

CHAPTER 122C
MANUAL OF REQUIREMENTS FOR
RESOURCE FAMILY PARENTS

Authority

N.J.S.A. 30:4C-4(h), 30:4C-26a and 30:4C-27.3 et seq.;
 and P.L. 2004, c.130

Source and Effective Date

R.2006 d.45, effective February 6, 2006.
 See: 37 N.J.R. 2807(a), 38 N.J.R. 969(a).

Chapter Expiration Date

Chapter 122C, Manual of Requirements for Resource Family Parents, expires on February 6, 2011.

Chapter Historical Note

Chapter 122C, Approval of Foster Homes, was adopted as R.1993 d.16, effective January 4, 1993 (operative July 1, 1993). See: 23 N.J.R. 3696(a), 25 N.J.R. 117(a).

Pursuant to Executive Order No. 66(1978), Chapter 122C, Approval of Foster Homes, was readopted as R.1998 d.72, effective December 31, 1997. See: 29 N.J.R. 4269(a), 30 N.J.R. 547(a).

Chapter 122C, Licensure of Foster Homes, was readopted as R.2003 d.259, effective June 9, 2003. See: 35 N.J.R. 521(a), 35 N.J.R. 2925(a).

Chapter 122C, Licensure of Foster Homes, was repealed, and Chapter 122C, Manual of Requirements for Resource Family Parents, was adopted as new rules by R.2006 d.45, effective February 6, 2006. See: Source and Effective Date.

Cross References

See N.J.A.C. 10:122E-3.2, Reasons for foster home closures.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:122C-1.1 Legal authority

(a) This chapter is promulgated pursuant to the Resource Family Parent Licensing Act, N.J.S.A. 30:4C-27.3 et seq., N.J.S.A. 30:4C-4(h) and N.J.S.A. 30:4C-26a.

(b) A person shall not provide resource family care to a child in placement unless the person is licensed by the Department.

(c) In order to be licensed, a person shall demonstrate to the satisfaction of the Department of Children and Families that he or she complies with all applicable provisions of this chapter.

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

In (c), substituted "Children and Families" for "Human Services".

10:122C-1.2 Scope

(a) A resource family parent who is subject to the provisions of this chapter shall include any person with whom a child in the care, custody or guardianship of the Division of Youth and Family Services is placed for resource family care, and any person with whom a child is placed by the Division for the purpose of adoption until said adoption is finalized.

(b) The resource family parent shall secure approval from the Department, or from an agency under contract with the Department, to provide one or more of the following services:

1. Regular foster care, in which care is provided for a child in need of temporary out-of-home placement for protective or other social services reasons;
2. Special Home Service Provider foster care, in which care is provided for a child who is medically fragile and in need of out-of-home placement;
3. Contract agency home care, which is directly supervised by a private agency under contract with the Department to provide services to children in need of out-of-home placement for protective or other social services reasons;
4. Kinship care, in which the resource family parent is not a parent of the child in placement but is related to the child through blood, marriage, civil union, domestic partnership, or adoption or is connected to the child or the child's parent by an established positive psychological or emotional relationship; and
5. Adoptive care, in which care is provided for a child placed by the Division of Youth and Family Services for the purpose of adoption by the resource family parent until said adoption is finalized.

(c) The provisions of this chapter shall not apply to a person who:

1. Operates a home that is licensed, approved or regulated pursuant to State law exclusively by the State Department of Health and Senior Services, the State Department of Education, the State Department of Corrections or any other New Jersey State agency;
2. Provides care exclusively for children under the auspices of the Division of Developmental Disabilities or the Division of Mental Health Services, both of the Department of Human Services; or
3. Operates a children's group home, treatment home, teaching family home, alternative care home, supervised transitional living home or shelter home that provides room, board, care, shelter or treatment services for children on a 24-hour-a-day basis.

Amended by R.2009 d.42, effective January 20, 2009 (operative April 1, 2009).

See: 40 N.J.R. 3557(a), 41 N.J.R. 612(a).

Deleted former (b)3, (b)4, and (b)7; recodified (b)5 and (b)6 as (b)3 and (b)4 and (b)8 as (b)5; and in (b)4, substituted "Kinship" for "Relative" and "or is connected to the child or the child's parent by an estab-

lished positive psychological or emotional relationship; and" for a semicolon at the end, and inserted ", civil union, domestic partnership,";

10:122C-1.3 Definitions

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

(b) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Case plan" means a specific plan developed for a child receiving services from the Department or another agency which defines and guides case activities to maintain or achieve an appropriate permanency goal.

"Caseworker" means a representative of the Division of Youth and Family Services or contract agency having supervision of a child in placement.

"Chapter" means the rules contained in the Manual of Requirements for Resource Family Parents, N.J.A.C. 10:122C. These provisions constitute minimum baseline requirements below which no home that is subject to the authority of N.J.S.A. 30:4C-27.3 et seq., N.J.S.A. 30:1-14 and N.J.S.A. 30:4C-4 is legally permitted to operate.

"Child in placement" means a child under the auspices of the Department who is placed in a resource family home because he or she cannot live with his or her own family due to neglect, abuse or other circumstances, or who is placed for the purpose of adoption, and who is either under 18 years of age or who meets the criteria set forth in N.J.S.A. 9:17B-2(f).

"Civil union" means the legally recognized union of two eligible individuals of the same sex, established pursuant to P.L. 2006 c. 103. Parties to a civil union shall receive the same benefits and protections and be subject to the same responsibilities as spouses in a marriage.

"Contract agency" means a private agency under contract with the Department to provide services that support children under the auspices of the Department who are in need of placement in a resource family home.

"Corporal punishment" means any type of physical punishment.

"Denial of a license" means the withholding by the Office of Licensing of an initial license for which the resource family parent applicant has applied.

"Department" means the New Jersey Department of Children and Families.

"Division" means the Division of Youth and Family Services, New Jersey Department of Children and Families.

"Domestic partnership" means a partnership established pursuant to N.J.S.A. 26:8A-4b and 4.1.