

CHAPTER 121B

IMPORTATION OF DEPENDENT CHILDREN

Authority

Unless otherwise expressly noted, all provisions of this chapter were adopted by the Director, Division of Public Welfare, pursuant to authority delegated at N.J.S.A. 9:7-1 et seq. and 30:4C-4.

Historical Note

This chapter was recodified from N.J.A.C. 10:103, May 15, 1980.

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SUBCHAPTER 1. BRINGING, SENDING OR RECEIVING OF DEPENDENT CHILDREN INTO THE STATE OF NEW JERSEY

10:121B-1.1 Legal basis

Statutory requirements with respect to the bringing of dependent children into the State of New Jersey (commonly referred to as "importation of children") are set forth in N.J.S.A. 9:7, as most recently amended by Chapter 86, Laws of 1956. The following rules and regulations are adopted under the authority of N.J.S.A. 9:7-1, as amended, in order to facilitate compliance with statutory requirements.

10:121B-1.2 Purpose of law; general provisions

(a) The basic purpose of the law is to establish financial responsibility for any dependent child brought into New Jersey for purposes of placement. Approval for such placement as provided by this law can only be secured when application is made by a public or private agency of any state accredited in such state for the placement of children or by any person whose home is approved by any such agency for the placement of a child.

(b) An approval when given under the conditions set forth in the statute and this Chapter limits the financial responsibility for the support of the child. In all other cases the person, agency or association bringing, sending or receiving a child into this State for the purposes of placement thereby assumes full financial responsibility for the child until age 18.

(c) The statute does not apply to children brought or received into New Jersey for purposes of placement in the home of a natural parent, parent by adoption or grandparent since they are legally liable under the laws of New Jersey for the support of the child. Similarly, the statute does not apply to placement in the home of a brother, sister, aunt, uncle or stepparent when prior to the placement it has been approved by the Commissioner of Institutions and Agencies.

(d) When approval is sought to the bringing or receiving of a child into New Jersey for purposes of adoption, there is a further requirement that the placement has been approved by an agency authorized to place children in New Jersey for purposes of adoption.

(e) Inquiries relating to the bringing, sending or receiving of a child into New Jersey should be addressed to the New Jersey State Board of Child Welfare, 163 West Hanover Street, Trenton, New Jersey 08625, which has been assigned responsibility for administration of the statutory provisions.

10:121B-1.3 Application

An application for the bringing, sending or receiving of a child into New Jersey shall be made in the form prescribed by the Department of Institutions and Agencies (Form CW14-66). The application form must be completed and signed by the agency, person or persons desiring to bring, send or receive the child into New Jersey. Applications and all other forms required, including copies of these rules and regulations, may be obtained from the central office or any district office of the New Jersey State Board of Child Welfare.

10:121B-1.4 Health certificate form

The health certificate must be in the form prescribed by the Department of Institutions and Agencies (Form CW14-67). Completion of the health certificate and signing by a physician is the responsibility of the agency, person or persons desiring to bring, send or receive the child into New Jersey.

10:121B-1.5 Social history of child

(a) The public or private agency applying for or sponsoring the bringing, sending or receiving of a child into New Jersey must provide a social history.

(b) Agencies in and out of the State which have been approved by the Department of Institutions and Agencies to make adoption placements are not required to file complete social histories. In such cases, these agencies may state that they have determined the child to be a fit subject for the desired placement in New Jersey, and that the necessary social history is available in their files if desired.

(c) The social history need not be in any prescribed form, but its content should be in substantial compliance with the outline prescribed by the Department of Institutions and Agencies.

10:121B-1.6 Indemnity bond

The indemnity bond must be in the form prescribed by the Department of Institutions and Agencies; must be in the amount of \$1,000, secured by a corporate surety; and must be filed in all cases, except as exemption is granted in this Chapter, before consent and approval to the bringing, sending or receiving of the child can be given. The applicant or applicants and the child named in the bond must be the same as those appearing on the application. The effectiveness of the indemnity bond must be maintained until the child reaches the age of 18, is adopted or is removed from the State; and upon the happening of any of these circumstances the bond will be cancelled.

10:121B-1.7 License or approval from other state

Whenever the state from which the child is being removed requires a license or approval for deportation as a matter of state law or policy, then such license or approval must be obtained as a supplement to the application. The obtaining of such license or approval is the responsibility of the applicant. Those states which require or grant licenses or approvals for deportation of children will be made known upon inquiry to the New Jersey State Board of Child Welfare.

10:121B-1.8 Blanket consents

The Commissioner of Institutions and Agencies is authorized to issue blanket consents and approvals to public or private agencies of other states, which are accredited in their respective states. Such blanket consents and approvals will be limited to agencies which send children into New Jersey from time to time for temporary placement incident to vacation or health care.

10:121B-1.9 Blanket indemnity bonds

The Commissioner of Institutions and Agencies is authorized to approve the filing of blanket indemnity bonds by accredited public or private agencies of other states which place children in New Jersey from time to time.

10:121B-1.10 Interstate agreements

The Commissioner of Institutions and Agencies is authorized to enter into agreements with public welfare departments or similar bodies of other states, which agreements may serve in lieu of the filing of an indemnity bond. Such agreements may also serve in lieu of other documents including formal consent.

10:121B-1.11 Maternity homes

(a) It is recognized that institutions in the nature of maternity homes which are located in the State of New Jersey are frequently called upon to provide service for persons whose normal place of residence or domicile is outside of the State. For the purpose of this Chapter, the term "maternity home" shall apply to charitable institutions established for the purpose of providing service for unmarried mothers during the period of confinement.

(b) In the administration of statutory requirements as set forth in N.J.S.A. 9:7, the following rules and regulations shall apply to maternity homes:

1. Regularly established maternity homes shall not be considered subject to such statutory requirements to the extent that they shall not be required to file indemnity bonds with respect to unmarried mothers under 18 who enter New Jersey from other states to receive services provided by such maternity homes. To the same extent, such maternity homes shall not be required to file indemnity bonds with respect to babies who are born to such unmarried mothers during the period of confinement at such maternity homes.

2. When any babies as described in paragraph 1 of this subsection, are made the subject of plans for placement in New Jersey in a home other than that established by the mother, such maternity homes, prior to the release of the baby for placement, shall assure that the persons or agencies arranging such placement comply with the terms of N.J.S.A. 9:7 to the same extent as required in the case of dependent children received into New Jersey by persons other than legally responsible relatives.

10:121B-1.12 Public appropriation to support

When a child is brought, sent or received into the State of New Jersey, and the immediate plan is that supervision, maintenance and support of the child will be assumed by a public agency supported by public funds appropriated by State, county or municipality, such acceptance of responsibility will be in lieu of any bond provision.

10:121B-1.13 Children on parole or probation

When a child on parole or probation is accepted into New Jersey under the terms of the Interstate Compact on Juveniles, or the Interstate Compact for the Supervision of Parolees and Probationers, such acceptance and entry into the State shall be deemed not subject to N.J.S.A. 9:7 and this Chapter, since responsibility for supervision is otherwise provided for.

10:121B-1.14 Approval of placement in homes of certain nonlegally responsible relatives

A brother, sister, aunt, uncle or stepparent may secure exemption from financial responsibility for a child brought, sent or received into New Jersey for placement in their

home by securing prior approval of the Commissioner of Institutions and Agencies upon review of the social and financial situation. In order to secure approval the forms for application, health certificate and social history as described in this Chapter will be utilized but no bond will be required.