

TITLE 10. HUMAN SERVICES

CHAPTER 124.

MANUAL OF STANDARDS FOR CHILDREN'S SHELTER

FACILITIES AND HOMES

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.

§ 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.

§ 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.

§ 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.

§ 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.

(l) A shelter facility's or shelter home's approval may be denied, suspended, revoked or refused for renewal for:

1. Failure by the facility or home to secure and to maintain on file documentation from the Department showing compliance with criminal conviction disclosures, as specified in N.J.A.C. 10:124-3.1(a), Criminal History Record Information background checks, as specified in N.J.A.C. 10:124-3.8, or Child Abuse Record Information background checks, as specified in N.J.A.C. 10:124-3.9;

2. Refusal by the facility director, shelter home coordinator, shelter home parent or shelter home household member to consent to or cooperate in a Criminal History Record Information background check or Child Abuse Record Information background check for himself or herself;

3. Refusal by the facility director, shelter home coordinator or shelter home parent to terminate the employment of a staff member who refuses to consent to or cooperate in a Criminal History Record Information background check or Child Abuse Record Information background check;

4. Refusal by the facility director, shelter home coordinator or shelter home parent to terminate the employment of a staff

member when an allegation of child abuse or neglect has been substantiated against the staff member;

5. Refusal by the facility director, shelter home coordinator or shelter home parent to terminate the employment of a staff member convicted of a crime or offense requiring disqualification, as specified in N.J.A.C. 10:124-3.8(e);

6. A substantiated allegation of child abuse or neglect against the facility director, shelter home coordinator, shelter home parent or shelter home household member; or

7. Conviction by the facility director, shelter home coordinator, shelter home parent or shelter home household member for a crime or offense requiring disqualification, as specified in N.J.A.C. 10:124-3.8(e).

§ 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.

§ 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;

v. Documentation of completion of a Criminal History Record Information background check, as specified in N.J.A.C. 10:124-3.8, and a Child Abuse Record Information background check, as specified in N.J.A.C. 10:124-3.9; and

vi. 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) The shelter home coordinator shall keep the following information on file for each home for at least one year after the shelter home parent's separation:

1. An application to provide shelter home care that shall include:

i. Identifying and background information for all members of the household;

ii. Three personal references for the shelter home parent(s); and

iii. A physician's statement attesting to the satisfactory physical and emotional health of all members of the household; and

2. If terminated or inactive, the date and reason; and

3. Documentation of completion of a Criminal History Record Information background check, as specified in N.J.A.C. 10:124-3.8, and a Child Abuse Record Information background check, as specified in N.J.A.C. 10:124-3.9, for the shelter home parent and each household member at least 18 years of age.

(f) The shelter home coordinator shall keep the following administrative records on file:

1. A current copy of this chapter (Manual of Standards);
2. A record of the health procedures, as specified in N.J.A.C. 10:124-4.1(a); and
3. 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 director, 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 or her background, experience, previous work, schooling, and arrests and criminal convictions, if any;
6. Secure a Criminal History Record Information background check, as specified in N.J.A.C. 10:124-3.8, and a Child Abuse Record Information background check, as specified in N.J.A.C. 10:124-3.9; and
7. Be in satisfactory physical, mental and emotional health to perform his/her job duties satisfactorily.

(b) The following actions by a shelter facility director, staff member, shelter home coordinator or shelter home parent 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 or her position; and
3. A determination by the Department that the individual poses a risk of harm to children.

(c) Whenever the Department makes a determination that a facility director, staff member, shelter home coordinator, shelter home parent or shelter home household member poses a risk of harm to children, the facility or home shall carry out the Department's recommendation for corrective action. Such corrective action may include, but not be limited to:

1. Removal or suspension of the affected individual from employment at the facility or home or reassignment

to other duties that do not involve contact with the children; or

2. When the individual resides at the home, removal of the affected individual from the premises.

(d) If an allegation of child abuse or neglect is substantiated against an individual working or residing at the facility or home, the facility or home shall immediately terminate the individual's employment at the facility or home. If the individual is a facility director, shelter home coordinator, shelter home parent or shelter home household member, the Division shall deny, suspend, revoke or refuse to renew the certificate of approval, as applicable.

1. The facility or home may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C. 10:124-1.6.

2. The shelter home parent may choose to remove the household member against whom child abuse or neglect is substantiated from the home before the action against the certificate takes effect.

(e) 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.

(f) 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 he or she:

i. Meets the qualification for the position;

ii. Signs a statement agreeing to meet and perform the specific duties and responsibilities of the position;

iii. Has the time necessary to serve in the position on a regular basis; and

3. Completes a Criminal History Record Information background check and a Child Abuse Record Information background check, as specified in N.J.A.C. 10:124-3.1(a)6.

§ 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.

§ 10:124-3.8. Criminal History Record Information background checks

(a) As a condition of securing and maintaining a certificate, the facility or home shall ensure that a State and Federal Criminal History Record Information (CHRI) fingerprint background check, in keeping with P.L. 2003, c.186, is completed for each shelter facility director, staff member, shelter home coordinator,

shelter home parent, and shelter home household member at least 18 years of age.

(b) If the facility director, shelter home coordinator, shelter home parent or shelter home household member refuses to consent to or cooperate in a CHRI background check, the Division shall deny, suspend, revoke or refuse to renew the certificate, as applicable.

1. The facility or home may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C. 10:124-1.6.

2. The shelter home parent may choose to remove the household member so refusing from the home before the action against the certificate takes effect.

(c) If a staff member refuses to consent to or cooperate in a CHRI background check, the facility or home shall immediately terminate the staff member's employment at the facility or home.

(d) If any person specified in (a) above has a record of criminal conviction, the Department of Human Services shall

review the record with respect to the type and date of the criminal offense and make a determination as to the suitability of the person to receive a certificate or to administer, work at or reside in the facility or home, as applicable.

(e) A person shall be disqualified from receiving a certificate, administering, working at or residing in a facility or home if that person ever committed a crime which resulted in a conviction for:

1. A crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.A. 2C:24-4, or child molestation, as set forth in N.J.S.A. 2C:14-1 et seq.;
2. Abuse, abandonment or neglect of a child pursuant to N.J.S.A. 9:6-3;
3. Endangering the welfare of an incompetent person pursuant to N.J.S.A. 2C:24-7;
4. Sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.A. 2C:14-2 through 2C:14-4;

5. Murder pursuant to N.J.S.A. 2C:11-3 or manslaughter pursuant to N.J.S.A. 2C:11-4;
6. Stalking pursuant to section 1 of P.L. 1992, c.209 (N.J.S.A. 2C:12-10);
7. Kidnapping and related offenses including criminal restraint, false imprisonment, interference with custody, criminal coercion, or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.A. 2C:13-1 through 2C:13-5 and section 1 of P.L. 1993, c.291 (N.J.S.A. 2C-13.6);
8. Arson pursuant to N.J.S.A. 2C:17-1, or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:17-2;
9. Aggravated assault, which would constitute a crime of the second or third degree pursuant to subsection b of N.J.S.A. 2C:12-1;
10. Robbery, which would constitute a crime of the first degree pursuant to N.J.S.A. 2C:15-1;

11. Burglary, which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:18-2;

12. Domestic violence pursuant to P.L. 1991, c.261 (N.J.S.A. 2C:25-17 et seq.);

13. Terroristic threats pursuant to N.J.S.A. 2C:12-3;

14. An attempt or conspiracy to commit any of the crimes or offenses listed in (e)1 through 13 above; or

15. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or offenses described in (e)1 through 14 above.

(f) As an exception to (e) above, the Department may approve the employment at or administration of a facility or home by an individual convicted of a crime specified in (e) above if all of the following conditions are met:

1. The Department determines that the crime does not relate adversely to the position the individual is employed in, pursuant to the provisions of P.L. 1968, c.282 (N.J.S.A. 2A:168A-1 et seq.);

2. The conviction is not related to a crime committed against a child, as specified in (e) above;

3. The facility or home documents that the individual's employment or administration of the facility or home does not create a risk to the safety or well-being of children due to the nature and requirements of the position. As necessary, the facility or home shall identify restrictions regarding the individual's contact with, care or supervision of children;

4. The facility or home documents that the individual is uniquely qualified for the position due to specific skills, qualifications, characteristics or prior employment experiences; and

5. The Department determines that the individual has affirmatively demonstrated rehabilitation, pursuant to the factors specified in (g) below.

(g) For crimes and offenses other than those cited in (e) above, an individual may be eligible to receive a certificate or to administer, work at or reside in a facility or home if the

individual has affirmatively demonstrated to the Department clear and convincing evidence of rehabilitation.

1. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

i. The nature and responsibility of the position at the facility or home that the convicted individual would hold, has held or currently holds, as the case may be;

ii. The nature and seriousness of the offense;

iii. The circumstances under which the offense occurred;

iv. The date of the offense;

v. The age of the individual when the offense was committed;

vi. Whether the offense was an isolated or repeated incident;

vii. Any social conditions that may have contributed to the offense; and

viii. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

2. Upon receipt of documentation submitted by the home or facility, indicating why the individual at issue should not be precluded from administering, working or residing at the home or facility, the Department, after assessing the facts on a case-by-case basis, shall make the final determination regarding the individual's rehabilitation, in keeping with the provisions of the State Rehabilitated Convicted Offenders Act, N.J.S.A.

2A:168A-1 et seq.

3. The Department shall make the final determination regarding the suitability of a facility director or shelter

home coordinator with a criminal conviction other than those cited in (e) above.

4. For a current or prospective staff member, shelter home parent or shelter home household member with a criminal conviction other than those cited in (e) above, the director of the home or facility or the agency's board of directors shall make a determination regarding the individual's suitability upon the Department's determination that the individual has affirmatively demonstrated rehabilitation.

(h) If the facility director or shelter home coordinator has knowledge that any individual specified in (a) above has criminal charges pending against the individual, the facility director or shelter home coordinator shall promptly notify the Department to determine whether or not any action concerning the individual is necessary in order to ensure the safety of the children who are placed in the facility or home.

(i) If the Department is notified that any individual specified in (a) above is convicted of a crime or offense after the CHRI has been completed, the Department shall make a determination

whether to suspend or revoke the certificate or require the facility or home to terminate the individual's employment, as applicable.

(j) Upon completion of the CHRI for an individual, the Department shall notify the individual, and the facility or home as applicable, in writing, of the individual's qualification or disqualification for employment or service under section 4 or 5 of P.L. 2003, c.186 (N.J.S.A. 30:4C-27.19 or 30:4C-27.20).

1. If the individual is disqualified, the convictions that constitute the basis for the disqualification shall be identified in the written notice to the individual.

2. The individual shall have 14 days from the date of the written notice of disqualification to challenge the accuracy of the CHRI.

3. If no challenge is filed or if the determination of the accuracy of the CHRI upholds the disqualification, the Department shall notify the facility or home that the individual has been disqualified from employment or service.

4. The facility or home shall immediately terminate the disqualified individual's employment at the facility or home.

5. If the disqualified individual is a facility director, shelter home coordinator, shelter home parent or shelter home household member, the Division shall deny, suspend, revoke or refuse to renew the certificate, as applicable.

6. The shelter home parent may choose to remove the disqualified household member from the home before the action against the certificate takes effect.

(k) A facility or home that has received an employment application from an individual, or currently employs an individual, shall be immune from liability for acting upon or disclosing information about the disqualification or termination of that individual to another facility or home seeking to employ that individual, if the facility or home has:

1. Received notice from the Department or the agency's board of directors, as applicable, that the

individual has been determined by the Department or the board of directors to be disqualified from employment or service at a facility or home pursuant to P.L. 1968, c.282 (N.J.S.A. 2A:168A-1 et seq.); or

2. Terminated the employment of a staff member because the individual was disqualified from employment or service at the facility or home on the basis of a conviction of a crime pursuant to P.L. 1968, c.282 (N.J.S.A. 2A:168A-1 et seq.) after commencing employment or service at the facility or home.

(l) A facility or home that acts upon or discloses information pursuant to (k) above shall be presumed to be acting in good faith unless it is shown by clear and convincing evidence that the facility or home acted with actual malice toward the individual who is the subject of the information.

§ 10:124-3.9. Child Abuse Record Information background checks

(a) As a condition of securing and maintaining a certificate, the facility or home shall provide written consent to the Division from each shelter facility director, shelter facility or shelter home staff member, shelter home parent and shelter home household member at least 18 years of age, for a Child Abuse Record Information (CARI) background check to be conducted.

(b) If a facility director, shelter home coordinator, shelter home parent or shelter home household member refuses to consent to or cooperate in a CARI background check, the Division shall deny, suspend, revoke or refuse to renew the certificate, as applicable.

1. The facility or home may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C.

10:124-1.6.

2. The shelter home parent may choose to remove the household member so refusing from the home before the action against the certificate takes effect.

(c) If a staff member refuses to consent to or cooperate in a CARI background check, the facility or home shall immediately terminate the staff member's employment at the facility or home.

(d) Upon receipt of written consent from an individual specified in (a) above, the Division shall conduct a search of its records to determine if an allegation of child abuse or neglect has been substantiated, pursuant to section 4 of P.L. 1971, c.437 (N.J.S.A. 9:6-8.11), against the individual.

1. The Department shall consider incidents of child abuse and neglect that were substantiated on or after June 29, 1995, to ensure that the perpetrator has had an opportunity to appeal a substantiated finding of child abuse or neglect.

2. The Department may consider incidents substantiated prior to June 29, 1995 if the Department, in its judgment, determines that the perpetrator poses a risk of harm to children in a home. In cases involving incidents substantiated prior to

June 29, 1995 in which the Department determines that the individual is disqualified, the Department shall offer the perpetrator an opportunity for a hearing to contest the substantiation.

(e) If the Division determines that an allegation of child abuse or neglect has been substantiated against an individual specified in (a) above, the facility or home shall immediately terminate the individual's employment at the facility or home.

(f) If the Division determines that an allegation of child abuse or neglect has been substantiated against a facility director, shelter home coordinator, shelter home parent or shelter home household member, the Division shall deny, suspend, revoke or refuse to renew the certificate of approval, as applicable.

1. The facility or home may appeal the denial, suspension, revocation or refusal to renew, as specified in N.J.A.C. 10:124-2.4.

2. The shelter home parent may choose to remove the disqualified household member from the home before the action against the certificate takes effect.

3. If the incident was substantiated prior to June 29, 1995, the Division shall notify the individual in writing that the individual may request a hearing to contest the substantiation.

(g) If the Division determines that an allegation of child abuse or neglect has been substantiated against a staff member, the facility or home shall notify the staff member in writing that the termination of employment is based on a substantiated allegation of child abuse or neglect. If the incident was substantiated prior to June 29, 1995, the facility or home shall notify the staff member in writing that the staff member may request a hearing to contest the substantiation.

§ 10:124-3.10. Background check procedures for New Jersey facilities and homes

(a) Prior to the opening of a new facility or home located in New Jersey, the facility or home shall ensure that a request for a Criminal History Record Information (CHRI) background check, as specified in N.J.A.C. 10:124-3.8, and a Child Abuse Record Information (CARI) background check, as specified in N.J.A.C. 10:124-3.9, is submitted for all persons identified in N.J.A.C. 10:124-3.8(a) and 3.9(a).

(b) Prior to the first renewal of a certificate on or after March 26, 2004 for an existing facility or home located in New Jersey, the facility or home shall ensure that a request for a CHRI background check, as specified in N.J.A.C. 10:124-3.8, is submitted for all persons identified in N.J.A.C. 10:124-3.8(a) and 3.9(a).

(c) Prior to each renewal of a certificate on or after March 26, 2004 for an existing facility or home located in New Jersey, the facility or home shall ensure that a request for a CARI background check, as specified in N.J.A.C. 10:124-3.9, is submitted for all persons identified in N.J.A.C. 10:124-3.8(a) and 3.9(a).

(d) Within two weeks after a new staff member begins employment at a facility or home or a new household member begins residing at a home located in New Jersey, the facility or home shall ensure that a request for a CHRI background check, as specified in N.J.A.C. 10:124-3.8, and a CARI background check, as specified in N.J.A.C. 10:124-3.9, is submitted for the new staff member or household member.

(e) An individual shall not be left alone as the only adult caring for a child at the facility or home until documentation from the Department showing compliance with a CHRI check and CARI check for the individual has been received by the facility or home.

§ 10:124-3.11. Background check procedures for out-of-State homes and agencies

(a) For a facility or home located outside New Jersey, the facility or home shall ensure that the director and each applicant, shelter facility or shelter home staff member, shelter home coordinator, shelter home parent and shelter home household member meet all applicable laws and regulations in that state governing criminal history record background checks and child abuse record information checks that may be required as a condition of employment.

(b) In the event that criminal history record background checks and child abuse record information checks are not mandated in that state, the facility or home shall require that the director and each applicant, staff member, shelter home coordinator, shelter home parent and shelter home household member make a disclosure of any criminal conviction. The results of the disclosure shall be made available to the Department, so that the Department can determine the suitability of the individual for certification, employment or service at the facility or home during the time children who are residents of New Jersey are placed in the home.

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.

§ 10:124-4.7 Recreation

(a) The shelter facility shall provide a balanced recreational program, including athletics, social and leisure time activities and shall keep on file a written monthly schedule of recreational activities.

(b) The shelter facility or home shall provide indoor and outdoor space to enable the children to participate in recreational/physical exercise.

(c) The shelter facility shall contain living or recreation rooms for the informal use of the children and their guests.

(a) Every child shall be afforded the opportunity to participate in religious activities and services in accordance with his/her own faith or with that of his/her parent(s).

(b) Every child shall be permitted to attend religious activities and services in the community.

(c) The shelter facility or home shall arrange for or directly provide transportation for any child who wishes to attend religious activities and services.

(d) The shelter facility or home shall not coerce or require children to participate in religious activities but may encourage them to do so.

§ 10:124-4.9 Work and employment

(a) Children shall not be responsible for duties assigned to staff members but may be required to perform work assignments in the shelter facility that have an instructive value, including such tasks as normal household chores. However, work assignments shall not interfere with regularly scheduled program activities.

(b) Children shall be allowed to hold part-time employment outside the shelter facility or home, provided that the work shall not interfere with regularly scheduled program activities or school program.

§ 10:124-4.10 Routines and house rules for shelter facilities

The shelter facility shall prepare and post in a location of prominence within the building a listing of rules governing the routines of daily living in the shelter facility.

§ 10:124-4.11 Discipline and control

(a) The shelter facility shall have written policies and procedures regarding discipline and control, which shall be

maintained on file, explained and be made available to all children, parent(s) and staff members.

(b) The discipline, control or supervision of the children in a shelter facility shall be the responsibility of the staff members and that responsibility shall not be delegated to the children.

(c) Disciplinary practice of shelter facility staff members or shelter home parents shall be designed to assist the children in developing self-control and an ability to conform to accepted levels of social behavior.

(d) A child's rights in a shelter facility or home shall never be removed or discontinued for purposes of discipline, control or punishment; however, the deprivation of a child's privileges may be used as a disciplinary technique.

(e) The shelter facility or shelter home coordinator shall prohibit the following types of punishment:

1. Any type or threat of physical hitting or any type of corporal punishment inflicted in any manner upon the body;

2. Forced physical exercise or forcing a child to take an uncomfortable position;

3. Group punishment for misbehaviors of individuals;

4. Punishment that subjects the child to verbal abuse, ridicule, humiliation or other forms of degradation;

5. Deprivation of meals, sleep, mail, clothing appropriate to the season or time of day, verbal communication, family visits and/or other basic rights;

6. Mechanical, chemical or excessive physical restraint; or

7. Assignment of unduly physically strenuous, harsh work.

(f) A shelter facility shall not isolate a child in a behavior management room.

§ 10:124-4.12 Visitation

(a) The shelter facility shall establish regular visiting hours for approved visitors. In addition, the shelter facility shall make provision for visitation for approved visitors unable to visit during the regular visiting hours.

(b) The shelter facility shall provide conditions of reasonable privacy for visits between the children and other visitors.

(c) The shelter facility shall maintain on file a listing of approved visitors for each child. Only persons authorized by the parent(s) or agency legally responsible for the child shall be permitted to visit the child.

(d) The shelter home coordinator shall establish and implement procedures for the visitation of children residing in shelter homes. Such procedures shall insure an opportunity for regular visits between children and their families and other visitors.

§ 10:124-4.13 Mail and telephone communications

(a) There shall be no restriction on the amount of mail a child at the shelter facility or home is permitted to send or receive.

(b) Incoming and outgoing mail for or from any child at the shelter facility or home shall not be withheld or read by any shelter facility staff member or shelter home parent.

(c) A shelter facility staff member may open parcels and letters only if s/he suspects that the contents contain contraband and then only in the presence of the child sending or receiving the parcel or letter and another staff member. A record shall be

maintained in the child's file documenting the specific reason why such mail was opened and the results. The record shall be dated and signed by the shelter facility administrator or his/her designate.

(d) Each child in the shelter facility or home shall receive a reasonable postage allowance and writing materials for correspondence.

(e) A telephone shall be made available for use by the children in the shelter facility or home.

(f) Each child in a shelter facility or home shall be permitted to make and receive a reasonable number of telephone calls.

(g) Telephone calls made or received by a child shall not be monitored.

§ 10:124-4.14 Firearms/weapons prohibition

(a) The shelter facility shall not maintain any firearm, chemical or other weapon within or on the grounds of the shelter facility.

(b) The shelter facility shall prohibit any staff member or child to possess any firearm, chemical or other weapon within or on the grounds of the shelter facility.

(c) Any firearm, chemical or other weapon maintained in the shelter home shall be locked and stored in a location inaccessible to the children in care.

§ 10:124-4.15 Search and seizure requirements for shelter facilities

(a) Search procedure for a weapon(s):

1. A shelter facility staff member shall be permitted to frisk search (surface search of outer clothing) a child only when there is reasonable suspicion that the child is in possession of a weapon(s).

2. A shelter facility staff member shall be prohibited from reaching into a child's pockets unless the frisk search indicates that there is reasonable belief that the child is in possession of a weapon(s).

3. The shelter facility shall complete and keep on file an incident/accident report for every incident involving the frisk searching of a child.

(b) Search procedure for illegal drugs or contraband:

1. A shelter facility staff member shall be prohibited from frisk searching a child who is suspected of possessing illegal drugs or contraband.

2. A shelter facility staff member who has reasonable suspicion that a child is in possession of illegal drugs or contraband shall request that the child voluntarily empty a garment pocket(s), a bag, a purse or other such items within a child's possession or control. If the child complies with the request, the shelter facility staff member shall inspect all items that are in plain view. The staff member shall be prohibited from conducting an exploratory search of another garment pocket(s) or other compartment(s) of a bag or a purse without the voluntary permission of the child.

3. If a child refuses a voluntary request to empty a garment pocket(s), a bag, a purse or other such item, the shelter facility staff member shall summon a law enforcement officer to conduct a lawful search of the child.

(c) A shelter facility staff member shall be prohibited from strip searching a child for any reason.

SUBCHAPTER 5. PHYSICAL FACILITY AND
LIFE-SAFETY REQUIREMENTS

**§ 10:124-5.1. Local government physical facility requirements
for shelter facilities**

**(a) An applicant seeking an initial approval, as specified in
N.J.A.C. 10:124-1.5, to operate a shelter facility or home shall
comply with all applicable provisions of the New Jersey Uniform**

Construction Code, as specified in N.J.A.C. 5:23 and hereinafter referred to as the NJUCC.

1. For newly constructed buildings, for existing buildings whose construction code use group classification would change from that which it had been, or for existing buildings that require major alteration or renovation, the shelter facility or home shall submit to the Bureau a copy of a Certificate of Occupancy (CO) issued by the municipality in which it is located, reflecting the shelter facility's or home's compliance with the appropriate use group classification provisions of the NJUCC.

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. 5:70 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.

§ 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 noncombustible 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.

4. Inspections as noted in (g)3 above, shall be performed by the local electrical subcode official, an

approved service organization or a licensed electrical contractor.

(h) Lighting:

1. General requirements:

i. Natural or artificial light shall be provided in all areas;

ii. In classroom or study areas, there shall be at least 20 foot candles of light (artificial or natural). This illumination shall be measured three feet above the floor at the farthest point from the light source;

iii. Parking areas, pedestrian walkways or other exterior portions of the premises subject to use by occupants at night shall be illuminated.

2. Buildings having a capacity of greater than 12 children shall provide:

i. Illuminated exit signs; and

ii. An emergency lighting system for exit signs, stairways and corridors. This emergency lighting

system shall be provided by emergency battery packs or an auxiliary generator and shall be kept in good working condition.

(i) Heating:

1. A minimum temperature of 65 degrees Fahrenheit shall be maintained in all rooms used by the children.

(j) Shelter facilities shall ensure that ventilation requirements conform to all applicable provisions of the NJUCC and the NJUFC.

(k) Plumbing:

1. All plumbing shall be in compliance with the provisions of the Plumbing Subcode of the UCC.
2. All plumbing shall be maintained in good operating and sanitary condition.
3. The temperature of tap water shall not exceed 110 [degrees] Fahrenheit.

(l) Bathroom and toilet facilities:

1. The shelter facility shall have at least one toilet, wash basin and bathtub or shower for every six children above the age of 2 1/2 years. These facilities shall not be located more than one floor from any bedroom or living area.

2. The handwashing facilities shall be located in or adjoining the toilet area.

3. All bathrooms shall include hot and cold running water, and a non-slip surface in the shower or bathtub.

4. Toilet accessories shall be provided in all bathroom and toilet facilities.

5. Mirrors, paper towel and toilet paper dispensers and other equipment shall be fastened securely.

(m) Kitchen facilities: The shelter facility's kitchen and food preparation area shall meet the following requirements:

1. The cooking and kitchen facilities and equipment shall be kept clean and sanitary and be in compliance with provisions of the State Sanitary Code (N.J.A.C. 8:24).

2. The kitchen and food preparation areas shall be separate from areas used for any other purpose.

3. If the occupancy of the building is more than 12 children, or if commercial cooking equipment is used, the kitchen shall be separated by a one hour fire-rated enclosure that is equipped with a C-label (3/4 hour) fire-rated door with a self-closing device and positive latching.

(n) Swimming pools: Any swimming pool used by the children shall comply with the requirements pertaining to swimming pools, as specified in the New Jersey Youth Camp Safety Act Standards (N.J.A.C. 8:25-5.1 through 5.4 and N.J.A.C. 8:25-6.9).

(o) Asbestos:

1. Coatings containing asbestos shall not be sprayed on any interior or exterior surfaces of a building used as a shelter facility or on any equipment used therein, in accordance with regulations of the State Department of

Environmental Protection, as specified in N.J.A.C. 7:27-17.2.

2. If sprayed-on asbestos-containing materials appear to be present in a shelter facility, the shelter facility shall have the material tested, through laboratory analysis, to determine the contents of the material. When test results reveal the presence of sprayed-on asbestos-containing materials, the shelter facility shall insure that it is removed from the building structures and premises, in a manner consistent with all Federal, State and local regulations and guidelines concerning asbestos removal.

(p) Maintenance and sanitation:

1. General: The indoor and outdoor areas of the shelter facility shall be maintained in a safe and sanitary manner and free from any hazards to the health and safety of the children.

2. Indoor maintenance and sanitation requirements:

i. Basements, cellars and crawl spaces shall be free of moisture resulting from water leaks or seepage.

ii. Floors, walls, ceilings and other surfaces shall be kept clean and in good repair. These areas shall be covered or treated when necessary, and no paint containing lead shall be used.

iii. Stairways shall be free of hazards such as toys, boxes, loose steps, uneven treads, torn carpeting, raised strips or risers that are not uniform.

iv. Garbage shall be removed from the interior of the building on a daily basis.

v. Receptacles for food waste disposal shall be noncorrosive, impervious, lined, leak proof and provided with tight fitting covers.

vi. The shelter facility shall arrange for an exterminator to take necessary action to protect the building from rodent, insect and related

infestations. Such treatment shall be provided not less than once a year, and more frequently when there is evidence of infestation.

3. Outdoor maintenance and sanitation requirements:

i. The land, including the outdoor play area, shall be properly graded and provided with drains to dispose of surface water.

ii. The shelter facility shall fence or otherwise enclose with a natural barrier outdoor areas on its grounds that are within, adjacent to or near potential safety hazards, including, but not limited to, steep grades, cliffs, open pits, swimming pools, high voltage boosters, high speed roads or propane gas tanks.

iii. The building structure shall be maintained to prevent water from entering, excessive drafts or heat loss during inclement weather, and to provide protection against infestation from rodents, insects, etc.

iv. Railings of balconies, landings, porches or stairs shall be maintained in safe condition.

v. The shelter facility shall have non-corrosive garbage receptacles to accommodate its waste disposal needs located in an outdoor area and maintained in a sanitary manner.

(q) Lead paint: Shelter facilities caring for children six years of age and/or younger shall comply with the following:

1. Lead paint shall not be used on and shall be removed by the shelter facility from any interior or exterior surfaces, furniture, toys or other equipment used therein, in accordance with the provisions of Chapter 13 of the State Sanitary Code (N.J.A.C. 8:51-7.1 through 7.5).

2. When lead paint is found in areas of a shelter facility not specified under N.J.A.C. 8:51-7.1 through 7.5, the Bureau shall determine whether the lead paint is hazardous to the health, safety and well-being of the

children served and, if considered to be hazardous, the shelter facility shall remove the lead paint hazard.

§ 10:124-5.3 State government physical facility requirements for shelter homes

(a) Fire protection:

1. The shelter home shall provide a minimum of one smoke detector that shall be installed in a manner and location approved by the bureau or local fire official.

2. The shelter home with a basement shall provide an additional smoke detector for the basement area.

3. The shelter home shall ensure that all fire extinguishers are serviced and tagged at least once a year and recharged, if necessary.

4. Combustible and flammable materials shall not be located adjacent to or near a furnace.

(b) Heating: The shelter home shall provide a minimum temperature of 65 [degrees] Fahrenheit in all rooms used by the children.

(c) Maintenance and sanitation: The indoor and outdoor areas of the shelter home shall be maintained in a safe and sanitary manner and be free from any hazards to the health and safety of the children.

§ 10:124-5.4 Life-safety requirements for shelter facilities and homes

(a) Emergency information: the shelter facility or home shall post in a prominent location written emergency information, including the following:

1. The location of the first aid kit and any additional first aid supplies;
2. The name, address and telephone number of the physician retained by the shelter facility or home or of the health facility to be used in emergency situations;
3. The hospital and/or clinic to which injured or ill children are to be taken;
4. The telephone numbers of the police and fire department and the local ambulance service(s);
5. The telephone number of the Division's Office of Child Abuse Control (800-792-8610); and
6. The location of written authorization from parent(s) for medical care for each child.

(b) In addition to (a) above, a shelter facility shall post an evacuation plan, including a diagram of the building and a

description of how the shelter facility is to be evacuated in case of emergency.

(c) First aid equipment: First aid equipment shall be located in a convenient, accessible location in the shelter facility or home and shall include:

1. A standard first aid kit recommended by the American Red Cross or the local or State health departments; and
2. The Red Cross First Aid Manual or its equivalent.

(d) Fire/evacuation drill and training:

1. The shelter facility shall conduct fire/evacuation drills at least twice monthly to familiarize the staff members and children with the procedures for leaving the building in an emergency situation.

2. The shelter facility shall maintain a record of each fire/evacuation drill. The record shall include:

- i. The date and time of day of the drill;
- ii. The number of children and staff members who participated; and

iii. The total amount of time necessary to evacuate the shelter facility.

3. The shelter facility staff members shall be trained in the use and operation of fire extinguishers.

(e) Shelter facilities and homes caring for children six years of age and under shall comply with the following:

1. Fireplaces, open face heaters, stoves, hot radiators, electrical outlets and hazardous windows in rooms used by the children shall be adequately protected by screens or guards.

2. All corrosive agents, insecticides, bleaches, detergents, polishes, any products under pressure in an aerosol spray can and any other toxic (poisonous) substance, shall be stored in a locked cabinet or in an enclosure located in an area not accessible to the children.

§ 10:124-5.5 Supplemental requirement

In addition to the requirement, as specified in N.J.A.C. 10:124-5.1 through 5.4, the Bureau shall also require shelter facilities and homes to take whatever additional steps that it deems are necessary to correct any conditions in the shelter facility or home that may endanger in any way the health, safety and well-being of the children served.

SUBCHAPTER 6. TRANSPORTATION REQUIREMENTS

§ 10:124-6.1 Vehicle requirements

(a) Vehicles used for transportation of children shall be in conformity with State motor vehicle law(s) and/or regulations.

(b) Vehicles used for transportation of children to or from school, school-connected activity, day camp, summer day camp, nursery school, child care center or pre-school center shall meet the vehicle requirements for such vehicles.

(c) Vehicles used for transportation of children shall be maintained in safe operating condition and shall be properly registered and have a currently valid inspection sticker issued by the New Jersey Division of Motor Vehicles.

§ 10:124-6.2 Driver requirements

(a) The driver of a vehicle used for the purpose of transporting children shall possess a valid driver's license for that type of vehicle.

(b) The driver shall not transport more persons, including children and adults, than the capacity of the vehicle.

§ 10:124-6.3 Safety practices

(a) Children shall never be left unattended in a vehicle.

(b) Children shall be loaded and unloaded from the curbside of the vehicle.

(c) The interior of each vehicle shall be maintained in a clean, safe condition with clear passage to operable doors.

(d) All persons in the vehicle shall be secured in seats with safety belts for those vehicles required by law to be equipped with safety belts.

(e) There shall be no standees in any vehicle transporting children.

(f) When transporting more than six children under six years of age, there shall be one adult in addition to the driver in the vehicle at all times.

§ 10:124-6.4 Transportation records

(a) The shelter facility shall keep on file the name of each driver and a photostatic copy of his/her valid driver's license.

(b) These records shall be available upon request to any authorized representative of the Bureau.

§ 10:124-6.5 Insurance

(a) The shelter facility shall maintain liability insurance for bodily injury or death in minimum amounts of \$ 300,000 per person and \$ 500,000 per accident.

(b) If the shelter facility transportation services are provided by a private individual or from under contract or other arrangement, the shelter facility shall maintain a file copy of the individual's or firm's insurance coverage in the amounts specified in (a) above and make a copy of such coverage available to the Bureau upon request.

§ 10:124-6.6 Special regulations

(a) The following additional regulations shall be required for facilities serving handicapped, non-ambulatory children:

1. A ramp device shall be provided to permit entry and exit of a child from the vehicle. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.

2. Wheelchairs shall be securely fastened to the floor of the vehicle.

3. The arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door of the vehicle.

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