

STATE OF NEW JERSEY

Department of Children and Family Services

NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION

PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)

COVID-19 STATE OF EMERGENCY

Temporary Rule Suspension adopted by Christine Norbut Beyer, Commissioner Department of Children and Families

Date:

Authority: N.J.S.A. App.A.9-45 & App. A:9-47; Executive Order No. 103 (Murphy)(“EO 103”)

Effective Date: **May 1, 2020**

Expiration Date: Concurrent with expiration of EO 103

This is an emergency adoption of a temporary rule suspension of the Department’s Office of Licensing rules as outlined below. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Department of Children and Families is suspending certain rules as follows:

In order to (1) facilitate social distancing and other virus mitigation strategies in licensed facilities (2) create flexibility to add or realign staff to address virus related personnel shortages, and (3) enable the rapid establishment, relocation or realignment of programs to meet new or shifting demands for care, the Department is taking the following action:

N.J.A.C. 3A:55-7.2 (b) and (e) are suspended, as are N.J.A.C. 3A:56-7.2(b) and (e), on the condition that all youth being admitted to group homes or youth residential facilities are subjected to a pre-admission screening prior by a registered nurse, which includes a screening for COVID-19.

For the sake of limiting visitation in programs, the Department is suspending the provisions at : N.J.A.C. 3A:55-3.6(a), N.J.A.C. 3A:55-9.20(b), and N.J.A.C. 3A:56-3.6(a), and the Department is amending the provisions at N.J.A.C. 3A:55-10.13, N.J.A.C. 3A:55-6.6 (b), N.J.A.C. 3A:56-6.6 (b), N.J.A.C. 3A:56-10.13 to require that visits be held outdoors in an area which can be accessed without entering the building, and that safety precautions and social distancing are required for all such visits.

To ensure the rapid backfill of staff into congregate care programs that may be impacted by COVID-19 related absenteeism, the training requirements at N.J.A.C. 3A:55-5.4(c) and N.J.A.C. 3A:56-5.4(c) are suspended.

The text of the modified regulations are as follows, with insertions indicated in **bold** print:

§3A:55-6.6 Visitation and Communication

(a) No change.

(b) The facility shall develop a visiting policy and explain the visiting policy to the child and parents at intake. The visiting policy shall specify:

1-5. No change.

6. That visits cannot take place inside any program building, but may be accommodated in outdoor space that is accessible without entering any building.

7. That necessary precautions to prevent the spread of illness, including social distancing, and the use of face masks and other personal protective equipment, must be observed during visits.

(c)-(d) No change.

§3A:55-10.13 Visiting and Communication

(a) No change

(b) The facility shall develop a visiting policy and explain the visiting policy to the adolescent and her parent(s) at intake. The visiting policy shall specify:

1. -7 No change.

8. That visits cannot take place inside any program building, but may be accommodated in outdoor space that is accessible without entering any building.

9. That necessary precautions to prevent the spread of illness, including social distancing, and the use of face masks and other personal protective equipment, must be observed during visits.

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8. That visits cannot take place inside any program building, but may be accommodated in outdoor space that is accessible without entering any building.

9. That necessary precautions to prevent the spread of illness, including social distancing, and the use of face masks and other personal protective equipment, must be observed during visits.

I find that waiver/suspension/modification of the rules above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

May 1, 2020

Date



Christine Norbut Beyer, M.S.W.
Commissioner