

**CHAPTER 122B  
RESOURCE CARE**

**Authority**

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

**Source and Effective Date**

R.2009 d.4, effective December 2, 2008.  
See: 40 N.J.R. 3924(a), 41 N.J.R. 247(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 122B, Resource Care, expires on December 2, 2015. See: 43 N.J.R. 1203(a).

**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 re-adopted 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126, Manual of Requirements for Family Day Care Registration, adopted as R.1988 d.507, effective November 7, 1988, superseded and incorporated the provisions of Chapter 122B, Family Day Care Standards.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 re-adopted as R.1998 d.61, effective December 22, 1997. See: 29 N.J.R. 4268(a), 30 N.J.R. 491(a).

Chapter 122B, Requirements for Foster Care, was re-adopted as R.2003 d.254, effective June 5, 2003. As part of R.2003 d.254, Chapter 122B, Requirements for Foster Care, was renamed Foster Care; and Subchapter 2, Division Employees, Relatives and Household Members as Foster Parents, Subchapter 3, Criminal History Records Checks, Subchapter 4, Division and Contract Agency Responsibilities, and Subchapter 5, Provisions Related to Applicants and Foster Parents Licensed and Supervised by the Division, were adopted as new rules, effective July 7, 2003. See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

Chapter 122B, Foster Care, was re-adopted as R.2009 d.4, effective December 2, 2008. As a part of R.2009 d.4, Chapter 122B, Foster Care, was renamed Resource Care; Subchapter 2, Division Employees, Relatives and Household Members as Foster Parents, was renamed Department Employees, Relatives and Household Members as Resource Parents; and Subchapter 5, Provisions Related to Applicants and Foster Parents Licensed and Supervised by the Division, was renamed Provisions Related to Applicants and Resource Parents Licensed and Supervised by the Division, effective January 5, 2009. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**10:122B-1.1 Purpose**

(a) The purpose of this chapter is to state:

1. The definitions of certain words and terms used in this chapter and N.J.A.C. 10:122C, 10:122D, and 10:122E;
2. The Division's non-discrimination policy regarding resource parent applicants, resource parents, and children in placement;
3. When and how services to children in placement may be limited;
4. The circumstances under which a Department employee, household member, or relative can become a resource parent;
5. The Division's responsibilities for completing the home study process;
6. The Division's and contract agencies' responsibilities to the resource parent;
7. When a resource parent applicant can be reimbursed for a physical examination and other expenses incurred related to becoming a licensed resource parent;

8. How the Division approves and pays for child care when the resource parent is working; and

9. The Division's pre-service training program.

(b) The purpose of this chapter, N.J.A.C. 10:122C, 10:122D, and 10:122E does not:

1. Create an employer/employee relationship between the Division and a licensed resource parent; or

2. Create any right to be a resource parent, apart from that which may exist under statute or case law.

Recodified from N.J.A.C. 10:122B-1.2 and amended by R.2003 d.254, effective July 7, 2003.

See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

Rewrote the section. Former N.J.A.C. 10:122B-1.1, Authority, repealed.

Amended by R.2009 d.4, effective January 5, 2009.

See: 40 N.J.R. 3924(a), 41 N.J.R. 247(a).

Substituted "resource" for "foster" preceding "parent" throughout; in (a)1, substituted "definitions" for "definition", inserted "10:122C," and inserted a comma following "10:122D"; in (a)2 and (a)3, deleted "foster" preceding "children", and inserted "in placement"; in (a)2, substituted "resource" for "foster" preceding "parents"; in (a)4, substituted "Department" for "Division"; and in the introductory paragraph of (b), inserted "this chapter," and deleted "10:122B," following "N.J.A.C.".

### 10:122B-1.2 Scope

(a) The provisions of this chapter and N.J.A.C. 10:122D and 10:122E shall apply to each person licensed by the Division to provide resource care services for a child under the Division's supervision and to each household member; to each person making application to be a resource parent and to each household member; and to each Division representative or contract agency employee responsible for studying, reevaluating or licensing resource parents and their families or providing services to children in resource care.

(b) N.J.A.C. 10:122B-5 applies to Division representatives and resource parents licensed by the Office of Licensing and supervised directly by the Division, and not to a contract agency's employees and resource parents.

(c) The regulatory framework of this series of chapters on resource care and out-of-home placement services includes this chapter and N.J.A.C. 10:122C, Manual of Requirements for Resource Family Parents, N.J.A.C. 10:122D, Services for Children in Out-of-Home Placement, and N.J.A.C. 10:122E, Removal of Children in Placement from Resource Family Homes. The rules contained in this chapter, N.J.A.C. 10:122D and 10:122E are to be used in conjunction with the rules in N.J.A.C. 10:122C when applied to resource homes under the supervision of the Division.

Recodified from N.J.A.C. 10:122B-1.3 and amended by R.2003 d.254, effective July 7, 2003.

See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

Rewrote the section. Former N.J.A.C. 10:122B-1.2, Purpose, recodified to N.J.A.C. 10:122B-1.1.

Amended by R.2009 d.4, effective January 5, 2009.

See: 40 N.J.R. 3924(a), 41 N.J.R. 247(a).

In (a) and (b), substituted "resource" for "foster" throughout; in (a), deleted "for the general placement of children" following "parent"; in

(b), substituted "10:122B" for "10-122B", and inserted "by the Office of Licensing"; and rewrote (c).

### 10:122B-1.3 Definitions

(a) The definitions in N.J.A.C. 10:122C-1.3 are hereby incorporated into this chapter by reference.

(b) The following words and terms used in this chapter and in N.J.A.C. 10:122C, 10:122D, and 10:122E shall have the following meanings, unless the context clearly indicates otherwise:

"Adult" means a person 18 years of age or older.

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

"Division Director" means the Director of the Division of Youth and Family Services.

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

"Goal" means the result toward which effort is directed.

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

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".

Recodified from N.J.A.C. 10:122B-1.4 and amended by R.2003 d.254, effective July 7, 2003.

See: 35 N.J.R. 516(a), 35 N.J.R. 2922(a).

Added (a); designated former introductory paragraph as (b) and rewrote the paragraph; added "Contract Agency" and "Division Director"; deleted "Case goal", "Corporal punishment", "Department", "Division", "Division Director", "Foster child", "Foster parent", and "Foster parent applicant" "Household member" "Primary caretaker"; rewrote "Foster home". Former N.J.A.C. 10:122B-1.3, Scope, recodified to N.J.A.C. 10:122B-1.2.

Amended by R.2009 d.4, effective January 5, 2009.

See: 40 N.J.R. 3924(a), 41 N.J.R. 247(a).

In (a), deleted "1.2 and" preceding "1.3"; in the introductory paragraph of (b), inserted "10:122C," and inserted a comma following "10:122D"; and in (b), deleted definitions "Contract agency" and "Foster home".

### 10:122B-1.4 Service limitations

(a) The Division shall provide needed services within the limits of legislative appropriations to all eligible children in placement 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