

**CHAPTER 127**

**MANUAL OF REQUIREMENTS FOR  
RESIDENTIAL CHILD CARE FACILITIES**

**Authority**

N.J.S.A. 30:1-14 and 15, and 30:4C-4.

**Source and Effective Date**

R.2009 d.140, effective March 27, 2009.  
See: 41 N.J.R. 69(a), 41 N.J.R. 2014(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 127, Manual of Requirements for Residential Child Care Facilities, expires on September 23, 2016. See: 48 N.J.R. 699(a).

**Chapter Historical Note**

Chapter 127, Manual of Standards for Residential Child Care Facilities, was adopted as R.1976 d.77, effective March 10, 1976. See: 8 N.J.R. 37(a), 8 N.J.R. 195(e).

Chapter 127, Manual of Standards for Residential Child Care Facilities, was repealed and Chapter 127 was adopted as new rules by R.1983 d.393, effective September 19, 1983, (operative November 1, 1983). See: 15 N.J.R. 486(a), 15 N.J.R. 1597(a).

Pursuant to Executive Order No. 66(1978), Chapter 127, Manual of Standards for Residential Child Care Facilities, was readopted as R.1988 d.456, effective August 26, 1988. See: 20 N.J.R. 1149(a), 20 N.J.R. 2387(b).

Public Notice: Annual certification to Legislature of facility standards pursuant to Keys Amendment to Social Security Act. See: 24 N.J.R. 656(a); 25 N.J.R. 603(a).

Chapter 127, Manual of Standards for Residential Child Care Facilities, was repealed and Chapter 127, Manual of Requirements for Residential Child Care Facilities, was adopted as new rules by R.1993 d.403, effective August 16, 1993. See: 25 N.J.R. 1716(a), 25 N.J.R. 3787(a).

Pursuant to Executive Order No. 66(1978), Chapter 127, Manual of Requirements for Residential Child Care Facilities, was readopted as R.1998 d.413, effective July 15, 1998. See: 30 N.J.R. 1494(a), 30 N.J.R. 3055(a).

Chapter 127, Manual of Requirements for Residential Child Care Facilities, was readopted as R.2004 d.1, effective November 21, 2003. See: 35 N.J.R. 3814(a), 36 N.J.R. 194(a).

Chapter 127, Manual of Requirements for Residential Child Care Facilities, was readopted as R.2009 d.140, effective March 27, 2009. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 127, Manual of Requirements for Residential Child Care Facilities, was scheduled to expire on March 27, 2016. See: 43 N.J.R. 1203(a).

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**10:127-1.1 Legal authority**

(a) This chapter is promulgated pursuant to N.J.S.A. 30:1-14 and 15 and 30:4C-4.

(b) Under N.J.S.A. 30:1-14 and 30:4C-4, the Department of Human Services is authorized to inspect, evaluate, and approve publicly or privately operated facilities that provide board, lodging, care and treatment services for children who are placed and/or financed by the Division of Youth and Family Services or any other New Jersey State agency.

(c) Under N.J.S.A. 30:1-14, the following facilities shall be subject to inspection, evaluation, and approval by the Department of Human Services, Division of Youth and Family Services:

1. New Jersey-based children's residential facilities, as defined in this chapter, except facilities that are licensed, approved or regulated pursuant to State law by the Division of Developmental Disabilities or the Division of Mental Health and Hospitals, both of the Department of Human Services, by the State Department of Health, by the State Department of Education, by the State Department of Corrections or by any other New Jersey State agency; and
2. Out-of-State children's residential facilities as defined in this chapter, that serve one or more children under the supervision of the Division of Youth and Family Services. As a condition of approval by the Department, such facilities shall be licensed, certified, or otherwise approved to operate in the state where the facility is located.

(d) In order to be approved, a children's residential facility shall demonstrate to the satisfaction of the Department of Human Services or its duly authorized agent that it complies with all applicable provisions of this chapter.

(e) Responsibility for ensuring that the facility specified in (c) above complies with the provisions of the statutes cited in (a) above and of this chapter is delegated by the Department of Human Services to the Division of Youth and Family Services, Bureau of Licensing. The Division is authorized to visit and inspect such facilities, as described in N.J.A.C. 10:127-1.2(a) and (b), to determine the extent of their compliance with such provisions.

(f) Under N.J.S.A. 30:1-15, the Department of Human Services is also authorized to visit and inspect publicly or privately maintained institutions or other institutions and noninstitutional agencies 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 New Jersey State agency; and
2. Are not subject to licensing or regulation by any New Jersey State agency.

(g) The Division of Youth and Family Services is authorized to visit and inspect such facilities as described in (f) above to assess the general health, safety, and well-being of the children and the care and treatment they are receiving, but cannot require their compliance with this chapter and must secure an order from a court of competent jurisdiction, pursuant to N.J.S.A. 30:1-16, to compel correction of serious deficiencies.

**10:127-1.2 Definition and types of children's residential facilities**

(a) "Residential child care facility" or "residential facility" or "facility" means any public or private establishment

that provides room, board, care and treatment services for 13 or more children on a 24-hour-a-day basis.