

TITLE 10. HUMAN SERVICES

CHAPTER 122B.

RESOURCE CARE

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.

§ 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.

§ 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.

§ 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 imposition in the Public Notices section of the New Jersey Register.

§ 10:122B-1.5 Nondiscrimination

(a) Pursuant to 42 U.S.C. §671(a)(18), neither the Division nor a contract agency providing resource care services shall deny to any individual the opportunity to become a resource

parent on the basis of the race, color, or national origin of the individual or of the child involved; or delay or deny the placement of a child into resource care on the basis of the race, color, or national origin of the resource parent or child involved.

(b) Neither the Division nor any contract agency providing resource care services shall discriminate with regards to the licensing of a resource parent or to providing resource care in accordance with N.J.A.C. 10:122C-2.1(b)1, on the basis of age; disability; gender; religion; sexual orientation; parental status; or birth status, against:

1. Any person who requests information about becoming a resource parent;
2. A resource parent applicant;
3. A licensed resource parent;
4. A child needing placement in a resource home; or
5. A child placed in a resource home.

(c) Neither the Division nor any contract agency providing resource care services shall deny an individual the opportunity

to become a resource parent on the basis of marital, civil union, or domestic partnership status.

(d) When a couple lives together, both partners shall be considered to be resource parents who shall meet the standards contained in N.J.A.C. 10:122C.

§ 10:122B-1.6 Dispute resolution

Any person included in the scope of these rules, as specified in N.J.A.C. 10:122B-1.2(a), shall refer to N.J.A.C. 10:120A, Dispute Resolution, N.J.A.C. 10:120B, Hearings, and N.J.A.C. 10:122C-2.5 to determine if he or she has any opportunity available to resolve a dispute with the Division or a contract agency.

SUBCHAPTER 2. DEPARTMENT EMPLOYEES,
RELATIVES AND HOUSEHOLD MEMBERS AS
RESOURCE PARENTS

**§ 10:122B-2.1 Department employees and household members as
resource parents**

(a) For purposes of this subchapter only, "Department employee" means a person who is employed in, or has a work station at, any of the Department of Children and Families' offices, and anyone who has access to computerized or paper files, which contain client information, including those persons who are regarded as independent contractors for other purposes.

(b) A Department employee or a member of the Department employee's household can become a licensed resource parent

for a child under the Division's supervision only under the following circumstances:

1. A child needing resource care has a kinship connection to a relative or a family friend who is a Department employee or a member of the employee's household;

2. A Department employee or member of a Department employee's household was licensed as a resource parent prior to the Department employee being hired by the Department and at least one child placed by the Division continues to reside in the Department employee's home; or

3. A Department employee or member of the Department employee's household wants to adopt a child with special needs, as defined in N.J.A.C. 10:121-1.1.

(c) Prior to a Department employee or household member applying to be a licensed resource parent, the Department employee shall complete the approval process for an outside activity and receive approval by the Department's ethics liaison.

The approval by the ethics liaison becomes part of the Department employee's application to be a resource parent in accordance with N.J.A.C. 10:122C-2.1.

(d) The study of a Department employee's home shall be conducted by a Division representative assigned to an office where the Department employee has no connections, either personal or professional.

§ 10:122B-2.2 Relatives of an employee who have a separate household

(a) For the purpose of this subchapter, the term "relative" is defined as a person connected to a Department employee by blood, marriage, civil union, domestic partnership, or adoption.

(b) Any relative of a Department employee may apply and may be licensed to be a resource parent, as long as the relative lives in a separate household from the Department employee.

(c) Prior to a relative of a Department employee applying to be a licensed resource parent, the Department employee shall complete the approval process as stated in N.J.A.C. 10:122B-2.1(c) above.

(d) A Division representative of the office serving the geographic area in which the relative lives completes the home study unless the Department employee works in that office. In that situation, the Area Director assigns an office in an adjacent county to complete the home study, the placement, and the supervision of the placement.

(e) The Division representatives and Office of Licensing employees shall secure all records regarding the relative's home study and resource home, so that the Department employee has no access to them.

SUBCHAPTER 3. CRIMINAL HISTORY RECORDS

CHECKS

§ 10:122B-3.1 Criminal history records checks

(a) The Division representative or contract agency employee shall inform the resource parent applicant that fingerprints for State and Federal criminal history records checks must be taken, pursuant to N.J.S.A. 30:4C-26.8, for:

1. Each resource parent applicant and each adult household member; and
2. Each new adult household member who is new to the family, including each household member who reaches 18 years of age.

(b) The Division representative or contract agency employee shall also inform the resource parent applicant of the procedures for getting the fingerprints taken.

(c) The Division representative or contract agency employee shall obtain the results of the State and Federal criminal history records checks for each resource parent or applicant and adult household member after the fingerprints have been taken.

(d) Each Division representative and contract agency employee shall keep confidential all criminal history information obtained regarding the resource parent or applicant and each household member.

SUBCHAPTER 4. DIVISION AND CONTRACT AGENCY
RESPONSIBILITIES

**§ 10:122B-4.1 Division or contract agency responsibilities to a
resource parent**

(a) The Division representative or contract agency employee shall work with the resource parent to provide the child in placement with reasonable opportunities to attend religious activities and services in accordance with the child's preference and the wishes of the child's own parents.

(b) The Division representative or contract agency employee shall provide the resource parent with information on:

1. Nutrition;
2. Child health needs; and
3. Appropriate disciplinary practices.

(c) The Division representative or contract agency employee shall obtain the school transfer card promptly and give it to the resource parent if there is a need for the child to transfer to a different school upon placement with this resource parent.

(d) The Division representative or contract agency employee shall assist the resource parent to support and encourage the child in placement to engage in recreational and social activities appropriate to the age, interests and abilities of the child in placement.

(e) The Division representative or contract agency employee shall identify with the resource parent a child in placement's special transportation needs, if any, and how they will be met.

(f) The Division representative or contract agency employee shall provide the resource parent with a means of access to the Division on a 24-hour basis.

(g) The Division shall comply with the provisions of the agreement between the resource parent and the Division, including the system for payment of reimbursement.

(h) The Division representative or contract agency employee shall establish the resource parent's role in working with the parent to achieve the child's case goal. The Division representative or contract agency employee shall support the resource parent in fulfilling his or her role.

(i) The Division representative or contract agency employee shall inform the resource parent of the standards of confidentiality contained in N.J.S.A. 9:6-8.10a, 45 CFR 205.50 and N.J.A.C. 10:133G.

SUBCHAPTER 5. PROVISIONS RELATED TO
APPLICANTS AND RESOURCE PARENTS LICENSED
AND SUPERVISED BY THE DIVISION

§ 10:122B-5.1 Pre-service training

(a) The Division shall hold pre-service training on a monthly basis in various locations throughout the State.

1. The Division shall use a standardized pre-service training curriculum.

2. A Division representative may provide the pre-service training at the applicant's home if the resource parent applicant demonstrates a compelling need to receive the training in his or her home.

(b) A Division representative shall conduct the pre-service training program and shall utilize an experienced resource parent who is approved by the Division as a co-trainer, as resources permit.

(c) During the initial phase of the pre-service training, the Division representative shall provide information about the standards for becoming a resource parent, the home study process, the resource home resource needs of the Division, and the Division's policies and procedures related to resource care, as specified in this chapter, N.J.A.C. 10:122C, 10:122D, and 10:122E. The pre-service training shall include an explanation of:

1. The difference between the Division's foster care program and adoption program; and
2. The Division's requirements for becoming a resource parent, as outlined in N.J.A.C. 10:122C.

§ 10:122B-5.2 Reimbursement for resource parent applicant

(a) The resource parent applicant may request reimbursement of the cost of a physical examination necessary to provide the information required in N.J.A.C. 10:122C. The Division representative shall approve reimbursement at a rate determined by the Division, if the resource parent applicant's family has a verified income below 150 percent of the Federal Poverty Income Guidelines, as published in the Federal Register, and the examination is not available free of charge.

(b) The resource parent applicant may file for reimbursement for transportation, parking and babysitting costs incurred by the resource parent applicant, which are directly related to attendance at the pre-service training sessions. The resource parent applicant may file for reimbursement after completing the entire pre-service training program.

(c) The rates of reimbursement for the costs listed in (b) above are:

1. Car mileage at \$.31 per mile for travel to and from the training site;
2. The cost of bus or train fare, with a receipt;
3. The cost of a taxi, if no other means of transportation is available, with a receipt;
4. The cost of parking and tolls, with a receipt; and
5. Babysitting services at \$ 2.50 per hour for one or two children, and \$ 4.00 per hour for three or more children.

§ 10:122B-5.3 Home visit

- (a) The Division representative shall visit the resource parent applicant's home at least one time as part of the study process.

(b) During the home visit, the Division representative shall:

1. Assess compliance with the sleeping space and life safety standards, as outlined in N.J.A.C. 10:122C-4, Physical Facility Requirements;

2. Interview each household member who is not participating in the pre-service training;

3. Discuss any inconsistencies or concerns by any party regarding any information gathered during the assessment process;

4. Verify identifying information about each family member and household member listed on the application;

5. Discuss the type of child acceptable and the potential impact of resource care on the family; and

6. Discuss any other questions raised by the resource parent applicant or any household member.

§ 10:122B-5.4 Resource parent applicant withdrawal

(a) A resource parent applicant may withdraw his or her application at any time during the licensing process.

(b) The Division shall consider that the resource parent applicant has withdrawn if the resource parent applicant:

1. Fails to complete the application process; or
2. States that he or she has decided to withdraw.

(c) The Division representative shall give the resource parent applicant written notice acknowledging the withdrawal and informing the resource parent applicant that he or she may reapply at any time.

§ 10:122B-5.5 Transportation reimbursement

The Division shall reimburse the resource parent for transportation for a child in placement's special needs with prior approval of the office manager. Special needs may include the treatment of physical, emotional, mental or cognitive conditions or to comply with a court summons or court order.

§ 10:122B-5.6 Resource parent's employment and supervision or child care for the child in placement

(a) If a single resource parent is, or both resource parents are, employed outside the home, the Division representative shall develop with the resource parent, as part of the case plan,

a plan for the care and supervision of each child in placement while the resource parent is at work. The plan shall be appropriate to the age and needs of the child in placement, subject to supervisory approval, and in compliance with N.J.A.C. 10:122C-6.1(a)4.

(b) If the plan is approved, the Division shall pay for child care arrangements as outlined in the case plan, according to the rates established in N.J.A.C. 10:15-10.1.

(c) The participants of the Division's placement review, as indicated in N.J.A.C. 10:133H-3.6 and 3.7, shall review the child care plan.

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