

CHAPTER 124**MANUAL OF STANDARDS FOR CHILDREN'S
SHELTER FACILITIES AND HOMES****Authority**

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

Source and Effective Date

R.2003 d.196, effective April 21, 2003.
See: 34 N.J.R. 4309(a), 35 N.J.R. 2181(a).

Chapter Expiration Date

Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, expires on April 21, 2008.

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: 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
4. A pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes.

“Manual of Standards for Children’s Shelter Facilities and Homes” or “Manual of Standards” means the rules and regulations promulgated in this chapter, which shall constitute minimum requirements for children’s shelter facilities and homes.

“Parent” means a parent, guardian, or any other person having responsibility for, or custody of, a child.

"Person" means any individual, agency, corporation, company, association, organization, society, firm, partnership, joint stock company, the State or any political subdivision thereof.

"Shall" denotes a provision of this chapter that a children's shelter facility or home must meet before approval is granted by the Bureau.

"Staff member" means any person employed by or working for or with a children's shelter facility on a regularly scheduled basis. This shall include full-time, part-time, voluntary and substitute staff, whether paid or unpaid.

Amended by R.1987 d.504, effective December 7, 1987.

See: 19 N.J.R. 1394(a), 19 N.J.R. 2300(a).

Added definition "Juvenile-family crisis".

Notice of correction: Deleted "or juvenile-family in crisis home coordinator" from "children's shelter home coordinator" definition and added to "children's shelter home" or "shelter home".

See: 20 N.J.R. 3169(d), 21 N.J.R. 162(b).

10:124-1.3 Population served by shelter facilities and homes

(a) A shelter facility or home provides care for children who are:

1. Abused; and/or
2. Abandoned; and/or
3. Dependent; and/or
4. Neglected; and/or
5. In need of temporary emergency care; and/or
6. Runaways or otherwise in need of temporary care; and/or
7. Charged as a juvenile delinquent, pursuant to State law, and who would not be a threat to the physical, social or emotional well-being of the other children at the shelter facility or home.

Amended by R.1987 d.504, effective December 7, 1987.

See: 19 N.J.R. 1394(a), 19 N.J.R. 2300(a).

Repealed old (a)6 and inserted new text.

Correction: Deleted text in (a)7 "but who would ... to accept custody,".

10:124-1.4 Capacity and location of shelter facilities and homes

(a) Capacity:

1. Shelter facility: A facility which provides care for a minimum of six and a maximum of 25 children. However, a shelter facility established after the effective date of this chapter shall not exceed a maximum capacity of 12 children, unless approved by the Division.

2. Shelter home: A home which provides care for a maximum of five children, including the shelter home parent's children.

3. The Bureau may restrict new admissions to a shelter facility or home upon a determination that the shelter facility or home is regularly over the maximum number of children that the facility or home has been approved by the Bureau to serve.

(b) Location: A shelter facility or home shall:

1. Be within easy access to community schools and programs and transportation resources; and
2. Not be part of a detention, jail or other lock-up facility.

Amended by R.1987 d.504, effective December 7, 1987.

See: 19 N.J.R. 1394(a), 19 N.J.R. 2300(a).

Added (a)3.

10:124-1.5 Approval requirements

(a) A shelter facility or home shall obtain approval from the Bureau pursuant to the legal authority specified in N.J.A.C. 10:124-1.1(b) and (c) prior to establishment or operation.

(b) The Bureau shall conduct an annual on-site physical facility and a biennial comprehensive programmatic inspection of a shelter facility and a biennial comprehensive programmatic inspection of a shelter home to determine compliance with this chapter.

(c) If a shelter facility or home meets all applicable provisions of this chapter, the Bureau shall issue a letter of approval.

(d) The Bureau shall provide notice if a letter of approval shall not be issued.

(e) If the Bureau determines that a shelter facility or home is in substantial compliance with all applicable provisions of this chapter, providing that no serious or imminent hazard affecting the children exists, the Bureau may issue a letter of temporary approval.

(f) When a letter of temporary approval is issued, the Bureau shall provide a written statement explaining what the shelter facility or home must do to achieve full compliance.

(g) A letter of temporary approval may be issued for a period not to exceed six months. The Bureau may issue as many temporary approvals as it deems necessary; however, a shelter facility or home shall not operate pursuant to temporary approvals for more than 12 months.

(h) Each approval period, which may include the issuance of one or more letters of temporary approval and/or one letter of approval, shall be two years.

1. In determining the expiration date of the first letter of approval, the Bureau shall compute the two year period from the date of issuance of the first letter of approval or temporary approval.

2. In determining the expiration date of a renewed approval, the Bureau shall compute the two-year approval period from the date on which the shelter facility's or home's previous letter of approval expired.

(i) The letter of approval or temporary approval shall be kept on file at the shelter facility or at the offices of the shelter home coordinator.

(j) An authorized representative of the Bureau may at any time make an announced or unannounced visit and inspect the shelter facility or home and/or review files, reports or records to determine its compliance with this chapter and/or to investigate a complaint.

(k) A shelter facility or home's approval may be denied or revoked for any activity, policy or conduct that presents a serious or imminent hazard to the health, safety and well-being of a child or that otherwise demonstrates unfitness or inability to operate shelter facility or home.

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 (g) and (h), old (g)-(i) renumbered (h)-(k).

10:124-1.6 Administrative hearings

(a) To effectuate the purposes of this chapter, the Bureau may initiate an administrative hearing in the interest of justice.

(b) When the Bureau proposes not to approve or not to continue approval of a shelter facility or home, the Bureau shall afford the shelter facility or home notice and opportunity for an administrative hearing.

(c) All administrative hearings shall be conducted pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.) and the Uniform Administrative Procedure Rules of Practice (N.J.A.C. 1:1).

10:124-1.7 Public access to Bureau records for children's shelter facilities and homes

(a) Files of shelter facilities and homes maintained by the Bureau are public records and shall be readily accessible for examination by any person, under the direction and supervision of the Bureau, except when public access to records is restricted in keeping with the State Public Records Law or other appropriate statutes.

(b) The Bureau shall establish policies governing the review by the public of shelter facility and/or home records.

SUBCHAPTER 2. ADMINISTRATION

10:124-2.1 Statement of purpose

A shelter facility of a shelter home coordinator shall maintain on file a written statement of purpose for the shelter facility or home(s). The statement of purpose shall be reviewed by the shelter facility staff members or shelter home parents and shall include a description of policies, purpose(s), objectives, services offered, eligibility requirements and financial agreements for the care and treatment of children, in accordance with provisions of this chapter.

10:124-2.2 Intake and admissions procedures

(a) Each child placed in a shelter facility or home shall receive a medical examination within 72 hours of placement, unless the child received a medical examination within 30 days prior to placement and a written copy of the results of such examination is provided and kept on file. However, when the shelter facility or shelter home parent suspects that a child is ill or carrying a contagious disease, she/he shall be examined immediately upon admission.

(b) A physician shall perform the medical examination given to a child within 30 days prior to placement and either a physician or nurse shall perform the medical examination given immediately upon admission or within 72 hours of placement. If the examination is performed by a nurse, the child shall receive a medical examination performed by a physician within 10 days following admission.

(c) Upon the child's admission, the shelter facility or the shelter home coordinator shall obtain pertinent factual and identifying information including, as a minimum, the following:

1. Child's name (and nicknames), gender, date of birth, religion and race;
2. Name, address, phone number and relationship to the child of the person(s) with whom the child was living at the time of admission;
3. Name, address, phone number of the father, mother, foster parent(s) or legal guardian(s), if different from above;
4. Name, address and phone number of the person to notify in an emergency;
5. Names of siblings, their ages, and gender;
6. School attended, grade level and employer, if any;
7. Name, address and phone number of the person bringing the child to the shelter facility or home;
8. Name of the placing agency, if any;

9. Reason for placement of the child;
10. Date(s) and length of stay of previous admissions and releases, if any;
11. Child's medical history, chronic conditions, past serious illnesses, allergies, special diet.

(d) Following admission to a shelter facility or home, each child shall be:

1. Given/take a bath or shower;
2. Provided with clean clothing;
3. Given a secure place to store valuables;
4. Informed of house rules and regulations; and
5. Informed of fire exits and evacuation procedures.

10:124-2.3 Reporting requirements

(a) The shelter facility or shelter home coordinator shall notify the Bureau within 24 hours after any of the following changes and events:

1. Unanticipated temporary or permanent closing of a shelter facility or home;
2. Legal action against a shelter facility/staff member or shelter home/shelter home parent which involves or affects any child or the operation of the shelter facility or home;
3. Damage to the premises of the shelter facility or home caused by fire, accident or the elements; or
4. Injury requiring hospitalization or action(s) resulting in the death of a child which occurred while the child was on the premises of the shelter facility or home or while in the care of shelter facility staff member(s) or shelter home parent(s).

(b) The shelter facility or shelter home coordinator shall notify the Bureau in writing at least 30 days prior to any of the following proposed changes and events:

1. Anticipated temporary or permanent closing or relocation of the shelter facility or home for any reason;
2. Name or administration of the shelter facility;
3. Administrative staff member(s) of the shelter facility; or
4. Proposed change in the capacity of the shelter facility or home.

(c) A shelter facility or home shall notify the Division immediately if it is believed that a child has been or is being abused or neglected by staff, residents or any other person, as required by the Child Abuse and Neglect Law (N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14). Copies of the law and information about it are available from the Division, upon request.

10:124-2.4 Records

(a) General requirements for shelter facilities and homes:

1. Records required to be maintained by the shelter facility or home pursuant to this chapter shall be kept on file at the shelter facility or at the shelter home coordinator's office.

2. Records shall be open for inspection by an authorized representative of the Bureau.

3. The shelter facility or shelter home coordinator shall ensure the confidentiality of records, in accordance with State law.

(b) Children's records for shelter facilities and homes: The shelter facility or shelter home coordinator shall keep on file a written record for each child, which shall be retained for at least one year following the discharge of the child. The record shall include:

1. Identifying information, as specified in N.J.A.C. 10:124-2.2(c);
2. Health information, as specified in N.J.A.C. 10:124-2.2(a) and (c)11; and
3. Educational documentation, as specified in N.J.A.C. 10:124-4.5(e); and
4. Documentation regarding the opening of a child's mail at a shelter facility, as specified in N.J.A.C. 10:124-4.13(c).

(c) Staff records for shelter facilities:

1. The shelter facility shall keep on file a written record of every staff member working at the shelter facility.

2. Staff records shall be retained for at least one year following a staff member's separation.

3. Staff records shall include the following information:

- i. Name, address, and telephone number;
- ii. Qualifications and references;
- iii. Medical information, as specified in N.J.A.C. 10:124-3.2;
- iv. Dates of employment and prior work history; and
- v. If terminated, date and reason.

(d) Administrative records for shelter facilities: Every shelter facility shall keep on file for at least one year the following written records:

1. A statement of purpose, as specified in N.J.A.C. 10:124-2.1;

2. A copy of the shelter facility's insurance coverage including:
 - i. Comprehensive liability insurance; and
 - ii. Fire insurance.
 3. Transportation records, if the shelter facility provides transportation, as specified in N.J.A.C. 10:124-6.4;
 4. A record of the performance of required twice monthly fire/evacuation drills, as specified in N.J.A.C. 10:124-5.4(d);
 5. A current copy of this chapter (Manual of Standards);
 6. Staff members' work schedules and time sheets;
 7. A record of in-service training programs for staff members, as specified in N.J.A.C. 10:124-3.6(b);
 8. A shift log book, which allows every staff member to comment on the activities of his/her working shift on a daily basis;
 9. A medication log book, as specified in N.J.A.C. 10:124-4.1(d);
 10. A record of signed parental consent or a record of the attempt to obtain such consent when a child is in need of medical or surgical care;
 11. A record of policies and procedures regarding discipline and control, as specified in N.J.A.C. 10:124-4.11(a);
 12. A record of all incidents/accidents, recorded on an incident/accident report form, explaining all details of the incident/accident and any action(s) taken by the staff/administration;
 13. A record of a listing of approved visitors for each child, as specified in N.J.A.C. 10:124-4.12(c);
 14. A record of the health procedures, as specified in N.J.A.C. 10:124-4.1(a);
 15. A record of scheduled recreational activities, as specified in N.J.A.C. 10:124-4.7(a).
 16. A record of menus of food served to the children for a period of not less than the past 30 days;
 17. A record of signed parental consent for a child participating in fund raising, publicity, photographing and audio or audiovisual activities related to the shelter facility; and
 18. A list of the current membership of the governing body/citizens board, as specified in N.J.A.C. 10:124-3.7(d).
- (e) Shelter home coordinator administrative records: The shelter home coordinator shall keep on file for at least one year the following:
1. A written record of each shelter home parent including the following information:
 - i. Application to provide shelter home care that shall include:
 - (1) Identifying and background information for all members of the household;
 - (2) Three personal references for the shelter home parent(s);
 - (3) A physician's statement attesting to the satisfactory physical and emotional health of all members of the household; and
 - (4) Evidence of a police check for all adult members of the household; and
 - ii. If terminated or inactive, the date and reason;
 - iii. The shelter home parent records in (e)1i and ii above shall be retained for at least one year following a shelter home parent's separation.
 2. A current copy of this chapter (Manual of Standards);
 3. A record of the health procedures, as specified in N.J.A.C. 10:124-4.1(a); and
 4. A record of signed parental consent for a child participating in fund raising, publicity, photographing and audio or audiovisual activities related to a shelter home.

SUBCHAPTER 3. STAFF REQUIREMENTS

10:124-3.1 Basic information

(a) Every shelter facility staff member, shelter home coordinator and shelter home parent shall:

1. Be at least 18 years of age;
2. Be of good character and reputation;
3. Respect and understand children and be sensitive to and capable of meeting their needs;
4. Have a capacity to work and confer with professionals, consultants, parents and community groups;
5. Make a full disclosure of his/her background, experience, previous work, schooling, and arrests and convictions, if any; and
6. Be in satisfactory physical, mental and emotional health to perform his/her job duties satisfactorily.

(b) A shelter facility staff member, shelter home coordinator or shelter home parent's following action(s) shall constitute grounds for possible suspension or termination from the job:

1. Failure to comply with the requirements stated in (a) above;
2. Failure to fulfill the responsibilities and duties of his/her position; and/or
3. Evidence of conviction for a crime of violence, moral turpitude and/or child abuse, neglect or exploitation.

(c) Every shelter facility shall have:

1. An administrator who shall be responsible for the actual operation and management of the shelter facility. She/he shall also designate staff to be in charge at all times during his/her absence;
2. A social service worker, who shall be responsible for developing and implementing the shelter facilities' social service program;
3. Licensed medical, licensed dental and psychological personnel on either a staff or consultation basis, including community providers, who shall be responsible for insuring that the medical, dental and psychological needs of the children are met;
4. Child care workers who shall be responsible for providing daily care and supervision of the children. Child care workers shall not be guards and shall be oriented and trained to work with children in a non-coercive manner;
5. A staff member designated to direct and be responsible for providing food services. If the staff member is not a registered dietician, the shelter shall arrange to receive consultation from a registered dietician, who shall approve the menus; and
6. Staff who shall be responsible for conducting everyday housekeeping and maintenance functions.

(d) A shelter facility may utilize volunteers and/or college students provided that the following requirements are met:

1. Volunteers and/or college students shall be aware of and have input into the service plan for children they are working with directly and be briefed fully on any special needs or problems they might encounter in working with these children on a continuing basis;
2. A volunteer and/or college student may serve in a staff position provided that she/he:
 - i. Meets the qualification for the position;
 - ii. Signs a statement agreeing to meet and perform the specific duties and responsibilities of the position; and
 - iii. Has the time necessary to serve in the position on a regular basis.

10:124-3.2 Health requirements for shelter facility staff

(a) Tuberculin testing requirements:

1. Prior to or upon working for or with a shelter facility, each staff member who comes in contact with the children for at least one full day a week shall take a Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin and submit to the shelter facility written proof of the results of the test.
2. If the Mantoux tuberculin test result is insignificant (0 to 9 mm of induration), no further testing shall be required. The Bureau of shelter facility shall have the authority at any time in the future to require a staff member to retake the Mantoux tuberculin test, if there is reason to believe or suspect that the staff member may have contracted tuberculosis.
3. If the Mantoux tuberculin skin test results in significant (10 or more mm of induration), the individual shall take a chest x-ray. If the chest x-ray shows significant results, the staff member may not come in contact with the children unless she/he submits to the shelter facility a written statement from a physician certifying that she/he poses no threat to tuberculosis contagion.
4. Any staff member who fails to submit to or to receive satisfactory results from the tuberculin testing requirements, as described in (a)1 through 3 above, shall be prohibited from having contact with the children at the shelter facility.

(b) Prior to working for or with a shelter facility, and at least once every three years thereafter, each staff member who comes in contact with the children for at least the equivalent of one full day a week shall submit a written statement from a physician that she/he is in good health and free from chronic or recurrent communicable disease. The initial statement shall be based on an examination conducted within the six months immediately preceding such person's association with the shelter facility.

(c) Any staff member who, upon examination, shows indication of a physical, emotional or mental condition that could be hazardous to a child, other staff or self or that would otherwise prevent satisfactory performance of duties shall not be assigned or returned to a position until the condition is alleviated to the satisfaction of the examining physician and the administrator.

10:124-3.3 Qualifications for shelter facility staff

(a) Administrator: The administrator of the shelter facility shall:

1. Have a bachelor's degree from an accredited college or university and three years of professional experience in the human services field, one year of which shall have been a supervisory, administrative or clinical position; or

2. Have a master's degree from an accredited graduate school in one of the areas of study in the human services field, and two years of professional experience in the human services field, one year of which shall have been in a supervisory or administrative position; or

3. If applicable, meet the civil service requirements for the position.

(b) Social service staff: All social service workers of a shelter facility shall:

1. Have a bachelor's degree in social work or a related field from an accredited college or university and one year of professional experience in the human services field; or

2. Have a master's degree in social work or a related field from an accredited graduate school; or

3. If applicable, meet the civil service requirements for the position.

(c) Child care staff: All child care workers of a shelter facility shall:

1. Have a bachelor's or associate degree from an accredited college or university; or

2. Have a high school or high school equivalency diploma and one year of work experience involving the supervision of children in the human services field; or

3. If applicable, meet the civil service requirements for the position.

10:124-3.4 Qualifications for shelter home coordinator and shelter home parent

(a) Shelter home coordinator: The shelter home coordinator shall:

1. Have a bachelor's degree in the human services field from an accredited college or university and one year of professional experience in the human services field; or

2. Have a master's degree in the human services field from an accredited graduate school; or

3. If applicable, meet the civil service requirements for the position.

(b) Shelter home parent: A shelter home parent shall:

1. Be financially able to provide food, shelter and clothing for the shelter home family;

2. Be positively motivated to provide shelter home care;

3. Possess a realistic understanding of the positive and negative aspects of being a shelter home parent;

4. Have the ability and willingness to work cooperatively with the shelter home coordinator and the Bureau; and

5. Have the ability and willingness to maintain confidentiality regarding a shelter home child and his/her family.

10:124-3.5 Staff/child ratios for shelter facilities

(a) A minimum of two staff members shall be on duty at the shelter facility when children are present, except during sleeping hours when the shelter facility shall meet the requirements as specified in (b)1ii below.

(b) Each shelter facility shall provide minimum staff/child ratios based on the number of children in residence at the shelter facility as stated below:

1. Child care:

i. During waking hours, the child care staff/child ratios shall be as follows:

Child care staff	Number of children
1	Up to 8
2	9-14
3	15-20
4	21-25

ii. During sleeping hours, shelter facilities with an average daily population of three or fewer children shall have a minimum of one awake child care worker on duty. Shelter facilities with an average daily population of more than three children shall have a minimum of two child care workers, one of whom shall be awake and responsible for the supervision of the children.

2. Social services:

i. There shall be a minimum of one social service worker at the shelter facility.

ii. Shelter facilities with a capacity of 12 or fewer children may provide for social services on a part-time basis. The total of social services hours provided shall amount to not less than 20 hours of service per week.

iii. In shelter facilities with a capacity of 12 or fewer children, the administrator may serve as a part-time social service worker providing s/he possesses the qualification for the position.

10:124-3.6 Staff development and evaluation for shelter facilities

(a) The shelter facility shall have a written annual evaluation for each staff member.

(b) The shelter facility shall have continuing in-service training programs for all staff members. A record of such programs shall be kept on file.

(c) Upon employment, every staff member shall be instructed in all emergency procedures, administrative procedures and the shelter facility's service program.

(d) The shelter facility shall insure that every new staff member is accompanied on his/her duties by an experienced staff member(s) as part of an orientation program.

10:124-3.7 Governing body/citizens board for shelter facilities

(a) Every shelter facility shall have a governing body/citizens board which shall either:

1. Be responsible for and have authority over the policies and operation of the shelter facility; or
2. Provide advice and counsel to the shelter facility on the policies and operation of the shelter facility.

(b) A shelter facility member shall not serve as a voting member of the governing body/citizens board for that shelter facility.

(c) Every governing body/citizens board shall meet at least twice a year.

(d) The shelter facility shall keep on file a list of the current membership of the governing body/citizens board.

SUBCHAPTER 4. PROGRAM REQUIREMENTS

10:124-4.1 Health

(a) The shelter facility or shelter home coordinator shall prepare and implement written procedures for medical and dental health services and psychological/psychiatric services, as needed, for all children in care.

(b) The shelter facility or shelter home shall have immediate access to the services of licensed physicians and nurses on a 24-hour, seven-days-a-week basis to insure that general health services are provided.

(c) Prescription medication shall be administered to a child by shelter facility staff members or shelter home parents only when authorized by a physician.

(d) When any medication is administered to a child at a shelter facility, an entry shall be made in a medication log book, which shall contain the following information:

1. Name of child receiving medication, whether prescription (including psychotropic medication) or non-prescription;
2. Type of medication, dosage and intervals between dosages;
3. Reason for medication;
4. Time medication was administered;
5. Signature and title of staff member dispensing medication; and

6. Name of authorizing physician for prescription medication. (e) When serious accidents or illnesses occur to a child, the shelter facility or shelter home parent shall take the necessary emergency action and the shelter facility or shelter home coordinator shall notify the parent(s) immediately.

(f) For children who are unable to provide for their own personal care and hygiene, the shelter facility or shelter home parent shall properly bathe, groom and provide other necessary health and personal hygiene services to meet their needs.

(g) The shelter facility or shelter home parent shall insure that the children receive training in good habits of personal care, hygiene, and grooming appropriate to their age and gender.

(h) The shelter facility or home shall provide personal hygiene items for all children.

(i) The shelter facility shall insure that medical supplies, including prescription and non-prescription medication are kept under lock and key and all outdated stocks and prescriptions no longer in use shall be disposed of safely.

10:124-4.2 Clothing and personal belongings

(a) The shelter facility or shelter home coordinator shall insure that each child in care has adequate, clean, well-fitting and attractive clothing as required for health, comfort and physical well-being and as appropriate to age, gender, individual needs, community standards and season.

(b) The shelter facility or home shall insure that each child's clothing is kept clean and in good repair.

(c) The shelter facility or home shall insure that provisions are made for the protection of each child's personal property.

10:124-4.3 Food and nutrition requirements for shelter facilities and homes

(a) The shelter facility or home shall provide or arrange for the provision of three nutritious meals a day (breakfast, lunch and dinner) and snacks from food that is selected, stored, prepared and served in a sanitary and palatable manner.

(b) The shelter facility or home shall not force-feed or otherwise coerce a child to eat against his/her will, except by order of a physician.

(c) Each meal shall contain a sufficient amount of food for every child; children shall be permitted to have additional serving(s), as needed.

(d) Individualized diets and feeding schedules that are submitted to the shelter facility or home by the child's physician(s) shall be followed.

10:124-4.4 Rest, bedroom and sleep**(a) Space requirements for shelter facilities:**

1. Any bedroom containing a single bed occupied by one child shall provide a minimum of 70 square feet of floor space, including space that is occupied by furniture.

2. Any bedroom containing single beds and occupied by more than one child shall provide a minimum of 70 square feet of floor space for the first child and 50 square feet of floor space for each additional child, including space that is occupied by furniture.

3. Any bedroom containing bunk beds or any combination of single beds and bunk beds shall provide 50 square feet of floor space for each child, including space that is occupied by furniture.

4. In addition to the minimum square feet of floor space, as stated in (a)1 through 3 above, any bedroom shall not be less than seven feet in any dimension.

5. Any bedroom used by a child shall provide a minimum ceiling height of seven feet and six inches.

(b) General requirements for shelter facilities and homes:

1. Every child shall be provided with a standard household bed or crib, as age appropriate, in sanitary condition.

2. Every set of bunk beds shall be limited to two in height.

3. Every bed or crib shall be equipped with a firm, sanitary washable mattress and waterproof mattress cover.

4. Every child shall be provided with sanitary bed linens that are changed weekly and a blanket or other suitable covering that is cleaned or replaced, as necessary.

5. Two or more children shall not share the same bed.

6. Children, other than infants, shall not share the same bedroom with an adult.

7. A child shall not sleep on the same bed or crib that another child has occupied unless the bed linen is changed.

8. Children five years of age or over shall occupy a bedroom only with a member(s) of the same gender.

9. Any bedroom occupied by children shall have natural light and ventilation provided by one or more windows opening directly to the exterior.

10. An unfinished attic or basement shall not be used for sleeping purposes.

11. All rooms used as bedrooms shall not be used for any other purpose.

12. Each child shall be provided with a chest of drawers or some other permanent arrangements for storage of clothing and other personal belongings, including closet space or the equivalent.

13. Children under the age of five years shall be provided with a separate sleeping room from children five years of age and older.

10:124-4.5 Education

(a) The shelter facility shall insure that each school-age child in care for two weeks or longer receives a minimum educational program provided by the child's school district of residence, pursuant to N.J.S.A. 18A:10-1 and N.J.S.A. 18:11-1 et seq.

(b) The shelter facility administrator shall enforce each child's right to perceive an appropriate free education, in accordance with State education law.

(c) The shelter home coordinator shall insure that each school-age child in a shelter home receives a minimum educational program to which each child is entitled, pursuant to N.J.S.A. 30:4C-26(c) and N.J.S.A. 18A:7B-12(a).

(d) The shelter facility administrator or shelter home coordinator shall seek to have each school-age child who has been admitted to the shelter facility or home returned to classroom instruction in a public school. If such return is not possible or feasible in the judgement of the shelter facility administrator or shelter home coordinator, application shall be made to the chief school administrator of the child's school district of residence for the provision of home instruction for the child at the shelter facility or home, in accordance with State education law and regulations.

(e) The shelter facility administrator or shelter home coordinator shall document in writing and maintain on file efforts taken to insure that each school-age child receives a minimum educational program, in accordance with State education law and regulations.

(f) For children who are not attending school, the shelter facility administrator or shelter home coordinator shall insure that supervision and alternate programming/activities are provided during school hours.

10:124-4.6 Social services requirements for shelter facilities

(a) The shelter facility shall have a social services program that includes such services as:

1. Individual and/or group counseling;
2. Coordination of contacts between the child and his/her family; and
3. Liaison services with community provider agencies.

2. For shelter facilities or homes that are planning to construct a new building, the shelter facility or home shall submit to the Bureau:

i. Preliminary architectural drawings for review and comment prior to beginning construction; and

ii. If applicable, revised architectural or final drawings containing all required items listed in the preliminary plan review for final approval as in compliance with this chapter from the Bureau before the shelter facility or home can open.

3. For buildings constructed after the adoption of the NJUCC (1977) and that have not had major alterations or renovations since receipt of the CO, the shelter facility or home shall obtain the CO that reflects the appropriate use group classification issued by the municipality in which it is located at the time the building was originally constructed or approved. This shelter facility or home shall submit a copy of the building's CO to the Bureau.

4. For existing buildings, whose use prior to the adoption of the NJUCC (before 1977) was and continues to be for a shelter facility or home and that have not had major alterations or renovations, the shelter facility or home shall obtain a Certificate of Continued Occupancy (CCO) or a letter to this effect, issued by the municipality in which it is located, reflecting the building's compliance with provisions of the municipality's construction code requirements that were in effect at the time it was originally constructed or converted for use as a shelter facility or home. The shelter facility or home shall submit a copy of the building's CCO or letter reflecting the building's compliance to the Bureau.

5. The shelter facility or home shall obtain a new CO or CCO issued by the municipality in which it is located, reflecting the building's compliance with provisions of the applicable NJUCC use group classification, and submit a copy of the new CO or CCO to the Bureau whenever it takes any of the following actions:

i. Changes the building's use group classification to one other than the one prescribed on its original CO;

ii. Makes a major alteration or renovation, as defined by the NJUCC, of the building or premises where the shelter facility or home is located;

iii. Increases the floor area or the number of stories to the building or premises where the shelter facility or home is located; or

iv. Relocates to another site.

6. Whenever a municipality grants a shelter facility or home a written variation from any of the requirements of the NJUCC, the Bureau of Licensing of the Division of Youth and Family Services may accept such variations as meeting the requirements of this chapter.

i. When the Bureau does not accept the variation, the non-acceptance shall be based on the best interests of the residents of the shelter, and shall include consideration for their health and safety.

ii. Should the facility or home disagree with the Bureau, the facility or home may seek a hearing in accordance with N.J.A.C. 10:124-1.6 and the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1, as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) An applicant seeking an initial approval, as specified in N.J.A.C. 10:124-1.5, to operate a shelter facility shall comply with all applicable provisions of the New Jersey Uniform Fire Code, as specified in N.J.A.C. 5:18, 18A and 18B and hereinafter referred to as the NJUFC. The shelter facility shall obtain the building's fire safety inspection certificate issued by the municipality in which it is located, based on a fire inspection conducted within the preceding 12 months, reflecting the shelter facility's compliance with all applicable provisions of the NJUFC. The shelter facility shall submit a copy of the building's fire safety inspection certificate to the Bureau.

(c) An applicant seeking an initial approval, as specified in N.J.A.C. 10:124-1.5, to operate a shelter facility shall comply with all applicable provisions of the State Sanitary Code, as specified in N.J.A.C. 8:24. The shelter facility shall obtain a certificate or statement of satisfactory health approval issued by the applicable municipal, county or State health agency, based on a health inspection conducted within the preceding 12 months, certifying that the shelter facility complies with applicable provisions of local, county and State health codes and poses no health hazard to the children served. The shelter facility shall submit a copy of the certificate or statement of satisfactory health approval to the Bureau.

(d) An applicant seeking the renewal of a certificate of approval to continue operating a shelter facility shall obtain and submit to the Bureau, copies of:

1. A current fire safety inspection certificate for the building; and

2. A current certificate or statement of satisfactory health approval for the shelter facility.

Amended by R.1992 d.485, effective December 7, 1992.

See: 24 N.J.R. 3089(a), 24 N.J.R. 4387(a).

Requirements amended to conform to N.J.U.C.C. and N.J.S.A. 52:27D-123.1.

Amended by R.1993 d.156, effective April 5, 1993.

See: 24 N.J.R. 4482(a), 25 N.J.R. 1515(b).

New (a)6 establishes that the Bureau of Licensing of DYFS may accept or reject a municipalities grant of variation to the NJUCC.

10:124-5.2 State government physical facility requirements for shelter facilities

(a) All shelter facilities shall be inspected by the Bureau prior to receipt of an initial and/or subsequent approval to

insure that the building has been maintained in accordance with the requirements specified in (b) through (q) below.

(b) Shelter facilities shall be classified according to the type of construction designated by the UCC.

(c) Limitations on the use of upper and lower levels:

1. Non-ambulatory children shall not have bedrooms above or below the first floor.

2. In NJUCC-designated buildings of Type 4 and Type 5A construction, children shall not be permitted above the third floor unless the building meets all the applicable provisions of the NJUFC and the NJUCC.

3. In NJUCC-designated buildings of Type 5B construction, children shall not be permitted above the second floor unless the building meets all the applicable provisions of the NJUFC and the NJUCC.

(d) Exit requirements:

i. Shelter facility exits shall be maintained in proper operating condition and comply with all the applicable provisions in the NJUCC and the NJUFC.

2. Doors:

i. Shelter facility doors shall be maintained in proper operating condition and comply with all the applicable provisions in the NJUCC and the NJUFC.

ii. Doors used for exits shall:

(1) Be unobstructed;

(2) Be unlocked from the inside of the building while children are at the shelter facility; and

(3) Swing outward when serving an occupant load of more than 50.

iii. Bathroom and closet doors may be locked; however, locked doors shall be designed to permit opening from the outside and inside in case of emergency.

3. Stairways:

i. Stairways used for exits shall be unobstructed.

ii. Interior stairways:

(1) The maximum height of risers shall be seven inches, and the minimum width of tread shall be nine inches.

(2) Winding staircases shall not be counted for purposes of meeting the exit requirements of this chapter.

(3) A space below a stairway shall be enclosed with a one hour fire-rated material.

iii. Exterior stairways:

(1) Exterior stairways conforming to the interior stairway requirements, as noted in (d)3ii above, shall be acceptable as required exits in facilities not exceeding five stories in height.

(2) Exterior stairways shall be constructed of non-combustible materials or of wood not less than two inches thick.

iv. Handrails and guardrails shall comply with all the applicable provisions contained in the NJUCC and the NJUFC.

4. Special requirements for shelter facilities serving nonambulatory children: The following special requirements shall be met by shelter facilities serving nonambulatory children:

i. A sufficient number of doors, corridors, ramps or walkways and landings shall be provided and be wide enough to permit their being used by children utilizing wheelchairs, braces, walkers or any other prosthetic equipment or devices.

ii. Ramps shall have a grade not greater than the equipment of one foot rise for every 12 feet of length. Handrails shall be provided on both sides of the ramps.

iii. Shelter facilities serving primarily children with physical limitations or handicaps or having a unit serving such children shall comply with the New Jersey Barrier Free Subcode (N.J.A.C. 5:23-7).

(e) Shelter facilities shall ensure that fire protection requirements, including those for boiler/furnace separation, electrical fire alarm systems, emergency lighting and exit signs conform to all applicable provisions of the NJUFC and NJUCC.

(f) Glass surfaces: All glass surfaces that are not safety glass and that are located in areas where there may be possible impact by the children shall have a protective guard.

(g) Electricity:

1. All electrical wiring and equipment shall comply with local or municipal requirements in effect at the time the structure first became a shelter facility and shall be maintained in operating condition.

2. Any new equipment and wiring installed in the shelter facility shall be in compliance with the Electrical Subcode of the UCC.

3. Upon request, the shelter facility shall provide the Bureau with a copy of an electrical inspection report based on an inspection conducted within the preceding 12 months. This report shall confirm that the electrical system is adequate and in compliance with the Electrical Subcode of the UCC.