visit between the foster child and parent shall be scheduled to occur as soon as possible, within five working days of the date of initial placement;
2. The frequency and duration of the visits shall be consistent with the purpose of visits as set forth in N.J.A.C. 10:122D-1.1;
3. The frequency and length of each visit shall be based upon the needs of the foster child, the parent, and other involved parties. Special consideration shall be given to the need for pre-school foster children to have frequent visits since their sense of time is different than that for older children or adults;
4. Overnight and weekend visits with the family shall be scheduled to occur frequently when the family can assume the increased child care responsibility and when the plan is to return the foster child to them;
5. Holiday visits shall be negotiated and addressed in the plan; and

6. When a scheduled visit is missed due to the inability of the person providing supervision or the Division representative not being able to participate in the visit, the visit shall be rescheduled whenever and as soon as possible.

#### 10:122D-1.15 Reasons to limit visits

(a) A reduction to the visitation schedule may be made for any of the following reasons:

1. The visit will be physically or psychologically harmful to the foster child even with supervision. This determination shall be based on:
  - i. A Division representative's direct observation of harm or potential harm;
  - ii. A report of harm to the Division in which the harm has been verified by a Division representative;
  - iii. A mental health therapist's recommendations;
  - iv. A pending or ongoing Division investigation of allegations that the foster child has been harmed by the visitor; or
  - v. The foster child's report of a harmful or potentially harmful situation;
2. The foster child requests limited visits when the case goal is not family reunification, whether or not the visits are seen as harmful;
3. The parent requests limited or no visits despite the Division's efforts to explain the importance of visiting and the Division's offer to assist in arranging the visits;
4. The parent chronically misses scheduled visits despite the Division's efforts to advise of the importance of attending visits for the parent and the foster child; or
5. A court order prohibits visits or specifies a different schedule of visits.

(b) A supervisor shall review and approve or disapprove any reduction in the frequency or duration of visits.

(c) The Division representative shall inform the parent, foster child, and any other affected person in writing of the reason for the reduction.

(d) The Division shall assist the family or other parties to eliminate the causes for the limitation of visits when the conditions can be changed in order to increase the visits.

#### 10:122D-1.16 Disagreements

(a) When a parent disagrees with a provision of a visitation plan adopted by the Division that results in a denial, suspension, reduction or termination of visitation, the parent shall be informed in writing by the Division representative that he or she has a right to appeal, pursuant to the procedures set forth in N.J.A.C. 10:122D-2.8(d), (e) and (f),

except that in cases involving this subchapter the foster parent will not be involved in the appeal process.

(b) When a foster parent disagrees with a visitation plan, he or she shall be informed in writing by the Division representative that he or she may request a review by the office manager. Upon the request of the foster parent, the office manager shall meet with the foster parent, shall make a decision and shall notify the foster parent in writing of the decision and the reasons for the decision.

## SUBCHAPTER 2. SERVICES TO CHILDREN IN FOSTER HOME PLACEMENT

### 10:122D-2.1 Purpose

(a) The purpose of this subchapter is to identify the services that the Division shall provide to a child in foster home placement in its efforts to:

1. Provide the foster child with safe home care;
2. Meet the foster child's physical, psychological, and other developmental needs;
3. Assure the foster child's well-being;
4. Help the child to understand the reasons for his or her foster home placement, the case goal, and to adjust to being a child in a foster home; and
5. Achieve the case goal.

### 10:122D-2.2 Scope

The provisions of this subchapter shall apply to each foster child, his or her foster family, his or her family and the Division.

### 10:122D-2.3 Definitions

The definitions in N.J.A.C. 10:122B-1.4 are hereby incorporated into this subchapter by reference.

### 10:122D-2.4 Case management

(a) The Division representative shall have face-to-face and other contact with the foster child, foster parent, parent and other interested parties according to established schedules which are written in the case plan in order to:

1. Develop, implement and update a case plan by assessing case needs, identifying services to meet those needs, including the role and responsibility of each party regarding the services, and establishing the case goal and assessing progress toward achieving the case goal in a timely manner;
2. Provide advocacy and support services to all parties, within program and fiscal parameters;

3. Assist the foster child and foster family to establish and maintain an ongoing and supportive relationship for the duration of the foster child's placement;

4. Update the foster child, foster family, parents and other parties on the progress toward achieving the case goal;

5. Facilitate visits in accordance with the case plan between the foster child, parent, siblings and other interested relatives. See N.J.A.C. 10:122D-1, Visits between the foster child and the foster child's family; and

6. Meet the requirements of the Child Placement Review Act, N.J.S.A. 30:4C-50 et seq.

(b) The Division representative shall have face-to-face contact with the parent, when applicable, foster parent and foster child within one week of the foster child's placement in the foster home.

### 10:122D-2.5 Health care services

(a) The Division shall make every reasonable effort to assure that each child in foster home placement receives appropriate and necessary health care, including mental health services.

(b) For each child initially entering foster home placement, the Division shall obtain a medical examination at the time of placement. The Division shall establish a health care record for each foster child and shall provide the foster parent with a health care record which documents health information concerning the foster child, including, but not limited to:

1. The names and addresses of the foster child's health care providers;
2. A record of the foster child's immunizations;
3. The foster child's known medical problems, if any;
4. The foster child's medications, if any; and
5. The foster child's allergies, if any.

(c) The Division shall maintain a health care record for each foster child. The Division shall review and update the foster child's health record at the time of each placement into a foster home and shall provide the updated record to the foster parent.

(d) The Division shall assure that the foster child receives a medical and a dental examination at least annually after the initial medical examination performed at the time of placement. The type and frequency of the examinations shall be based on the foster child's age and medical needs.

(e) The foster parent shall be responsible for arranging and providing care to meet the foster child's health needs, including, but not limited to, medical and dental examinations as agreed to with the Division, and shall provide the Division with information concerning the foster child's health care and needs.

(f) The Division shall share health care information concerning the foster child with the foster child's parents and the foster parents.

#### 10:122D-2.6 Educational services

(a) The Division shall make every reasonable effort to assure that every child in foster home placement receives an education appropriate to his or her abilities as provided for under State laws governing compulsory education and education for disabled children.

(b) The Division shall develop an education record for each child initially entering foster home placement, who is subject to the State laws governing compulsory education, see N.J.S.A. 18A, generally. This record shall include, but not be limited to:

1. The names and addresses of the foster child's educational providers;
2. The foster child's grade level performance;
3. The foster child's school record; and
4. Assurance that the foster child's placement in the foster home takes into account proximity to the school in which the foster child was enrolled at the time of placement.

(c) The Division shall provide the foster parent with the foster child's education record at the time of initial placement.

(d) The Division shall review and update the foster child's education record at the time of each placement into a foster home and shall provide the updated record to the foster parent.

(e) The foster parent shall:

1. Make every effort to ensure that the foster child attends school regularly;
2. Encourage good study habits;
3. Monitor the foster child's academic progress; and
4. Inform the Division of the foster child's academic progress.

(f) The Division representative shall:

1. Ensure that the foster child is enrolled in school, if age appropriate. If necessary, the Division representative shall give the foster parent authorization to enroll the foster child in school;

2. Maintain and update the education record regarding the foster child's progress in school;

3. Coordinate, as appropriate, activities among the school personnel, the foster parent, and the parent;

4. Inform the parent of the foster child's school progress and of the parent's right and responsibility to be involved in the foster child's education; and

5. Refer the foster child for a child study team evaluation, as needed, in accordance with N.J.A.C. 6:28-3.3(g), Referral.

#### 10:122D-2.7 Self-sufficiency of adolescent foster child

(a) The Division representative, in consultation with the foster parent, the foster child, the parent and other significant adults, shall develop a written plan to prepare the foster child for self-sufficient living and shall reevaluate the plan at least yearly.

(b) The plan shall be developed for each child in foster home placement;

1. Within six months of the date of placement for those entering foster home placement at age 16 or older; or

2. No later than age 16, for those already in foster home placement.

(c) The plan shall be based upon an assessment of the foster child's strengths, resources, interests and needs.

(d) The plan shall outline the necessary skills the foster child must master to achieve self-sufficiency and the responsibilities of the Division and other parties to assist the child to develop these skills.

(e) The Division representative shall identify at least one significant adult in the foster child's life who will function as an adult advisor to the foster child to assist in the development of the plan and the life skills needed by the foster child. The adult advisor may be the foster parent.

(f) The Division representative shall refer the foster child to resources for post-secondary educational opportunities, as requested by the foster child and in accordance with N.J.S.A. 9:17B-2.

#### 10:122D-2.8 Other services to children in foster home placement

(a) In addition to the basic services of case management, food, clothing, shelter, education, health care, and self-sufficiency, the Division may use other services which meet a foster child's individual needs.

(b) When specific service needs are identified, the Division representative shall arrange for appropriate community resources to provide the service to the foster child in a timely fashion, as the services are available.

(c) When there are insufficient child welfare services available to meet the foster child's needs, the Division is responsible for encouraging and promoting the development of the needed services in accordance with the provisions of N.J.S.A. 30:4C-1, 3 and 4.

(d) When there is a decision to deny, reduce, suspend or terminate an available service, the parent or foster parent shall be informed in writing by the Division representative of the reasons for the decision, that the parent or foster parent has a right to appeal, and that to exercise that right, the parent or foster parent may request a local dispositional conference. Upon the request of a parent or foster parent who disagrees with the decision to deny, reduce, suspend or terminate services the office manager responsible for the foster child shall hold the local dispositional conference. The office manager shall make a decision and shall inform the parent and the foster parent in writing of the decision, the reasons for the decision, and that if the decision results in a denial, suspension, reduction or termination of an available service, the parent or the foster parent has a right to appeal this decision, and that to exercise this right, the parent or the foster parent may request that the regional office hold a regional dispositional conference.

(e) Upon the request of the parent or foster parent who disagrees with the results of the local dispositional conference, the regional administrator shall hold a regional dispositional conference, make a decision and inform the parent or foster parent in writing of the decision and the reasons for the decision. When the decision of the regional dispositional conference results in a denial, reduction, suspension, or termination of available services, the regional administrator shall also inform the parent or foster parent in writing that the parent and foster parent has a right to an administrative hearing, pursuant to the provisions of N.J.A.C. 10:120-2, Administrative hearings.

(f) Notwithstanding the provisions of (d) or (e) above, if the services denied, reduced, suspended or terminated have been the subject of a court order or are pending the decision of a court, the parent or foster parent who disagrees with the denial, reduction, suspension, or termination of services shall be informed in writing by a Division representative that the parent or foster parent may request local and regional dispositional conferences, but that such conferences are not required, and that, at the option of the parent or foster parent, he or she may seek to bring the matter directly before the court. There is no right to an administrative hearing, pursuant to the provisions of N.J.A.C. 10:120-2, if the services denied, reduced, suspended or terminated have been the subject of a court order or are pending the decision of a court.