

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; 2A:4A-20 et seq.

Source and Effective Date

R.1992 d.485, effective November 4, 1992.
See: 24 N.J.R. 3089(a), 24 N.J.R. 4387(a).

Executive Order No. 66(1978) Expiration Date

Chapter 124, Manual of Standards for Children's Shelter Facilities and Homes, expires on November 4, 1997.

Chapter Historical Note

This chapter formerly contained the rules entitled Standard for Shelters Accepting Juveniles Awaiting Court Disposition, which were filed February 20, 1974 as R.1974 d.45 and became effective February 28, 1974. See: 6 N.J.R. 116(c). Revisions were then filed and became effective July 30, 1975, as R.1975 d.219. See: 7 N.J.R. 265(a), 7 N.J.R. 419(b).

Chapter 130, formerly containing the Manual of Standards for Children's Shelters filed as R.1980 d.446, effective March 1, 1981, see: 12 N.J.R. 39(b), 12 N.J.R. 664(a), is being recodified as part of this rule, 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). This chapter expired July 19, 1987 pursuant to Executive Order 66(1978) and the new rules became effective December 7, 1987 as R.1987 d.504. See: 19 N.J.R. 1394(a), 19 N.J.R. 2300(a). Chapter 124 was readopted, in accordance with Executive Order No. 66(1978), as R.1992 d.485. See: Source and Effective Date.

See section annotations for additional rulemaking.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10:124-1.1 Legal authority
- 10:124-1.2 Definitions
- 10:124-1.3 Population served by shelter facilities and homes
- 10:124-1.4 Capacity and location of shelter facilities and homes
- 10:124-1.5 Approval requirements
- 10:124-1.6 Administrative hearings
- 10:124-1.7 Public access to Bureau records for children's shelter facilities and homes

SUBCHAPTER 2. ADMINISTRATION

- 10:124-2.1 Statement of purpose
- 10:124-2.2 Intake and admissions procedures
- 10:124-2.3 Reporting requirements
- 10:124-2.4 Records

SUBCHAPTER 3. STAFF REQUIREMENTS

- 10:124-3.1 Basic information
- 10:124-3.2 Health requirements for shelter facility staff
- 10:124-3.3 Qualifications for shelter facility staff
- 10:124-3.4 Qualifications for shelter home coordinator and shelter home parent
- 10:124-3.5 Staff/child ratios for shelter facilities
- 10:124-3.6 Staff development and evaluation for shelter facilities

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

SUBCHAPTER 4. PROGRAM REQUIREMENTS

- 10:124-4.1 Health
- 10:124-4.2 Clothing and personal belongings
- 10:124-4.3 Food and nutrition requirements for shelter facilities and homes
- 10:124-4.4 Rest, bedroom and sleep
- 10:124-4.5 Education
- 10:124-4.6 Social services requirements for shelter facilities
- 10:124-4.7 Recreation
- 10:124-4.8 Religion requirements for shelter facilities and homes
- 10:124-4.9 Work and employment
- 10:124-4.10 Routines and house rules for shelter facilities
- 10:124-4.11 Discipline and control
- 10:124-4.12 Visitation
- 10:124-4.13 Mail and telephone communications
- 10:124-4.14 Firearms/weapons prohibition
- 10:124-4.15 Search and seizure requirements for shelter facilities

SUBCHAPTER 5. PHYSICAL FACILITY AND LIFE-SAFETY REQUIREMENTS

- 10:124-5.1 Local government physical facility requirements for shelter facilities
- 10:124-5.2 State government physical facility requirements for shelter facilities
- 10:124-5.3 State government physical facility requirements for shelter homes
- 10:124-5.4 Life-safety requirements for shelter facilities and homes
- 10:124-5.5 Supplemental requirement

SUBCHAPTER 6. TRANSPORTATION REQUIREMENTS

- 10:124-6.1 Vehicle requirements
- 10:124-6.2 Driver requirements
- 10:124-6.3 Safety practices
- 10:124-6.4 Transportation records
- 10:124-6.5 Insurance
- 10:124-6.6 Special regulations

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.