

CHAPTER 121**ADOPTIONS****Authority**

N.J.S.A. 9:23-5, 30:4C-45 through 49 and 30:4C-31,
and 42 U.S.C. §§ 670 et seq.

Source and Effective Date

R.2000 d.254, effective May 24, 2000.
See: 32 N.J.R. 741(a), 32 N.J.R. 2239(a).

Executive Order No. 66(1978) Expiration Date

Chapter 121, Adoptions, expires on May 24, 2005.

Chapter Historical Note

Chapter 121, Adoptions, was filed and became effective prior to September 1, 1969.

Subchapter 3, Adoption Complaint Investigation Fees, was adopted as R.1975 d.15, effective February 6, 1975. See: 7 N.J.R. 58(c).

Subchapter 4, Release of Criminal History Record Information, was adopted as R.1979 d.119, effective March 19, 1979. See: 10 N.J.R. 543(a), 11 N.J.R. 248(a).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Adoption Complaint Investigation Fees, was readopted as R.1983 d.509, effective . See: 15 N.J.R. 1341(a), 15 N.J.R. 1865(b).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Release of Criminal History Record Information, was readopted as R.1984 d.88, effective March 13, 1984. See: 16 N.J.R. 119(b), 16 N.J.R. 730(a).

Pursuant to Executive Order No. 66(1978), Chapter 121, Adoptions, expired on March 13, 1989.

Chapter 121, Adoptions, was adopted as new rules by R.1990 d.344, effective July 16, 1990. See: 21 N.J.R. 3047(b), 22 N.J.R. 2172(a).

Pursuant to Executive Order No. 66(1978), Chapter 121, Adoptions, was readopted as R.1995 d.360, effective June 12, 1995. See: 27 N.J.R. 1122(a), 27 N.J.R. 2616(a).

Pursuant to Executive Order No. 66(1978), Chapter 121, Adoptions, was readopted as R.2000 d.254, effective May 24, 2000. Subchapter 4, Release of Criminal History Record Information, was repealed, and Subchapter 5, Medical Information Forms, was recodified as Subchapter 4, Medical Information Form, by R.2000 d.254, effective June 19, 2000. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

**SUBCHAPTER 1. APPROVAL OF AGENCIES
DESIRING TO PLACE CHILDREN IN NEW
JERSEY**

10:121-1.1 Approval of agencies

SUBCHAPTER 2. ADOPTION SUBSIDY

10:121-2.1 Definitions
10:121-2.2 Payments for the care and maintenance of a hard-to-place
child (adoption subsidy)
10:121-2.3 Exceptions
10:121-2.4 Administrative hearings
10:121-2.5 Adoption Resource Exchange

**SUBCHAPTER 3. ADOPTION COMPLAINT
INVESTIGATION FEES**

10:121-3.1 Adoption complaint investigation
10:121-3.2 (Reserved)

SUBCHAPTER 4. MEDICAL INFORMATION FORM

10:121-4.1 Medical Information Forms

**SUBCHAPTER 1. APPROVAL OF AGENCIES
DESIRING TO PLACE CHILDREN IN NEW
JERSEY**

10:121-1.1 Approval of agencies

(a) This section shall apply to agencies, public or private, whose principal offices are not located within the State of New Jersey, which do not otherwise maintain an adequately staffed office within the State of New Jersey and which do not provide direct adoption services in New Jersey but do on occasion place children for adoption with families living in or moving to New Jersey. Whenever the contemplated adoption may not or cannot be completed in their own state, approval under this section will permit the agency to consent to an adoption in a New Jersey court. An agency must, before placing a child for adoption with a family living in New Jersey:

1. Be a non-profit or governmental agency and be licensed, certified or otherwise approved in its own state to place children for adoption under procedures and standards established in that state, which procedures and standards shall be consistent with those of the State of New Jersey with respect to services provided to birth parents and termination of parental rights;

2. Enlist the cooperation of a duly certified New Jersey adoption agency to provide all direct adoption services in New Jersey including home evaluation, concurrence with the proposed placement and proper supervision of the adoption placement until the final decree of adoption is entered by a court of competent jurisdiction or until some alternate plan is made for the child; and

3. Provide the New Jersey Department of Human Services, Division of Youth and Family Services, with a written statement certifying that (a)1 and 2 above have been complied with and, further, that interstate placement requirements of both states will be followed, including continued responsibility for the child until an adoption is finalized, the child is removed from the State of New Jersey or some other plan approved by the Department of Human Services, Division of Youth and Family Services, is made:

R.1973 d.40, effective February 1, 1973.
See: 5 N.J.R. 12(a), 5 N.J.R. 86(a).

Notice of Correction; 21 N.J.R. 765(b).

SUBCHAPTER 2. ADOPTION SUBSIDY

10:121-2.1 Definitions

For the purposes of this subchapter, the following definitions shall apply.

"Adoptive family for hard-to-place child" means any person or persons eligible to adopt a child who agree to adopt a hard-to-place child regardless of the income of the adoptive parent(s) and who meet conditions which include but are not limited to:

1. **Age:** The adoptive parent(s) must attain the age of 18 before the adoption has been finalized and shall be at least 10 years older than the person(s) sought to be adopted unless either of these limitations is waived by the court. There is no maximum age.

2. **Religion:** The adoptive parent(s) are not required to be affiliated with or practicing members of any religion. They are required only to be capable of raising the child or children in a decent, moral environment.

3. **Residence:** The adoptive parent(s) must be residents of New Jersey and/or any other state if approved for adoption by a licensed agency in that state and all interstate requirements can be met. N.J.S.A. 9:7-1 et seq.

4. **Income:** Adoptive parent(s), with the addition of a State adoption subsidy, must have sufficient financial resources to provide for the basic health, education, and general well-being and normal development of the adopted child or children and must demonstrate an ability to manage family financial resources efficiently and in such a way as to meet the basic cost of raising the child or children in a suitable way.

5. **Health:** Adoptive parent(s) must be in reasonably good physical and emotional health, as attested to by an examination by a physician, if necessary. Also, they must be free from any physical or mental illness or disability which would jeopardize the normal health, education, and well-being of the adopted child or children.

6. **Suitability:** The adoptive parent(s) must be able to provide for the normal development of the adopted child or children and provide for the general health, education, and well-being of the adopted child or children.

"Board rate" means the rate paid to the foster family for the child currently or that which would have been paid for the child if the child was in foster care, including clothing allowances but excluding any other payments.

"80 percent Board rate" means 80 percent of the rate which was or would have been paid for the child if the child was in foster care, excluding clothing allowance and other payments. 80 percent Board rate includes any additional board increases granted by the Division as provided by law.

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

"Division" means the Division of Youth and Family Services in the Department of Human Services.

"Hard-to-place child" means any child who the State of New Jersey has the legal right to place for adoption but who is reasonably expected not to be placed for adoption due to the lack of a prospective adoptive home for any of the following reasons:

1. Any medical or dental condition which will require repeated or frequent hospitalization, or treatment;

2. Any physical handicap, by reason of physical defect or deformity, whether congenital or acquired by accident, injury or disease, which makes or may be expected to make a child totally or partially incapacitated for education or for remunerative occupation;

3. Any substantial disfigurement, such as the loss or deformation of facial features, torso or extremities;

4. A diagnosed emotional or behavioral problem, psychiatric disorder, serious intellectual incapacity or brain damage which seriously affects the child's ability to relate to his peers or authority figures, including but not limited to a developmental disability;

5. The child is one of a group of three or more siblings (including half-siblings) and it is considered necessary that the group be placed together, or the child is one of two siblings (including half-siblings) one of whom meets the hard-to-place criteria, and it is considered most appropriate that the children be placed together;

6. The child is 10 years old or older;

7. The child is over two years of age and a member of an ethnic group for whom adoptive homes are not readily available. Information regarding availability of homes may be obtained from the Adoption Service Unit of the Division;

8. Any other condition which may be approved by the Director; or

9. The child is over five years of age and has been living with foster parents for at least 12 months and adoption by the foster parents is the most appropriate plan for the child. A child under five may be deemed hard-to-place and qualify for subsidy under this subsection if he or she is a member of an ethnic group for whom adoptive homes are not readily available.

Amended by R.1987 d.45, effective January 5, 1987.
See: 18 N.J.R. 24(a), 19 N.J.R. 129(a).