

CHAPTER 53

MANUAL OF STANDARDS FOR CHILDREN'S SHELTER FACILITIES AND HOMES



**STATE OF NEW JERSEY
DEPARTMENT OF CHILDREN AND FAMILIES**

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FOR CHILDREN'S SHELTER FACILITIES AND HOMES**

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CHAPTER 53
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SHELTER HOMES

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SUBCHAPTER 1. GENERAL PROVISIONS

3A:53-1.1 Legal authority

(a) This chapter is promulgated pursuant to N.J.S.A. 30:1-14 and 15, as applied by N.J.S.A. 9:3A-9, 30:4C-4.h, 2A:4A-37, and 2A:4A-20 et seq.

(b) Under N.J.S.A. 30:1-14, as applied by N.J.S.A. 9:3A-9, and N.J.S.A. 30:4C-4.(d), the Department of Children and Families is authorized to inspect, evaluate and approve publicly or privately operated shelter facilities and shelter homes that:

1. Provide board, lodging, or care for children who are placed or financed by the Division of Child Protection and Permanency 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 Children and Families is mandated to inspect, evaluate and "specify" (approve) shelter facilities and shelter 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 or shelter home described in (b) or (c) above shall demonstrate to the satisfaction of the Department of Children and Families or its duly authorized agent through such methods and procedures as may be prescribed that it complies with the rules of this chapter, which shall constitute minimum standards only.

(e) Responsibility for insuring that shelter facilities and shelter homes described in (b) and (c) above comply with the provisions of the statutes cited in (a) above and of this chapter is hereby delegated by the Department of Children and Families to the Office of Licensing.

(f) Under N.J.S.A. 30:1-15, the Department of Children and Families is authorized to "visit and inspect" publicly or privately operated shelter facilities and shelter homes that:

1. Provide board, lodging, or care for children who are not placed or financed by the Division of Child Protection and Permanency or any other State agency; and
2. Are not subject to licensing or regulation by any State agency.

(g) The Department of Children and Families or its duly authorized agent is authorized to "visit and inspect" shelter facilities and shelter 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

shelter homes cannot be required to comply with the rules in this chapter, the Department may use these rules as the basis for its inspection.

3A:53-1.2 Definitions

The following words and terms, when used in this chapter, have the following meanings:

“Child” means any person who is under the age of 18.

"Children's shelter facility" or **"shelter facility"** 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"** 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.

“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 Children and Families.

"Division" means the Division of Child Protection and Permanency, New Jersey Department of Children and Families.

"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 Shelter Homes" or **"Manual of Standards"** means the rules promulgated in this chapter, which shall constitute minimum requirements for children's shelter facilities and shelter homes.

"Office" means the Office of Licensing of the Department of Children and Families.

"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.

"Restrictive behavior management practice" means the use of physical restraint and exclusion as part of a comprehensive treatment plan to help the child develop self-control, to reduce maladaptive behavior, or to protect the child and others from harm.

"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.

3A:53-1.3 Population served by shelter facilities and shelter homes

(a) A shelter facility or shelter home provides care for children who are:

1. Abused;
2. Abandoned;
3. Dependent;
4. Neglected;
5. In need of temporary emergency care;
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 shelter home.

3A:53-1.4 Capacity and location of shelter facilities and shelter 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 February 28, 1974, shall not exceed a maximum capacity of 12 children, unless approved by the Department.
2. Shelter home: A home which provides care for a maximum of five children, including the shelter home parent's children.
3. The Office may restrict new admissions to a shelter facility or shelter home upon a determination that the shelter facility or shelter home is regularly over the maximum number of children that the shelter facility or shelter home has been approved by the Office to serve.

(b) Location: A shelter facility or shelter 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.

3A:53-1.5 Approval requirements

- (a) A shelter facility or shelter home shall obtain approval from the Office in accordance with the legal authority specified in N.J.A.C. 3A:53-1.1(b) and (c) prior to establishment or operation.

(b) The Office 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 shelter home meets all applicable provisions of this chapter, the Office shall issue a letter of approval.

(d) The Office shall provide notice if a letter of approval shall not be issued.

(e) If the Office determines that a shelter facility or shelter home is in substantial compliance with all applicable provisions of this chapter, providing that no serious or imminent hazard affecting the children exists, the Office may issue a letter of temporary approval.

(f) When a letter of temporary approval is issued, the Office shall provide a written statement explaining what the shelter facility or shelter 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 Office may issue as many temporary approvals as it deems necessary; however, a shelter facility or shelter 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 Office 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 Office shall compute the two-year approval period from the date on which the shelter facility's or shelter 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 office of the shelter home coordinator.

(j) An authorized representative of the Office may at any time make an announced or unannounced visit and inspect the shelter facility or shelter 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's or shelter 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/or well-being of a child or that otherwise demonstrates unfitness or inability to operate the shelter facility or shelter 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 shelter 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. 3A:53-3.1(a), Criminal History Record Information background checks, as specified in N.J.A.C. 3A:53-3.8, or Child Abuse Record Information background checks, as specified in N.J.A.C. 3A:53-3.9;

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. 3A:53-3.8(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. 3A:53-3.8(e).

3A:53-1.6 Administrative hearings

(a) To effectuate the purposes of this chapter, the Office may initiate an administrative hearing in the interest of justice.

(b) When the Office proposes not to approve or not to continue approval of a shelter facility or shelter home, the Office shall afford the shelter facility or shelter 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 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

3A:53-1.7 Public access to Office records for children's shelter facilities and shelter homes

(a) Files of shelter facilities and shelter homes maintained by the Office are public records and shall be readily accessible for examination by any person, under the direction and supervision of the Office, except when public access to records is restricted in keeping with the State Public Records Law or other appropriate statutes.

(b) The Office shall establish policies governing the review by the public of shelter facility and shelter home records.

SUBCHAPTER 2. ADMINISTRATION

3A:53-2.1 Statement of purpose

A shelter facility or a shelter home coordinator shall maintain on file a written statement of purpose for the shelter facility or shelter 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.

3A:53-2.2 Rights of children

(a) The shelter facility or shelter home shall prepare a list of children's rights and shall post it in a prominent location in each shelter facility or shelter home or give it to each child and document such in each child's record. At a minimum, the list shall specify the children's right to:

1. Receive prompt medical treatment;
2. Have access to an appropriate education;
3. Live in a safe, clean, and healthy environment;
4. Be free of physical or sexual harassment or abuse and corporal punishment;
5. Attend religious services of their choice; and
6. Have unimpeded communication to the Department.

(b) The shelter facility or shelter home shall give this list of children's rights to the parents of the children applying for admission, to all staff members, and to all persons who request this information.

(c) The shelter facility or shelter home shall secure and maintain on file a record of the parents' and staff members' signatures attesting to their receipt of the list of children's rights.

(d) If the shelter facility or shelter home chooses to develop a search and seizure policy, the shelter facility or shelter home shall give all children, staff, and parents a copy of this policy, as specified in N.J.A.C. 3A:53-4.16.

(e) The shelter facility or shelter home shall prepare, post, or give to all staff members and children written grievance procedures governing how the children may raise questions about or voice disagreements with and concerns about procedures, care, and specific incidents. The shelter facility or shelter home shall not take or threaten to take retaliatory or disciplinary action of any kind against a child who uses the grievance procedure or files a grievance. The shelter facility or shelter home shall establish a procedure to explain these grievance procedures to children who are developmentally disabled.

3A:53-2.3 Intake and admissions procedures

(a) Each child placed in a shelter facility or shelter home shall receive a medical examination within 72 hours of placement, unless the child received a medical examination by a physician no more than 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 or he shall be examined immediately upon admission.

(b) If a medical examination is required immediately or within 72 hours of placement under (a) above, that examination may be conducted by a physician or a nurse. 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, and phone number of the father, mother, resource family 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 shelter 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 shelter home, each child shall be:

1. Given or 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.

3A:53-2.4 Reporting requirements

(a) The shelter facility or shelter home coordinator shall notify the Office within 24 hours after any of the following changes and events:

1. Unanticipated temporary or permanent closing of a shelter facility or shelter home;
2. Legal action against a shelter facility, shelter facility staff member, shelter home, or shelter home parent which involves or affects any child or the operation of the shelter facility or shelter home;
3. Damage to the premises of the shelter facility or shelter 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 shelter home or while in the care of a shelter facility staff member(s) or shelter home parent(s).

(b) The shelter facility or shelter home coordinator shall notify the Office 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 shelter 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 shelter home.

(c) A shelter facility or shelter home shall notify the Department 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 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 online at www.nj.gov/dcf/reporting.

3A:53-2.5 Records

(a) General requirements for shelter facilities and shelter homes:

1. Records required to be maintained by the shelter facility or shelter 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 Office.
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 shelter 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. 3A:53-2.3(c);
2. Health information, as specified in N.J.A.C. 3A:53-2.3(a) and (c)11;
3. Educational documentation, as specified in N.J.A.C. 3A:53-4.5(e); and
4. Documentation regarding the opening of a child's mail at a shelter facility or shelter home, as specified in N.J.A.C. 3A:53-4.14(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. 3A:53-3.2;
 - 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. 3A:53-3.8, and a Child Abuse Record Information background check, as specified in N.J.A.C. 3A:53-3.9; 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. 3A:53-2.1;
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. 3A:53-6.4;
4. A record of the performance of required twice monthly fire/evacuation drills, as specified in N.J.A.C. 3A:53-5.4(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. 3A:53-3.6(b);
8. A shift log book, which allows every staff member to comment on the activities of his or her working shift on a daily basis;
9. A medication log book, as specified in N.J.A.C. 3A:53-4.1(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. 3A:53-4.12(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. 3A:53-4.13(c);

14. A record of the health procedures, as specified in N.J.A.C. 3A:53-4.1(a);

15. A record of scheduled recreational activities, as specified in N.J.A.C. 3A:53-4.7(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. 3A:53-3.7(d).

(e) The shelter home coordinator shall keep the following information on file for each shelter 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. 3A:53-3.8, and a Child Abuse Record Information background check, as specified in N.J.A.C. 3A:53-3.9, 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. 3A:53-4.1(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

3A:53-3.1 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. 3A:53-3.8, and a Child Abuse Record Information background check, as specified in N.J.A.C. 3A:53-3.9; and
7. Be in satisfactory physical, mental, and emotional health to perform his or 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 shelter facility or shelter 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 shelter facility or shelter home or reassignment to other duties that do not involve contact with the children; or
2. When the individual resides at the shelter 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 shelter facility or shelter home, the shelter facility or shelter home shall immediately terminate the individual's employment at the shelter facility or shelter home. If the individual is a facility director, shelter home coordinator, shelter home parent, or shelter home household member, the Office shall deny, suspend, revoke, or refuse to renew the certificate of approval, as applicable.

1. The shelter facility or shelter home may appeal the denial, suspension, revocation, or refusal to renew, as specified in N.J.A.C. 3A:53-1.6.
2. The shelter home parent may choose to remove the household member against whom child abuse or neglect is substantiated from the shelter 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 or he shall also designate staff to be in charge at all times during his or 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. 3A:53-3.1(a)6.

3A:53-3.2 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 Office or 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 result is 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 or he submits to the shelter facility a written statement from a physician certifying that she or he poses no threat of 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 or 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.

3A:53-3.3 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.

3A:53-3.4 Qualifications for shelter home coordinator and shelter home parent

(a) 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) 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 Office; and

5. Have the ability and willingness to maintain confidentiality regarding a shelter home child and his or her family.

3A:53-3.5 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 provided she or he possesses the qualification for the position.

3A:53-3.6 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 or her duties by an experienced staff member(s) as part of an orientation program.

3A:53-3.7 Governing body or citizens board for shelter facilities

- (a) Every shelter facility shall have a governing body or 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 or citizens board for that shelter facility.

(c) Every governing body or 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 or citizens board.

3A:53-3.8 Criminal History Record Information background checks

(a) As a condition of securing and maintaining a certificate, the shelter facility or shelter 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 Office shall deny, suspend, revoke, or refuse to renew the certificate, as applicable.

1. The shelter facility or shelter home may appeal the denial, suspension, revocation, or refusal to renew, pursuant to N.J.A.C. 3A:53-1.6.

2. The shelter home parent may choose to remove the household member so refusing from the shelter 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 shelter facility or shelter home shall immediately terminate the staff member's employment at the shelter facility or shelter home.

(d) If any person specified in (a) above has a record of criminal conviction, the Department of Children and Families 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 shelter facility or shelter home, as applicable.

(e) A person shall be disqualified from receiving a certificate, administering, working at, or residing in a shelter facility or shelter 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 shelter facility or service at a shelter 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 shelter facility or shelter home documents that the individual's employment or administration of the shelter facility or shelter 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 shelter facility or shelter home shall identify restrictions regarding the individual's contact with, care or supervision of children;

4. The shelter facility or shelter 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 shelter facility or shelter 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 shelter facility or shelter 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 shelter home or shelter facility, indicating why the individual at issue should not be precluded from administering, working, or residing at the shelter home or shelter 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 shelter 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 shelter home or shelter facility or its 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 shelter facility or shelter 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 shelter facility or shelter home to terminate the individual's employment or service, as applicable.

(j) Upon completion of the CHRI for an individual, the Department shall notify the individual, and the shelter facility or shelter 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 shelter facility or shelter home that the individual has been disqualified from employment or service.

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

5. If the disqualified individual is a facility director, shelter home coordinator, shelter home parent, or shelter home household member, the Office 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 shelter home before the action against the certificate takes effect.

(k) A shelter facility or shelter 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 shelter facility or shelter home seeking to employ that individual, if the shelter facility or shelter 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 shelter facility or shelter 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 shelter facility or shelter 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 shelter facility or shelter home.

(l) A shelter facility or shelter 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 shelter facility or shelter home acted with actual malice toward the individual who is the subject of the information.

3A:53-3.9 Child Abuse Record Information background checks

(a) As a condition of securing and maintaining a certificate, the shelter facility or shelter home shall provide written consent to the Department 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 Office shall deny, suspend, revoke, or refuse to renew the certificate, as applicable.

1. The shelter facility or shelter home may appeal the denial, suspension, revocation, or refusal to renew, pursuant to N.J.A.C. 3A:53-1.6.

2. The shelter home parent may choose to remove the household member who refuses to consent from the shelter 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 shelter facility or shelter home shall immediately terminate the staff member's employment at the shelter facility or shelter home.

(d) Upon receipt of written consent from an individual specified in (a) above, the Department 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 shelter 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 in accordance with N.J.A.C. 3A:5.

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

(f) If the Department 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 shelter facility or shelter home may appeal the denial, suspension, revocation, or refusal to renew, as specified in N.J.A.C. 3A:53-1.6.

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

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

(g) If the Department determines that an allegation of child abuse or neglect has been substantiated against a staff member, the shelter facility or shelter 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 shelter facility or shelter home shall notify the staff member in writing that the staff member may request a hearing to contest the substantiation.

3A:53-3.10 Background check procedures for New Jersey shelter facilities and shelter homes

(a) Prior to the opening of a new shelter facility or shelter home located in New Jersey, the shelter facility or shelter home shall ensure that a request for a Criminal History Record Information (CHRI) background check, as specified in

N.J.A.C. 3A:53-3.8, and a Child Abuse Record Information (CARI) background check, as specified in N.J.A.C. 3A:53-3.9, is submitted for all persons identified in N.J.A.C. 3A:53-3.8(a) and 3.9(a).

(b) Prior to the first renewal of a certificate on or after March 26, 2004, for an existing shelter facility or shelter home located in New Jersey, the shelter facility or shelter home shall ensure that a request for a CHRI background check, as specified in N.J.A.C. 3A:53-3.8, is submitted for all persons identified in N.J.A.C. 3A:53-3.8(a) and 3.9(a).

(c) Prior to each renewal of a certificate on or after March 26, 2004, for an existing shelter facility or shelter home located in New Jersey, the shelter facility or shelter home shall ensure that a request for a CARI background check, as specified in N.J.A.C. 3A:53-3.9, is submitted for all persons identified in N.J.A.C. 3A:53-3.8(a) and 3.9(a).

(d) Within two weeks after a new staff member begins employment at a shelter facility or shelter home or a new household member begins residing at a shelter home located in New Jersey, the shelter facility or shelter home shall ensure that a request for a CHRI background check, as specified in N.J.A.C. 3A:53-3.8, and a CARI background check, as specified in N.J.A.C. 3A:53-3.9, 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 shelter facility or shelter home until documentation from the Department showing compliance with a CHRI check and CARI check for the individual has been received by the shelter facility or shelter home.

3A:53-3.11 Background check procedures for out-of-State shelter facilities and shelter homes

(a) For a shelter facility or shelter home located outside New Jersey, the shelter facility or shelter 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 shelter facility or shelter 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 shelter facility or shelter home during the time children who are residents of New Jersey are placed in the shelter facility or shelter home.

SUBCHAPTER 4. PROGRAM REQUIREMENTS

3A:53-4.1 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 shelter 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.

3A:53-4.2 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 shelter home shall insure that each child's clothing is kept clean and in good repair.

(c) The shelter facility or shelter home shall insure that provisions are made for the protection of each child's personal property.

3A:53-4.3 Food and nutrition requirements for shelter facilities and shelter homes

(a) The shelter facility or shelter 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 shelter home shall not force-feed or otherwise coerce a child to eat against his or 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 shelter home by the child's physician(s) shall be followed.

3A:53-4.4 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 shelter 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.

3A:53-4.5 Education

- (a) The shelter facility or shelter home 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:38-1 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 shelter home returned to classroom instruction in a public school. If such return is not possible or feasible in the judgment 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 shelter 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.

3A:53-4.6 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 or her family; and
3. Liaison services with community provider agencies.

(b) If a child remains in the shelter facility for more than 45 days, the shelter facility shall develop a case management plan. Once developed, the case management plan shall be reviewed or revised 60 days thereafter.

3A:53-4.7 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 shelter 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.

3A:53-4.8 Religion requirements for shelter facilities and shelter homes

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

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

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

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

3A:53-4.9 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 shelter home, provided that the work shall not interfere with regularly scheduled program activities or school program.

3A:53-4.10 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.

3A:53-4.11 Restrictive behavior management practices

Shelters that choose to utilize restrictive behavior management practices shall do so in accordance with the rules and restrictions specified at N.J.A.C. 3A:56-6.13. Notifications in accordance with N.J.A.C. 3A:56-6.13(g) are required within 72 hours of each utilization of restrictive behavior management practices.

3A:53-4.12 Discipline and control

(a) The shelter facility or shelter home shall have written policies and procedures regarding discipline and control, which shall be maintained on file, explained, and be made available in writing to all children, parent(s), and staff members.

(b) The discipline, control, or supervision of the children in a shelter facility or shelter home shall be the responsibility of the staff members or shelter home parents 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) Shelter facilities or shelter homes that use time out as a means of disciplining children and to teach them self-control shall:

1. Develop written guidelines and criteria for staff members using time out with children;
 2. Discontinue the time out as soon as the child is under instructional control;
 3. Ensure that the length of time for each time out does not exceed 30 minutes;
- and
4. Ensure that the time out does not take place in a closet, bathroom, unfinished basement, unfinished attic, stairway, locked room, or other area not intended or routinely used for occupancy by children.

(e) A child's rights in a shelter facility or shelter 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.

(f) 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, or other basic rights;
6. Mechanical, chemical, or excessive physical restraint;
7. Assignment of unduly physically strenuous, harsh work;
8. Refusal of entry to the shelter facility or shelter home;
9. Temporary suspension and return of a child from the shelter facility or shelter home to a parent, relative, or resource family parent unless approved by the placing agency; or
10. Seclusion in a locked room.

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

3A:53-4.13 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.

3A:53-4.14 Mail and telephone communications

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

(b) Incoming and outgoing mail for or from any child at the shelter facility or shelter 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 she or 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 or her designate.

(d) Each child in the shelter facility or shelter 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 shelter home.

(f) Each child in a shelter facility or shelter 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.

3A:53-4.15 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.

3A:53-4.16 Search and seizure requirements for shelter facilities and shelter homes

(a) Shelter facilities and shelter homes may conduct searches for weapons or contraband, provided that they maintain on file in the shelter facility or shelter home written policies and procedures that are consistent with the requirements of this chapter.

1. The shelter facility or shelter home shall define contraband to include illegal drugs, unauthorized property, stolen property, or items otherwise obtained illegally.
2. The shelter facility or shelter home shall explain the policy and distribute copies of the written policy to children and their parents upon admission.
3. The shelter facility or shelter home shall specify the actions that it will take when weapons or contraband are found.

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

1. A shelter facility staff member or shelter home parent 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 or shelter home parent 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 or shelter home shall complete and keep on file an incident/accident report for every incident involving the frisk searching of a child.

(c) Search procedure for illegal drugs or contraband:

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

2. A shelter facility staff member or shelter home parent 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 or shelter home parent shall inspect all items that are in plain view while in the presence of a second staff member or shelter home parent. The staff member or shelter home parent 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 or shelter home parent shall summon a law enforcement officer to conduct a lawful search of the child.

(d) A shelter facility staff member or shelter home parent shall be prohibited from strip searching a child for any reason.

(e) If a shelter facility or shelter home has reasonable suspicion that a child's room or other possessions not within a child's immediate possession or control, contain contraband, stolen property, or weapons, the shelter facility staff or shelter home parent may conduct an unannounced search if:

1. The shelter facility staff or shelter home parent explains and documents this practice to the child and his or her parents;
 2. The search is conducted in the presence of two staff members or shelter home parents, one of whom has supervisory or administrative responsibility; and
 3. The shelter facility or shelter home shall allow the child, if the child is present in the shelter at the time of a search, an opportunity to observe the search. If the child declines the opportunity, the staff members may conduct the search in the child's absence.
- (f) When unannounced room searches occur, pursuant to (e) above, the shelter facility or shelter home shall verify which child is responsible for any weapon or contraband brought into the shelter facility before imposing a disciplinary action or sanction on the child.

SUBCHAPTER 5. PHYSICAL FACILITY AND LIFE-SAFETY REQUIREMENTS

3A:53-5.1 Local government physical facility requirements for shelter facilities and shelter homes

(a) An applicant seeking an initial approval, as specified in N.J.A.C. 3A:53-1.5, to operate a shelter facility or shelter 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 shelter home shall submit to the Office a copy of a Certificate of Occupancy (CO) issued by the municipality in which it is located, reflecting the shelter facility's or shelter home's compliance with the appropriate use group classification provisions of the NJUCC.

2. For shelter facilities or shelter homes that are planning to construct a new building, the shelter facility or shelter home shall submit to the Office:

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 Office before the shelter facility or shelter 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 shelter 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 shelter home shall submit a copy of the building's CO to the Office.

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 shelter home and that have not had major alterations or renovations, the shelter facility or shelter 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 shelter home. The shelter facility or shelter home shall submit a copy of the building's CCO or letter reflecting the building's compliance to the Office.

5. The shelter facility or shelter 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 Office 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 shelter home is located;
- iii. Increases the floor area or the number of stories to the building or premises where the shelter facility or shelter home is located; or
- iv. Relocates to another site.

6. Whenever a municipality grants a shelter facility or shelter home a written variation from any of the requirements of the NJUCC, the Office of Licensing may accept such variations as meeting the requirements of this chapter.

- i. When the Office 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 shelter facility or shelter home disagree with the Office, the shelter facility or shelter home may seek a hearing in accordance with N.J.A.C. 3A:53-1.6 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. 3A:53-1.5, to operate a shelter facility or shelter home 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 Office.

(c) An applicant seeking an initial approval, as specified in N.J.A.C. 3A:53-1.5, to operate a shelter facility or shelter home shall comply with all applicable provisions of the State Sanitary Code, as specified in N.J.A.C. 8:24. The shelter facility or shelter home 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 or shelter home complies with applicable provisions of local, county, and State health codes and poses no health hazard to

the children served. The shelter facility or shelter home shall submit a copy of the certificate or statement of satisfactory health approval to the Office.

(d) An applicant seeking the renewal of a certificate of approval to continue operating a shelter facility or shelter home shall obtain and submit to the Office, 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.

3A:53-5.2 State government physical facility requirements for shelter facilities

(a) All shelter facilities shall be inspected by the Office 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 New Jersey Uniform Fire Code (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:

1. 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 shelter 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 equivalent 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 and furnace separation, electrical fire alarm systems, emergency lighting, and exit signs conform to all applicable provisions of the NJUFC and NJUCC.

(f) 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 Office 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 two and one half 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) 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 (three quarter hour) fire-rated door with a self-closing device and positive latching.

(n) Any swimming areas used by children shall comply with the requirements pertaining to swimming areas, as specified in the New Jersey Youth Camp Safety Act Standards, N.J.A.C. 8:25-9.1.

(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) Shelter facilities caring for children six years of age or younger shall comply with the following lead paint standards:

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 Office 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.

3A:53-5.3 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 Office 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.

3A:53-5.4 Life-safety requirements for shelter facilities and shelter homes

(a) Emergency information: the shelter facility or shelter 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 shelter home or of the health facility to be used in emergency situations;
3. The hospital 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 New Jersey Child Abuse Hotline - 1-877-NJ ABUSE (1-877-652-2873); 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 shelter 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 shelter 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.

3A:53-5.5 Supplemental requirement

In addition to the requirements, as specified in N.J.A.C. 3A:53-5.1 through 5.4, the Office shall also require shelter facilities and shelter homes to take whatever additional steps that it deems are necessary to correct any conditions in the shelter facility or shelter home that may endanger in any way the health, safety, or well-being of the children served.

SUBCHAPTER 6. TRANSPORTATION REQUIREMENTS

3A:53-6.1 Vehicle requirements

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

(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.

3A:53-6.2 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.

3A:53-6.3 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) Child passenger restraint systems shall be used as required by N.J.S.A. 39:3-76.

(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.

3A:53-6.4 Transportation records

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

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

3A:53-6.5 Insurance

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

(b) If transportation services are provided by a private individual or from under contract or other arrangement, the shelter facility or shelter home 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 Office upon request.

3A:53-6.6 Special regulations

(a) The following shall be required for shelter facilities and shelter homes 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.