

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole practices concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 10 FAMILY DEVELOPMENT HEARINGS

SUBCHAPTER 12. CONTINUED ELIGIBILITY; EMERGENCY FAIR HEARINGS

1:10-12.2 Emergency fair hearings in TANF or General Assistance cases

(a) When DFD determines that a request for hearing should be scheduled as an emergency fair hearing:

1.-4. (No change.)

5. The petitioning applicant/recipient, his or her representative or the [CWA] **county social services agency** or MWD may, [by telephone] **in writing**, make exception or objection to the initial decision, to the DFD no later than the first **business** day following the issuance of the initial decision.

6. (No change.)

CHAPTER 90 WORK FIRST NEW JERSEY PROGRAM

SUBCHAPTER 9. NOTICES AND HEARINGS IN WFNJ

10:90-9.17 Emergency fair hearings

(a) (No change.)

(b) When it is determined that a request for hearing should be scheduled as an emergency fair hearing:

1.-4. (No change.)

5. Only in emergency fair hearings may the applicant/recipient, his or her representative, or the county or municipal agency take exception or object to the [Initial Decision by a telephone call] **initial decision, in writing**, to the DFD no later than the first business day following the issuance of the [Initial Decision] **initial decision**.

6. The [Director] **Assistant Commissioner** of the DFD shall issue a final decision no later than three business days following the date the [Initial Decision] **initial decision** is received, which shall accept, reject, or modify the [Initial Decision] **initial decision**. On the day the final decision is issued, the DFD shall notify the county or municipal agency, and the petitioner or the petitioner's representative [by telephone], **in writing**, of the final decision, and any relief ordered shall be provided by the county or municipal agency on the day notice of the final decision is received.

CHILDREN AND FAMILIES

(a)

CHILD PROTECTION AND PERMANENCY

Manual of Requirements for Resource Family Parents and Manual of Requirements for Kinship Resource Family Providers

Proposed Amendments: N.J.A.C. 3A:51-1.2, 1.3, 2.1, and 2.2

Proposed New Rules: N.J.A.C. 3A:51A

Authorized By: Christine Norbut Beyer, M.S.W., Commissioner,
Department of Children and Families.

Authority: N.J.S.A. 9:3A-7f, 30:4C-4.h, 30:4C-26a, and 30:4C-27.15.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-105.

Submit written comments by October 17, 2025, to:

Joseph Pargola, Director
Office of Policy and Regulatory Development
Department of Children and Families
PO Box 717
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The agency proposal follows:

Summary

N.J.A.C. 3A:51, Manual of Requirements for Resource Family Parents, governs the licensure of resource family parents by the Office of Licensing, Division of Child Protection and Permanency (Division) within the Department of Children and Families ("Department" or "DCF") authorized to care for children determined by the Family Court to be in need of care because of abuse, neglect, or other child welfare concerns. Each state is responsible for establishing and maintaining licensing or approval standards for foster family homes in accordance with section 471(a)(10)(A) of the Social Security Act. The licensing standards set by each state must be reasonably in accord with recommended standards of national organizations for foster family homes related to admission policies, safety, sanitation, protection of civil rights, and use of the reasonable and prudent parenting standard. In addition, licensed caregivers must fully meet Federal requirements concerning criminal background checks pursuant to section 471(a)(20) of the Social Security Act.

The New Jersey Legislature enacted the Resource Family Parent Licensing Act (Act), N.J.S.A. 30:4C-27.3 et seq., to ensure the safety, health, general well-being and physical, emotional, social, and educational needs of children who are cared for outside of their home. N.J.S.A. 30:4C-27.4. The Act directs the Department to adopt standards governing the safety and adequacy of the homes and providers of resource family care, including rules for license application, issuance, denial, suspension, and revocation. The Department promulgated the rules at N.J.A.C. 3A:51 to implement the licensing standards required by the Act and which apply when a child in the care, custody, or guardianship of the Department is placed for resource family care. The existing rules at N.J.A.C. 3A:51 apply to both kinship and non-kinship resource family care.

The Department proposes new Chapter 51A, which would provide licensing rules specific to kinship resource family providers. On November 27, 2023, the Administration for Children and Families issued regulations to allow a title IV-E agency to adopt licensing or approval standards for all relative or kinship foster family homes that are different from the licensing or approval standards used for non-relative/non-kin foster family homes. The Department proposes corresponding repeals and amendments to the rules at N.J.A.C. 3A:51 to remove standards that relate to kinship care for consistency and clarity.

N.J.A.C. 3A:51

The proposed amendments at N.J.A.C. 3A:51 seek to ensure consistency and avoid duplication and potential confusion by removing kinship licensing standards from the chapter, thereby ensuring that licensing standards relating to kinship resource family providers are codified only at proposed new N.J.A.C. 3A:51A.

N.J.A.C. 3A:51-1.2 describes the population and types of services that are subject to the chapter's requirements. The proposed amendments at N.J.A.C. 3A:51-1.2(b) would delete the provisions, for which a resource family to secure approval for the services listed at paragraphs (b)1, 2, and 3: regular foster care, kinship care, and adoptive care. The Department seeks to remove the entire provision because it no longer identifies subcategories of resource family services. The regular foster care services described at paragraph (b)1 are synonymous with family care services. The Department no longer uses the term "foster care" to identify temporary out-of-home care of a child. The Department seeks to revise

and relocate the standards related to kinship care described at paragraph (b)2 to N.J.A.C. 3A:51A-1.2(b), which includes kinship resource family provider requirements. Standards related to paragraph (b)3, adoptive care, are provided pursuant to N.J.A.C. 3A:50, which provides the Department's Manual of Requirements for Adoption Agencies.

The Department proposes the removal of the term and corresponding definition for "kinship care" from N.J.A.C. 3A:51-1.3 and the deletion of all references to "kinship care" throughout the chapter. Removal of any terms, references, and requirements related to kinship care throughout N.J.A.C. 3A:51 ensures consistency with the Department's rules promulgated within Title 3A of the New Jersey Administrative Code, in particular, the proposed removal of the kinship care references eliminates confusion with the proposed new kinship resource family provider licensing rules proposed as new N.J.A.C. 3A:51A.

The Department proposes to delete N.J.A.C. 3A:51-2.1(e), which enumerates the conditions that must be met for the Division to approve an application for kinship care resource family license. The requirements set forth at existing N.J.A.C. 3A:51-2.1(e) have been updated to align with current terminology and programmatic operations and are proposed as new N.J.A.C. 3A:51A-2.2.

N.J.A.C. 3A:51A, Manual of Requirements for Kinship Resource Family Providers

Subchapter 1. General Provisions

Proposed new N.J.A.C. 3A:51A-1.1 sets forth the requirements for authorization as a resource family care provider. N.J.A.C. 3A:51A-1.1(a) would require the Office of Licensing to approve any person seeking to provide kinship resource family care to a child in placement. N.J.A.C. 3A:51A-1.1(b) requires a kinship resource family care provider to demonstrate full compliance with the licensing requirements set forth at N.J.A.C. 3A:51A and further states that the rules constitute minimum baseline requirements.

N.J.A.C. 3A:51A-1.2 would describe the scope of the new kinship resource family provider licensing requirements. In particular, the rules would apply to any person who meets the definition of a kinship resource family provider at N.J.A.C. 3A:51A-1.3, with whom a child is placed by the Division.

Proposed new N.J.A.C. 3A:51A-1.3 sets forth the terms and definitions that are used throughout the chapter.

Proposed new N.J.A.C. 3A:51A-1.4 would describe the different compliance requirements related to licensing that are identified as Level I, requiring full compliance, and Level II requirements, which would require either full or substantial compliance.

Proposed new N.J.A.C. 3A:51A-1.5 provides the nondiscrimination requirements that the Department shall comply with.

Subchapter 2. Licensing Procedures

Proposed new Subchapter 2 includes procedures related to applying for, maintaining, renewing, revoking, and appealing a kinship resource family provider license.

N.J.A.C. 3A:51A-2.1 would set forth the application requirements and procedures that govern kinship resource family providers.

The proposed standards at N.J.A.C. 3A:51A-2.2 detail when the Office of Licensing may issue a license and describe the circumstances in which waivers may be granted.

N.J.A.C. 3A:51-2.3 would require kinship resource providers to participate in an annual interview and to ensure participation in an annual inspection of the kinship resource provider home.

Proposed N.J.A.C. 3A:51-2.4 sets forth the license renewal requirements that kinship resource family providers must complete to maintain their license.

N.J.A.C. 3A:51A-2.5 would provide standards related to denying an application and suspending, revoking, or refusing to renew a license.

Proposed new N.J.A.C. 3A:51A-2.6 would establish the administrative hearings requirements that the Office of Licensing must comply with when denying, suspending, revoking, or refusing to renew a kinship resource family provider's license.

Proposed N.J.A.C. 3A:51A-2.7 would establish the investigative procedures that the Office of Licensing will undertake when a complaint

is received with respect to a kinship resource family provider's licensing status or compliance.

Subchapter 3. Administration

Proposed new N.J.A.C. 3A:51A-3 would include the administrative procedures and requirements for the licensing of kinship resource family providers. The Department seeks to set forth the rights of children in placement at N.J.A.C. 3A:51A-3.1.

Proposed new N.J.A.C. 3A:51A-3.2 would establish requirements for each kinship resource family provider related to retention of records.

Proposed new N.J.A.C. 3A:51A-3.3 would similarly establish confidentiality of records procedures and requirements to be implemented by the Department.

Proposed N.J.A.C. 3A:51A-3.4 would establish reporting requirements to be followed by kinship resource family providers, including when notification to the State Central Registry and the Office of Licensing is required.

Subchapter 4. Physical Facility Requirements

The proposed new rules at Subchapter 4 would establish the physical facility requirements for kinship resource family provider homes. Proposed new N.J.A.C. 3A:51A-4.1 sets forth the Level I physical facility and maintenance requirements. Level I requirements include adherence to the specific provisions of New Jersey State Statutes, New Jersey Administrative Code, New Jersey Uniform Construction Code, and New Jersey Uniform Fire Code.

Proposed N.J.A.C. 3A:51A-4.2 and 4.3 would establish sleeping space requirements.

Requirements related to emergency evacuation, medical emergencies, and fire prevention are proposed at new N.J.A.C. 3A:51A-4.4.

The proposed new rules at N.J.A.C. 3A:51A-4.5 address the maximum number of children that may be placed in a kinship resource family provider home at one time.

Subchapter 5. Personal Requirements

The requirements proposed at new Subchapter 5 relate to personal requirements of the kinship resource family provider. Proposed new N.J.A.C. 3A:51A-5.1 identifies general personal requirements, including the provision of resources and caretaking for each child in placement.

Proposed N.J.A.C. 3A:51A-5.2 describes requirements related to the caregiver assessment that shall be completed by the Department for each kinship resource family provider. Kinship resource family providers must participate in and provide the information necessary for the completion of the caregiver assessment.

N.J.A.C. 3A:51A-5.3 is reserved.

Proposed new N.J.A.C. 3A:51A-5.4 would identify the criminal history record information requirements and N.J.A.C. 3A:51A-5.5 would establish child abuse record information requirements that must be met by each kinship resource family provider.

Proposed new N.J.A.C. 3A:51A-5.6 would set forth the training requirements for each kinship resource family provider and applicant.

Subchapter 6. Kinship Family Home Program Requirements

Proposed new Subchapter 6 addresses the kinship resource family program requirements. N.J.A.C. 3A:51A-6.1 would establish rules related to supervision of children in placement, including requirements related to temporary care, child care, and family care.

Proposed new N.J.A.C. 3A:51A-6.2 would provide requirements related to visitation and communication with family members and friends of the child or children in placement.

Proposed new N.J.A.C. 3A:51A-6.3 address education requirements, including requirements related to school registration and attendance that must be met.

Proposed new N.J.A.C. 3A:51A-6.4 would require kinship resource family providers to apply the reasonable and prudent parent standard when determining which recreational activities the child in their care may participate in.

Proposed new N.J.A.C. 3A:51A-6.5 addresses requirements related to religion and N.J.A.C. 3A:51A-6.6 would set forth minimum food and nutrition standards.

Proposed new N.J.A.C. 3A:51A-6.7 establishes safety requirements related to pets in the kinship resource family provider's home.

Proposed new N.J.A.C. 3A:51A-6.8 addresses discipline and control, including prohibited forms of punishment and acceptable methods of discipline.

Proposed new N.J.A.C. 3A:51A-6.9 would set forth requirements related to securing and storage of firearms and weapons and prohibits kinship resource family providers from maintaining chemical weapons unless stored in a location that is inaccessible to children.

Proposed new N.J.A.C. 3A:51A-6.10 would provide requirements related to clothing for children placed in kinship resource family homes.

Subchapter 7. Health Requirements

Health care and medical treatment requirements are proposed at new N.J.A.C. 3A:51A-7.1.

Proposed new N.J.A.C. 3A:51A-7.2 addresses general health practices, including requirements related to accidents, serious illness, and communicable diseases, as well as standards for seeking medical attention and when kinship resource family providers must contact Division workers and the State Central Registry.

Prescription, non-prescription, and psychotropic medications are addressed in the proposed new rules at N.J.A.C. 3A:51A-7.3 and 7.4.

Requirements related to personal care and hygiene are set forth at proposed new N.J.A.C. 3A:51A-7.5 and environmental sanitation and hygiene standards are proposed at new N.J.A.C. 3A:51A-7.6.

Subchapter 8. Transportation Requirements

Proposed new N.J.A.C. 3A:51A-8.1 sets forth transportation requirements.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department anticipates a positive social impact of the proposed new rules at N.J.A.C. 3A:51A, which would provide new licensing standards for children who are placed in homes with family or close connections instead of unrelated resource family homes. The New Jersey State Legislature has explicitly recognized the many benefits that flow from caregiving arrangements with relatives and close connections providing care for children, including increased stability and safety and the ability to maintain family connections (see P.L. 2021, c. 154, § 1). The proposed new rules would enhance the chances for children to achieve permanency by enabling relatives, family friends, and others to become licensed kinship resource family caregivers.

The Department expects no adverse effects on the Division, children, or resource family caregivers as a result of the proposed amendments and new rules at N.J.A.C. 3A:51 and 3A:51A. Instead, the Division foresees a positive reception to the rulemaking.

Economic Impact

The proposed amendments and new rules will have a positive economic impact on the individuals who are currently, or would be open to becoming, a licensed kinship resource family provider. At present, children that the Division places with licensed resource families may be eligible for financial assistance, known as maintenance. Providing standards that are more tailored to the unique circumstances of kinship resource family providers will provide increased access to financial resources for the kinship resource family providers and the children in their care. The Division anticipates little economic impact on the Department or on the Division and Office of Licensing.

Federal Standards Statement

The proposed amendment and new rules would meet, but not exceed, the applicable requirements set forth by Title IV-E of the Social Security Act and the Federal regulations issued by the Administration for Children and Families (ACF). On September 28, 2023, the ACF issued a final rule revising 45 CFR 1355.20 allowing title IV-E agencies to adopt one set of licensing standards for all relative or kinship resource family homes that is different from the licensing standards used for non-relative resource family homes. The Division's proposed new rules at N.J.A.C. 3A:51A would establish licensing requirements for kinship resource family

providers that are reasonably in accord with recommended standards of national organizations for resource or foster family homes related to admission policies, safety, sanitation, protection of civil rights, and use of the reasonable and prudent parenting standard pursuant to the requirements of section 471(a)(10)(A) of the Social Security Act.

Jobs Impact

The Department anticipates no impact, either positive or negative, on job creation due to the proposed amendments and new rules.

Agriculture Industry Impact

The proposed amendments and new rules will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

Resource family parents and kinship resource family providers who are licensed by the Division are not considered small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed new rules and amendments have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed new rules and amendments would evoke a change in the average costs associated with housing because the proposed new rules and amendments pertain to the Department's resource family parent licensing program.

Smart Growth Development Impact Analysis

The proposed new rules and amendments have no impact on smart growth and there is an extreme unlikelihood that the proposed new rules and amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed new rules and amendments pertain to the Department's resource family parent licensing program.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 51 MANUAL OF REQUIREMENTS FOR RESOURCE FAMILY PARENTS

SUBCHAPTER 1. GENERAL PROVISIONS

3A:51-1.2 Scope

(a) (No change.)

[(b)] The resource family parent shall secure approval from the Department to provide one or more of the following services:

1. Regular foster care, in which care is provided for a child in need of temporary out-of-home placement for protective or other social services reasons;

2. Kinship care, in which the resource family parent is not a parent of the child in placement but is related to the child through blood, marriage, civil union, domestic partnership, or adoption or is connected to the child or the child's parent by an established positive psychological or emotional relationship; and

3. Adoptive care, in which care is provided for a child placed by the Division for the purpose of adoption by the resource family parent until said adoption is finalized.]

[(c)] (b) (No change in text.)

3A:51-1.3 Definitions

(a) (No change.)

(b) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...
 ["Kinship care" means care provided by a resource family parent or applicant who is:

1. Related to a child in placement through blood, marriage, civil union, domestic partnership, or adoption, and is not the child's parent; or
2. Connected to a child in placement or to the child's parent by an established positive psychological or emotional relationship.]

...

SUBCHAPTER 2. LICENSING PROCEDURES

3A:51-2.1 Application for a license

(a)-(d) (No change.)

[(e) An applicant seeking to provide kinship care, as specified in N.J.A.C. 3A:51-1.2(b)2, may be approved by the Division to care for a child prior to the issuance of a license, provided that all of the following conditions are met:

1. A life/safety inspection of the home by the Division reveals no health, safety, or fire hazards in the physical facility of the home and the premises where the home is located;

2. A check of the Division's records of child abuse and neglect reveals that no adult residing in the home has been responsible for an incident of sexual abuse of a child or an incident of child abuse or neglect that caused serious injury or harm to a child, or has caused death to a child through abuse or neglect, or has put a child at risk of serious injury or harm;

3. A check of court records reveals that no person residing in the home has been convicted of a crime specified in N.J.S.A. 30:4C-26.8; and

4. The applicant submits a Resource Family Parent Home Study/Licensing Application within five days following the placement of a child in the home. The Division shall begin the home study immediately after approving the application. If the application is denied, the Division shall identify an appropriate alternative placement for the child.]

3A:51-2.2 Issuance of a license

(a) (No change.)

(b) The Office of Licensing may grant a waiver of a [level] Level II requirement for a resource family parent [or applicant providing kinship care, as specified in N.J.A.C. 3A:51-1.2(b)2].

1.-5. (No change.)

(c)-(l) (No change.)

CHAPTER 51A

MANUAL OF REQUIREMENTS FOR KINSHIP RESOURCE FAMILY PROVIDERS

SUBCHAPTER 1. GENERAL PROVISIONS

3A:51A-1.1 Authorization to be a kinship resource family provider

(a) A person shall not provide kinship resource family care to a child in placement unless the person is licensed by the Office of Licensing.

(b) In order to be licensed, a person shall demonstrate to the satisfaction of the Department of Children and Families that he or she complies with all applicable provisions of this chapter. The provisions of this chapter constitute minimum baseline requirements below which no home that is subject to the authority at N.J.S.A. 30:4C-27.3 et seq., and 30:4C-4 is legally permitted to operate.

3A:51A-1.2 Scope

(a) A kinship resource family provider who is subject to the provisions of this chapter shall include any person with whom a child in the care, custody, or guardianship of the Department is placed for kinship resource family provider care, and any person with whom a child is placed by the Division for the purpose of providing necessary welfare services or maintenance, or both.

(b) The kinship resource family provider shall secure approval from the Department to provide kinship resource family care.

3A:51A-1.3 Definitions

(a) The definitions at N.J.A.C. 3A:14 are hereby incorporated into this chapter by reference.

(b) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Case plan" means a written statement of the Division's intervention on behalf of a child, which includes identification of the problems which necessitate Division involvement with the family, the services or actions needed, who will accomplish or provide them, and the planned time frame for providing each service.

"Child Health Unit" means the unit of the Children's System of Care that is located in the Department that includes registered nurses who are assigned to provide comprehensive care coordination for every child in foster care, and who provide medical support services, including, case consultations, medical examinations, psychiatric and psychological evaluations, training and community education, and referral services.

"Child in placement" means a child within the auspices of the Department who is placed in a kinship resource family provider home because he or she cannot live with his or her own family due to neglect, abuse, or other circumstances, and who is either under 18 years of age or who meets the criteria set forth at N.J.S.A. 9:17B-2(f).

"Civil union" means the legally recognized union of two eligible individuals of the same sex, established pursuant to P.L. 2006, c. 103 (N.J.S.A. 37:1-28 et seq.). Parties to a civil union shall receive the same benefits and protections and be subject to the same responsibilities as spouses in a marriage.

"Corporal punishment" means any type of physical punishment.

"Denial of a license" means the withholding by the Office of Licensing of an initial license for which the applicant has applied.

"Department" means the New Jersey Department of Children and Families.

"Division" means the Division of Child Protection and Permanency, within the New Jersey Department of Children and Families, except for the Office of Licensing.

"Domestic partnership" means a partnership established pursuant to N.J.S.A. 26:8A-4b and 4.1.

"Household member" means a person residing in the kinship resource family provider's home other than a kinship resource family provider, an applicant, or child in placement. Household members shall also include boarders and frequent overnight guests who are 18 years of age or older in the home.

"Kinship resource family provider" means a person who is licensed by the Office of Licensing and who is not a biological parent of the child who is placed in the person's home by the Division to provide kinship resource family care, who is related to the child through blood, marriage, civil union, domestic partnership, or adoption, or is connected to the child or the child's parent by an established positive psychological or emotional relationship.

"Kinship resource family provider applicant" or "applicant" means a person who has applied for a kinship resource family provider license.

"Level I requirement" means a licensing requirement, as set forth in this chapter, with which a kinship resource family provider or an applicant must be in full compliance to receive or maintain a license. Level I requirements impact the safety, health, and rights of children in placement.

"Level II requirement" means a licensing requirement, as set forth in this chapter, other than a Level I requirement, with which a kinship resource family provider or an applicant must be in substantial compliance to receive or maintain a license. All requirements other than Level I requirements are Level II requirements.

"License" means a document issued by the Office of Licensing to a person at an approved location who complies with the applicable provisions of this chapter.

"Office of Licensing" or "Office" means the Office of Licensing in the New Jersey Department of Children and Families.

“Parent” means a birth parent, stepparent, adoptive parent, legal guardian, or any other person having legal custody of a child.

“Psychotropic medication” means those substances that exert a direct effect upon the central nervous system, and are utilized as a part of a treatment plan to influence and modify behavior in a positive manner.

“Reasonable and prudent parent standard” means as defined at 42 U.S.C. § 675(a)(10)(A).

“Refusal to renew a license” means a determination by the Office of Licensing not to issue a license to a kinship resource family provider after his or her existing license has expired.

“Restrictive behavior management” means the use of physical or mechanical restraint, or exclusion of a child from normal interactions with others, to control or modify the child’s behavior. Restrictive behavior management shall not include briefly intervening without undue force in order to calm a child, or holding a child’s hand to safely escort the child from one area to another, nor shall it include any situation where a physician has prescribed the use of protective medical equipment that confines the child’s movement.

“Revocation of a license” means a permanent removal of a kinship resource family provider’s license by the Office of Licensing to operate a kinship family home.

“Substantial compliance” means compliance by an applicant who does not meet all applicable requirements of the law and of this chapter, when there is no serious or imminent hazard to the health, safety, well-being, or rights of the children served, and the kinship resource family provider or applicant is in full compliance with Level I requirements.

“Suspension of a license” means a temporary removal of a kinship resource family provider’s license, by the Office of Licensing, to operate a kinship family home.

“Temporary caregiver” means a person who provides supervision to a child in placement on behalf of the kinship resource family provider pursuant to the reasonable and prudent parent standard.

“Worker” means an employee of the Division with case management responsibilities of a child in placement.

3A:51A-1.4 Compliance with Level I and Level II requirements

(a) In order to receive and maintain an initial or renewal license, the kinship resource family provider or applicant shall be:

1. In full compliance with all applicable Level I requirements; and
2. In full or substantial compliance with all applicable Level II requirements.

(b) If the kinship resource family provider or kinship resource family provider applicant is found by the Office of Licensing to be in violation of one or more Level I requirements, the kinship resource family provider or applicant shall abate the violations within 30 days, or sooner, if specified in the violation notice.

(c) If the kinship resource family provider is found by the Office of Licensing to be in violation of one or more Level II requirements, the kinship resource family provider shall abate the violations by the date specified in the violation notice. If the violations are not abated by the next annual or renewal inspection, the Office of Licensing may cite a Level I violation for noncompliance.

3A:51A-1.5 Nondiscrimination

The Department shall not discriminate with regard to the application or licensure of a kinship resource family provider on the basis of race; color; ethnicity; national origin; age; disability; gender; religion; affectional or sexual orientation, as defined at N.J.S.A. 10:5-5hh; gender identity or expression, as defined at N.J.S.A. 10:5-5rr; parental status; birth status; or marital, civil union, or domestic partnership status.

SUBCHAPTER 2. LICENSING PROCEDURES

3A:51A-2.1 Application for a license

(a) An applicant for an initial license shall submit a completed application to the Department.

(b) An applicant for an initial license shall be:

1. At least 18 years of age; and

2. Currently living in the State of New Jersey.

(c) If there is more than one kinship resource family provider applicant in the household, the applicants shall submit a single application for a single license.

1. Each applicant shall meet all requirements for licensure.

2. When a couple lives together, both partners shall be considered to be kinship resource family providers who shall meet the requirements set forth in this chapter.

3. The requirement at (c)2 above for both applicants to meet the licensing requirements may be waived if a physician certifies that one of the applicants is incapable of being a caregiver due to a medical condition or the Department determines that other extenuating circumstances exist that do not place any child in placement at possible risk of harm.

(d) The applicant shall cooperate with the Department in the completion of all components of the application and caregiver assessment within the time limits established by the Department. The components of the application and caregiver assessment for an initial license shall include:

1. Safety and Needs Assessment of the kinship family home by a Division representative on or before the date of placement;

2. Inspection of the kinship family home and surrounding area by the Office of Licensing or Division representative;

3. Interviews with each kinship resource family provider, child, and other household members;

4. A Caregiver Assessment by the Division, as specified at N.J.A.C. 3A:51A-5.3; completion of which shall include submission of the following:

i. A kinship resource family provider Caregiver Assessment Application;

ii. Consent for release of information submitted by the kinship resource family provider and each household member;

iii. Information necessary for a State and Federal Criminal History Record Information background check pursuant to N.J.S.A. 30:4C-26.8 for each applicant and household member 18 years of age or older, each new adult household member and each household member who reaches 18 years of age, as specified at N.J.A.C. 3A:51A-5.4;

iv. Information necessary for a Child Abuse Record Information background check for each applicant and household member 18 years of age or older, each new adult household member, and each household member who reaches 18 years of age, as specified at N.J.A.C. 3A:51A-5.5;

v. Disclosure of any convictions for crimes or disorderly persons offenses for each applicant and each household member 14 years of age or older;

vi. A Kinship Caregiver Standards Agreement, which includes the applicant’s agreement to attend to the child’s health and dental care and to provide services as reflected in the Agreement and as appropriate to each child placed in the home;

vii. An agreement not to use unacceptable methods of discipline, including corporal punishment, hitting and shaking, abusive language, ridicule, humiliation, other forms of degradation, deprivation of meals or sleep, forcing a child to do strenuous physical work or exercise, denying the child communication or mail, removing or threatening to remove the child from the home, denying or threatening to deny family visits, or denying the child access to needed treatment services or medication; and

viii. An agreement not to use illegal substances; abuse alcohol, legal prescription, or nonprescription drugs to excess or contrary to instructions; not to allow anyone to smoke in the presence of the child in placement; and to adhere to the reasonable and prudent parent standards; and

5. The Department’s annual in-service training plan, including pre-service training pursuant to the requirements set forth at N.J.A.C. 3A:51A-5.6.

(e) An applicant seeking to provide kinship care, as specified at N.J.A.C. 3A:51A-1.2(b), may be approved by the Division to care for a child prior to the issuance of a license, provided that all of the following conditions are met:

1. A Safety and Needs Assessment by the Division that reveals no health, safety, or fire hazards in the physical facility of the home and the premises where the home is located;

2. A check of the Division's records of child abuse and neglect reveals that no adult residing in the home has been responsible for an incident of sexual abuse of a child or an incident of child abuse or neglect that caused serious injury or harm to a child, or has caused death to a child through abuse or neglect, or has put a child at risk of serious injury or harm;

3. A check of court records reveals that no person residing in the home has been convicted of a crime specified at N.J.S.A. 30:4C-26.8; and

4. The applicant submits a kinship resource family provider licensing application within the timeframe specified by Division policy following the placement of a child in the home. The Division shall begin the Caregiver Assessment immediately after approving the application. If the application is denied, the Division shall identify an appropriate alternative placement for the child.

3A:51A-2.2 Issuance of a license

(a) The Office of Licensing shall issue a license to an applicant who has achieved full compliance with all applicable Level I requirements and substantial or full compliance with all applicable Level II requirements.

(b) The Office of Licensing may grant a waiver of a Level II requirement for a kinship resource family provider or applicant providing kinship care, as specified at N.J.A.C. 3A:51A-1.2(b).

1. Requests for waivers shall be made to the Office of Licensing, in writing, by the Division representative, with supporting information justifying the request.

2. Waivers shall be considered on a case-by-case basis, only for non-safety standards for a specific child or children in placement. For the purpose of determining whether a waiver will be granted, Level II requirements shall be considered non-safety standards.

3. A waiver may be granted at the discretion of the Office of Licensing upon consideration of the following criteria:

- i. The type or degree of hardship that would result to the kinship resource family provider or applicant if the waiver was not granted;
- ii. The negative impact on a specific child or children in placement if the waiver was not granted; and
- iii. Whether the waiver, if granted, would adversely affect the health, safety, well-being, or rights of any child residing in the kinship resource family provider home.

4. The Office of Licensing shall determine the terms and conditions for granting each specific waiver.

5. If a waiver is granted, the kinship resource family provider or applicant shall comply with the terms and conditions of the waiver.

(c) The Office of Licensing shall notify the applicant and the appropriate Division office of the decision on licensure.

(d) The Office of Licensing shall notify the appropriate Division office of the decision on waivers, if applicable.

(e) If the Office of Licensing determines that the applicant is in full compliance with all applicable Level I requirements and in substantial compliance with, but does not meet, all applicable Level II requirements, and there is no serious or imminent hazard to the rights, education, health, safety, well-being, or treatment needs of a child who is or may be placed in the home, the Office shall issue a license to the applicant and indicate, in writing, the steps the applicant must take to correct the areas not in compliance.

(f) Upon receiving a license, each kinship resource family provider shall sign an agreement concerning his or her role and responsibilities and including assurances that each kinship resource family provider will adhere to the corporal punishment, alcohol and drug use, smoking, and reasonable and prudent parent standards set forth in this chapter.

(g) If a license cannot be issued because there is a serious or imminent hazard to the rights, education, health, safety, well-being, or treatment needs of a child who is or may be placed in the home, the Office of Licensing shall provide written notification to the applicant indicating the steps, if any, the applicant must take to secure a license.

(h) The license shall apply to the kinship resource family provider at the home in which the kinship family resides at the time of the application.

1. The license shall be issued for the identified kinship child/children at the time of placement.

2. No more than one license shall be issued to a single residence.

3. The license shall be issued to one or more specific persons for a specific residence.

4. The license shall not be transferable, except as specified at (i) below.

(i) If the kinship resource family provider changes residence, the Office of Licensing representative shall inspect the new residence to determine whether it is in compliance with the applicable provisions of this chapter, including the provisions at N.J.A.C. 3A:51A-2.1(d) for cooperating with the Division in amending the Caregiver Assessment. The kinship resource family provider shall provide notice of a change of residence at least 30 days in advance of the move.

(j) Each licensing period shall be three years.

1. In determining the expiration date of the license, the Office of Licensing shall compute the three-year licensing period from the date of issuance of the first license.

2. In determining the expiration date of a renewed license, the Office of Licensing shall compute the three-year licensing period from the date on which the previous license expired. If, however, the home has ceased to operate for a period of one year or more following the expiration date of its previous license, the Office shall compute the date of the expiration from the date of issuance of a new license.

(k) The kinship resource family provider shall maintain the license on file at the home.

(l) The kinship resource family provider or applicant shall not make claims either in advertising or in any written or verbal announcement or presentation contrary to the licensing status of the kinship resource family provider or applicant.

3A:51A-2.3 Annual inspection

(a) The kinship resource family provider shall permit and ensure participation in:

1. An annual inspection of the kinship resource family provider home by the Division or Office of Licensing representative to determine whether the kinship resource family provider home complies with the applicable provisions of this chapter; and

2. An annual interview with each kinship resource family provider, child in placement, and household member by the Office of Licensing representative.

3A:51A-2.4 Renewal of a license

(a) A kinship resource family provider seeking renewal of a license shall submit to the Office of Licensing, at least 60 calendar days prior to the expiration of the existing license, a completed:

1. Caregiver Assessment Addendum; and

2. Renewal Application Form.

(b) The Office of Licensing shall issue a renewal license to a kinship resource family provider who submits a Caregiver Assessment and Licensing Application Form pursuant to (a) above and participates in a renewal inspection of the kinship resource family provider home.

(c) For license renewal, the kinship resource family provider shall:

1. Permit and participate in an inspection by the Office of Licensing, as specified at N.J.A.C. 3A:51A-2.3;

2. Submit information necessary for a State Criminal History Record Information background check pursuant to N.J.S.A. 30:4C-26.8 for each new adult household member, and each household member who reaches 18 years of age, as specified at N.J.A.C. 3A:51A-5.4(a)1, for existing household members, the State Bureau of Investigation (SBI) Flag will indicate any changes in the criminal background check history, N.J.A.C. 13:59-1.8; and

3. Submit information necessary for a Child Abuse Record Information background check for each kinship resource family provider and household member 18 years of age or older, each new adult household member, and each household member who reaches 18 years of age, as specified at N.J.A.C. 3A:51A-5.5.

3A:51A-2.5 Denying, suspending, revoking, or refusing to renew a license

(a) The Office of Licensing shall deny an application or suspend, revoke, or refuse to renew a license, as applicable, if the kinship resource family provider, applicant, or any household member at least 18 years of age has been convicted of a crime or offense specified at N.J.S.A. 30:4C-26.8.

(b) The Office of Licensing is authorized to deny an application or suspend, revoke, or refuse to renew a license for good cause, including, but not limited to, the following:

1. Failure to comply with the provisions of this chapter;
 2. Violation of the terms and conditions of a license;
 3. Fraud or misrepresentation in obtaining a license;
 4. Refusal to furnish the Department with files, reports, or records, as required pursuant to this chapter;
 5. Refusal to permit an authorized representative of the Department to gain admission to the home or to conduct an inspection or investigation;
 6. A conviction by the kinship resource family provider, applicant, or a household member at least 18 years of age for any crime or offense;
 7. A determination by the Department that a report of child abuse or neglect by the kinship resource family provider, applicant, or a household member has been substantiated;
 8. Any conduct, engaged in or permitted, which adversely affects or presents a serious hazard to the education, health, safety, general well-being, or physical, emotional, and social development of a child, or which otherwise fails to comply with the standards required for the provision of resource family care to a child and the maintenance of a resource family home;
 9. Failure to be in full compliance with one or more Level I requirements;
 10. Failure to be in substantial compliance with one or more Level II requirements;
 11. Failure to abate outstanding violations of Level II requirements by the next annual or renewal inspection, whichever comes first; or
 12. Failure to comply with the terms and conditions of a waiver granted by the Office of Licensing.
- (c) If a kinship resource family provider or applicant fails to comply with the applicable provisions of this chapter, the Office of Licensing shall issue a directive ordering compliance.
- (d) Before the decision to deny an application or suspend, revoke, or refuse to renew a license becomes effective, the kinship resource family provider or applicant shall have the opportunity to request a hearing to contest the action, as specified at N.J.A.C. 3A:51A-2.6(a).
- (e) A previous denial of an application or suspension, revocation, or refusal to renew a license shall not in itself result in an automatic disqualification of the kinship resource family provider or applicant to secure a license, but shall constitute grounds for the Department to investigate the circumstances that led to the original negative action and to make a determination as to whether to reject or process the new application for a license.
- (f) If the Office of Licensing denies an application, or revokes or refuses to renew a license, as specified at (a) and (b) above, the former kinship resource family provider or applicant shall be prohibited from reapplying for a license for one year from the date of the denial, revocation, or refusal to renew the license. After the one-year period has elapsed, the former kinship resource family provider or applicant may submit to the Department a new application for a license, if he or she believes that the condition that led the Office to deny the application or revoke or refuse to renew the license is no longer applicable.
- (g) If a license is suspended, the Office of Licensing shall issue or reinstate the license once the kinship resource family provider demonstrates that he or she has achieved compliance with the applicable provisions of this chapter. In such a case, the Office shall not require the kinship resource family provider to submit a new application for a license unless reapplication is expressly made a condition of the issuance or reinstatement of the license.

(h) Each license issued by the Office of Licensing to a kinship resource family provider remains the property of the State of New Jersey. If the Office of Licensing suspends or revokes a license, the kinship resource family provider shall return the license to the Office of Licensing immediately.

3A:51A-2.6 Administrative hearings

(a) Before denying, suspending, revoking, or refusing to renew a license, the Office of Licensing shall give written notice to the kinship resource family provider or applicant personally, or by mail to the last known address of the kinship resource family provider or applicant with return receipt requested. The notice shall:

1. State the reason for the action; and
2. Afford the kinship resource family provider or applicant the opportunity to request a hearing to contest the action, 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.

(b) As long as the Department determines that children are not at risk and that no imminent hazard exists, the Office of Licensing may permit a kinship resource family provider whose license has been suspended, revoked, or refused for renewal, and who has requested a hearing, as specified at (a) above, to continue to operate the kinship resource family home until a final decision is rendered as a result of the hearing.

3A:51A-2.7 Complaints

(a) Whenever the Office of Licensing receives a report questioning the licensing status or compliance of a kinship resource family provider or applicant or alleging a violation of the requirements specified in this chapter, the Office of Licensing shall ensure that the allegation is promptly investigated to determine whether the complaint is confirmed.

(b) Upon completion of the complaint investigation, the Department shall notify the kinship resource family provider or applicant and the Division office that has supervision of the resource family home, in writing, of the results of the investigation, with the exception of any information not permitted to be disclosed pursuant to N.J.S.A. 9:6-8.10a or any other State or Federal law.

(c) Whenever the Department conducts a complaint investigation, the kinship resource family provider or applicant shall cooperate with all Department investigators.

(d) The Department, during the course of investigating a report of child abuse and neglect, may determine that immediate corrective action is necessary to protect a child whenever:

1. A kinship resource family provider, applicant, or household member has been found by the Department to have harmed or to pose a risk of harm to a child;
2. A kinship resource family provider, applicant, or household member has committed an act of child abuse or neglect, as substantiated by the Department; or
3. A kinship resource family provider, applicant, or household member has been convicted of such acts.

(e) When the Department makes a determination that immediate remedial action or long-term corrective action is necessary, the action may include temporary or permanent closure of the kinship resource family provider home.

(f) Substantiation by the Department of a child abuse or neglect report shall not in itself automatically result in the denial, suspension, or revocation of or refusal to renew a license, but shall constitute grounds for such action at the discretion of the Office of Licensing after considering information provided by the Department. The Office of Licensing may issue or continue the license if the kinship resource family provider's continued service poses no continuing risk of harm to any child residing in the home and the issuance or continuation of the license is in the best interests of a specific child who is or will be placed in the home.

SUBCHAPTER 3. ADMINISTRATION

3A:51A-3.1 Rights of children in placement

(a) Level I children's rights requirements are as follows:

1. The kinship resource family provider shall ensure that each child in placement is accorded the rights specified in the Child Placement Bill of Rights Act, as specified at N.J.S.A. 9:6B-1 et seq., and Siblings' Bill of Rights, as specified at N.J.S.A. 9:6B-2.1 et seq.; and
2. The kinship resource family provider shall ensure the rights of each child in placement to:
 - i. Receive medical treatment, as needed, on a routine or emergency basis;
 - ii. Have access to an appropriate education;
 - iii. Live in a safe, clean, and healthy home;
 - iv. Be free of physical and sexual harassment and abuse, corporal punishment, or threat thereof;
 - v. Be free of emotional maltreatment;
 - vi. Attend religious services and participate in religious practices chosen by the child's parent;
 - vii. Participate as a family member in the home;
 - viii. Have unimpeded communication with the Department office having supervision of the child, and with the child's law guardian or law guardian investigator; and
 - ix. Have a normal life pursuant to N.J.S.A. 30:4C-26c.

3A:51A-3.2 Records kept by a kinship resource family provider

(a) The kinship resource family provider shall maintain on file in the home, the following information about each child in placement:

1. The child's full name, nicknames, if any, gender, date of birth, religion, and race;
2. The name, address, and telephone number of the Division worker and supervisor;
3. The name, address, and telephone number of the worker or other person to be notified in an emergency involving a child in placement;
4. A Medicaid, health insurance, or managed health care identification card, if applicable; and
5. A medication log if the child receives psychotropic medication, as specified at N.J.A.C. 3A:51A-7.4(b).

(b) In addition to (a) above, the kinship resource family provider, in conjunction with the worker, shall maintain on file in the home the following information about each child in placement, when appropriate and applicable:

1. Schools attended and grade level; and
2. The child's medical history, including documentation of initial and annual physical examinations, chronic conditions, past serious illnesses, allergies, medications, immunizations, and special dietary needs.

(c) The kinship resource family provider shall maintain on file the telephone number for the Department's State Central Registry for reporting allegations of child abuse or neglect, currently 1-877-NJ-ABUSE (877-652-2873) and a copy of this chapter, the Manual of Requirements for Kinship Resource Family Parents (N.J.A.C. 3A:51A).

(d) The Department may, without prior notice, inspect and examine a resource family home and inspect all documents, records, files, or other data required to be maintained by a kinship resource family provider pursuant to the Resource Family Parent Licensing Act, N.J.S.A. 30:4C-27.3 et seq.

3A:51A-3.3 Confidentiality of records

(a) Each kinship resource family provider file maintained by the Department of Children and Families shall be confidential to protect the safety and welfare of the children and kinship resource family providers and shall not be part of the public record, in keeping with the Open Public Records Act, P.L. 2001, c. 404, and other applicable statutes and rules. The Department may issue statistical reports depicting resource family home licensing activity that are part of the public record, but such reports shall not include any identifying information on any individual child or resource family home.

(b) The kinship resource family provider shall be bound by the same standards of confidentiality regarding a child in placement, and the child's family, as well as the Department and its employees. These standards shall include, but are not limited to, the following:

1. The kinship resource family provider shall not permit a child in placement to appear in any media publication or report without the express consent of the parent or Department representative.

2. The kinship resource family provider or household member shall not discuss any confidential information about the child in placement with a friend, neighbor, non-household member, or other individual who is not involved with the child's care, education, or treatment.

3A:51A-3.4 Reporting requirements

(a) The kinship resource family provider shall immediately verbally notify the State Central Registry whenever there is reasonable cause to believe that a child has been, or is being, abused or neglected, as required pursuant to 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 upon request from the Department's Office of Communications and Public Affairs, PO Box 729, Trenton, NJ 08625-0729.

(b) The kinship resource family provider, or designee, if the kinship resource family provider is incapacitated, shall immediately verbally notify the Office of Licensing of the following changes or events after the kinship resource family provider, or designee, learns of their occurrence, and shall immediately notify the State Central Registry if such changes or events occur after office hours:

1. Injury, accident, or illness that results in the admittance of a kinship resource family provider or household member to a hospital;
2. The death of a kinship resource family provider or household member;
3. Any current arrests, criminal convictions, or guilty pleas of a kinship resource family provider or household member;
4. Any household member added to the resource family; and
5. Any traumatic event that disrupts the stability of the home.

(c) The kinship resource family provider shall immediately notify the Department office having supervision of the child, or the State Central Registry, if after office hours, of the following:

1. Injury, accident, or illness of a child in placement;
2. The death of a child in placement;
3. A child in placement has run away or is missing from the home;
4. Temporary or permanent closing of a home; and
5. Any unusual incidents that occurred that might indicate possible abuse or neglect involving a child in placement. Such incidents include, but are not limited to: acts of aggression, violent or destructive behavior, suicidal threats or behavior, homicidal threats, inappropriate sexual behavior, running away, withdrawal or passivity, drug or alcohol abuse, or significant changes in the child's behavior or habits.

(d) The kinship resource family provider shall notify the Office of Licensing by telephone of the following changes or events by the next working day:

1. Significant damage to the premises of the home caused by fire, accident, or the weather; and
2. Proposed use of space, such as a bedroom, not previously approved by the Office of Licensing for a child in placement.

(e) The kinship resource family provider shall notify the Office of Licensing at least 30 days in advance of relocation to a home not approved by the Office, as specified at N.J.A.C. 3A:51A-2.2(i).

SUBCHAPTER 4. PHYSICAL FACILITY REQUIREMENTS

3A:51A-4.1 Physical facility and maintenance requirements

(a) Level I physical facility requirements are as follows:

1. In order to receive and maintain an initial or renewal license, the kinship resource family home shall be in compliance with all applicable local and State laws, including the New Jersey Uniform Construction Code, N.J.A.C. 5:23, and the New Jersey Uniform Fire Code, N.J.A.C. 5:70, with respect to occupancy of a dwelling, health, and fire safety provisions;

2. A telephone shall be in service in the home at all times when a child in placement is present;

3. Cameras, recording devices, or monitoring devices, including a home security system focusing on points of egress to the outside, may be installed;

4. Cameras, recording devices, and monitoring devices shall not be installed in or monitor bathrooms;

5. Cameras, recording devices, and monitoring devices, with the exception of baby monitors used for infants and toddlers, shall not be used in a bedroom used by a child in placement unless deemed necessary by the child's treating physician. The device shall not impose on the privacy of any child in placement; and

6. The kinship resource family provider shall reveal any use of monitoring or recording devices to each child in placement prior to their use.

(b) Level I maintenance requirements are as follows:

1. Major plumbing, drains, sewer lines, and septic systems shall be operable and in good repair;

2. At least one toilet, one wash basin, and one bathtub or shower shall be provided in the home and shall be in good working order;

3. Each egress door shall be readily opened from the side from which egress is to be made without a key, special knowledge, or special effort;

4. Major appliances shall be plugged directly into electrical outlets. Small appliances may be operated by using an appropriately rated power strip. Extension cords shall not be used to connect appliances to electrical outlets;

5. Rodent or insect infestation shall be controlled, if present;

6. All corrosive agents, insecticides, bleaches, polishes, products under pressure in an aerosol can, and toxic substances shall be labeled and stored in an area inaccessible to children who are under 10 years of age or whose assessment indicates the need for such protection;

7. Alcoholic beverages shall be stored in an area inaccessible to children, as necessary, to ensure the safety of a specific child or children in placement;

8. If the home serves one or more infants or toddlers, the kinship resource family provider or applicant shall ensure the installation of:

i. Safety latches on cabinets and closets containing hazardous or toxic substances;

ii. Safety gates on stairways and landings; and

iii. Protective safety covers on all electrical outlets accessible to children;

9. The kinship resource family provider or applicant shall not use spray coatings containing asbestos on any interior or exterior surfaces of the home or on any equipment used therein, in accordance with the rules of the New Jersey Department of Community Affairs at N.J.A.C. 5:23-8. If the New Jersey Department of Health determines the presence of sprayed-on asbestos-containing materials and concludes that corrective action must be taken to minimize exposure potential, the kinship resource family provider or applicant shall follow the recommendation of that department for enclosure, removal, or other appropriate action to remove the threat or risk of asbestos contamination; and

10. The kinship resource family provider or applicant shall not use lead paint on any interior or exterior surfaces of the home, and from any furniture, toys, or other equipment used therein, in accordance with the provisions at N.J.S.A. 24:14A-1 et seq., and with the provisions at N.J.A.C. 8:51-7. If the Department determines that lead paint is hazardous to the health, safety, and well-being of a child in placement, the kinship resource family provider or applicant shall ensure the removal of the lead paint hazard.

(c) As assessed through the Caregiver Assessment, the home, land, and outdoor area shall be free from hazards to the health, safety, or welfare of children.

(d) Each requirement in this subsection is a Level I requirement.

1. Light switches, electrical junction boxes, fuse boxes, electrical control panels, and electrical sockets shall have protective plate covers.

2. During activities in the home, sufficient natural or artificial light shall be provided in all rooms used by a child in placement.

3. Heating and ventilation requirements are as follows:

i. A minimum temperature of 65 degrees Fahrenheit (18.5 degrees Celsius) shall be maintained in all rooms used by a child in placement.

ii. Working fireplaces and electric space heaters shall be protected by screens, guards, insulation, or any other non-combustible protective device.

iii. Steam and hot water pipes and radiators shall be protected by screens, guards, insulation, or any other suitable non-combustible protective device.

iv. Crawl spaces, attic spaces, and all doors and windows used for natural ventilation shall have insect screening.

4. When a wood burning stove is in use, the kinship resource family provider or applicant shall ensure that either:

i. The stove is protected by a screen or guard; or

ii. Age-appropriate supervision is provided at all times when children are present.

5. Kitchen and bathroom requirements are as follows:

i. Kitchen and cooking equipment shall be kept clean and sanitary.

ii. Toilets, wash basins, bathtubs, showers, kitchen sinks, and other plumbing shall be maintained in good operating and sanitary condition.

iii. A sufficient supply of hot water that is maintained at a safe temperature in the professional judgment of the Office of Licensing staff and cold running water shall be in the home.

6. Outdoor maintenance requirements are as follows:

i. All fencing shall be maintained in proper condition; and

ii. The land, including the outdoor play area, if any, shall be free of standing water.

(e) Paint on the interior and exterior surfaces accessible to children shall be free of flaking, peeling, and chipping. This is a Level II requirement.

(f) The kinship resource family provider or applicant shall ensure that all necessary steps are taken to correct any condition in the indoor or outdoor area that may endanger in any way the health, safety, and well-being of a child in placement.

(g) If the home has a pool or natural bathing area, the kinship resource family provider or applicant shall:

1. Maintain a ring buoy with a rope, extension, or device that can be used to rescue a swimmer in distress;

2. Meet all applicable local ordinances that apply to a pool or natural bathing area;

3. Enclose a pool or natural bathing area with a barrier approved by the Office of Licensing and equip the barrier with a safety device; and

4. Have a working pump and filtering system for each pool, if that pool cannot be emptied after each use.

(h) The kinship resource family provider or applicant shall ensure that an adult approved by the resource family parent or applicant supervises all children while they are in the pool, pool area, natural bathing area, hot tub, or spa.

(i) Each kinship resource family provider or applicant shall use a safety cover that is locked when not in use, if the home has a hot tub or spa.

3A:51A-4.2 Sleeping space requirements

(a) Level I sleeping space requirements are as follows:

1. Each sleeping space occupied by anyone in the resource family shall have two independent means of exit, at least one of which is an operable window or door suitable for emergency escape or rescue leading directly outside, or the current certificate of occupancy identifies the sleeping space as a bedroom, which means that adequate egress has been verified;

2. Each child in placement shall be provided with his or her own age-appropriate bed, bassinet, or crib, that is located in a safe sleeping space and kept in a sanitary and safe condition. A child in placement shall not share a bed with either another child or an adult;

3. An unfinished attic or unfinished basement shall not be used for sleeping purposes by any child in the kinship resource family;

4. Each sleeping space occupied by a child in placement shall have natural light and ventilation provided by one or more windows opening directly to the exterior; and

5. Each child in placement shall sleep in a sleeping space that provides for the safety, privacy, and comfort of the child.

3A:51A-4.3 Shared sleeping space

A child in placement may share a bedroom or sleeping space with another household member when in the child's best interests and provided that any such arrangement is considerate of the child's age and sexual identity. Any such arrangement should be discussed with the Division.

3A:51A-4.4 Emergency evacuation, medical emergencies, and fire prevention

(a) Level I emergency evacuation, medical emergency, and fire safety requirements are as follows:

1. A battery-operated or hard-wired smoke detector shall be:

- i. Installed on each floor of the home;
- ii. Installed adjacent to each sleeping area; and
- iii. Operable at all times;

2. All combustible or flammable materials shall be kept at least three feet away from furnaces, boilers, heaters, fireplaces, wood-burning stoves, and hot water heaters;

3. Each child in placement shall receive age-appropriate instruction in how to evacuate the home safely in the event of fire or other emergency;

4. No portable liquid-fuel-burning heating appliance shall be used in the home;

5. The kinship resource family provider shall maintain the following information near the telephone or other accessible area for use in the event of an emergency:

- i. The name, address, and telephone number of the physician(s) or hospital(s) used by the child in placement;
- ii. The 911 emergency services telephone number; and
- iii. The poison control center telephone number;

6. The kinship resource family provider shall maintain a basic first aid kit or first aid supplies in the home;

7. In order to receive an initial or renewal license, the kinship resource family provider or applicant shall ensure that a carbon monoxide detector is in operation adjacent to each bedroom area and on each floor of the home; and

8. The resource family home shall contain at least one fully charged fire extinguisher, that is rated 1A, 10BC, or ABC and is readily accessible.

3A:51A-4.5 Capacity

(a) Level I capacity requirements are as follows:

1. The kinship resource family provider shall comply with the capacity limits on the number of children residing in the home as determined by the Department for the specific home.

- i. No more than four children in placement;
- ii. No more than six children in total, including children in placement and all other children residing in the home;
- iii. No more than four children in total below six years of age, including children in placement and all other children residing in the home;
- iv. No more than two children in total below two years of age, including children in placement and all other children residing in the home; and
- v. No more than two non-ambulatory children in total, including children in placement and all other children residing in the home.

(b) The Office of Licensing may license a kinship resource family provider home for more than the capacity limits specified at (a)1 above, if necessary to keep sibling groups intact or to serve the best interests of the children who are or may be placed in the home.

(c) The Office of Licensing may license a kinship resource family provider home for less than the capacity limits specified at (a)1 above, may reduce a home's licensed capacity after the license has been issued, and may restrict a home to serve only a specific child or

children, if necessary to serve the best interests of the children who are or may be placed in the home.

SUBCHAPTER 5. PERSONAL REQUIREMENTS

3A:51A-5.1 General personal requirements

(a) Level I general personal requirements are as follows:

1. The kinship resource family provider or applicant shall be of good character, as evidenced by the application and caregiver assessments specified at N.J.A.C. 3A:51A-2.1, and shall possess skills, attributes, and characteristics conducive to and suitable for being a kinship resource family provider and caring effectively for a child in placement;

2. The kinship resource family provider or applicant shall be in sufficient physical, mental, and emotional health to perform his or her duties satisfactorily.

i. The kinship resource family provider or applicant shall refrain from abuse of drugs or alcohol.

ii. Each kinship resource family provider or applicant shall disclose his or her current mental health and substance use issues during completion of the caregiver assessment and shall participate in recommended psychological evaluations and drug screenings, when determined to be necessary by the Department.

iii. Each kinship resource family provider or applicant shall disclose his or her physical health, mental health, and substance use history;

3. The kinship resource family provider or applicant shall demonstrate reasonable and mature attitudes towards professional figures and institutions, as determined by the kinship caregiver assessment;

4. The kinship resource family provider or applicant shall cooperate with all activities in the case plan for the child in placement, such as counseling, therapy, court sessions, visits with the child's family, or life skills programs to develop the basic skills needed to succeed in daily living, career planning, housing, and money management, when appropriate;

5. The kinship resource family provider or applicant and each household member shall cooperate in all licensing activities as required by the Department;

6. The kinship resource family provider or applicant shall provide the necessities of life for his or her family;

7. The kinship resource family provider or applicant shall have sufficient income or other means of financial support prior to the placement of a child and shall use all money received in the name of a child in placement for that child's care;

8. The kinship resource family provider or applicant shall be able to provide daily care and supervision for each child in placement, as appropriate to the child's age and needs; and

9. The kinship resource family provider or applicant shall be able to provide sufficient time and attention to each child in placement without causing other family members' needs to go unmet or overburdening the kinship resource family provider.

3A:51A-5.2 Caregiver Assessment

(a) A kinship resource family provider applicant shall permit and participate in a Caregiver Assessment by the Department. The completed Caregiver Assessment shall include:

1. Identifying information on each applicant and household member, including:

- i. Proof of identity;
- ii. Current address and all previous addresses within the past five years, if applicable;
- iii. A description of each room and indoor area in the home and the area outside the home;
- iv. Information about all persons residing in the home as part of the kinship assessment; and
- v. A statement of income and financial resources.

3A:51A-5.3 (Reserved)

3A:51A-5.4 Criminal History Record Information (CHRI) background checks

(a) Level I Criminal History Record Information requirements are as follows:

1. As a condition of securing a license, the kinship resource family provider or applicant shall ensure that a State and Federal Criminal History Record Information (CHRI) background check, in keeping with the New Jersey Adoption and Safe Families Act, P.L. 1999, c. 53 (N.J.S.A. 30:4C-26.8), is current within one year and is completed for each kinship resource family provider, applicant, and each household member who is at least 18 years of age;

2. Each new household member who is at least 18 years of age, and each household member who reaches 18 years of age shall complete a State and Federal CHRI background check.

i. A young adult under 21 years of age with an active case with the Department shall not be required to complete the State and Federal CHRI background check;

3. Each kinship resource family provider or adult household member who is not registered in the flagged State CHRI background check system pursuant to N.J.S.A. 30:4C-27.8b shall complete a State CHRI background check prior to license renewal.

i. A young adult under 21 years of age with an active case with the Department shall not be required to complete the State and Federal CHRI background check;

4. A criminal history record name-based check can replace the CHRI background check in individual cases where fingerprints cannot be taken because of a physical disability which prevents fingerprinting or because the person has either no fingerprints or no fingers;

5. If the kinship resource family provider or applicant or any person specified at (a)1 above refuses to consent to a CHRI fingerprint background check, the Office of Licensing shall deny the application or suspend, revoke, or refuse to renew the license, as applicable;

6. If any person specified at (a)1 above has a record of any criminal conviction, the Department 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 kinship resource family provider or applicant to receive or maintain a license;

7. A person shall be disqualified from receiving or maintaining an initial or renewal license as a kinship resource family provider if that person, or any person specified at (a)1 above, ever committed a crime that resulted in a conviction for:

i. A crime against a child, including endangering the welfare of a child and child sexual exploitation materials, pursuant to N.J.S.A. 2C:24-4; or child abuse, neglect, or abandonment, pursuant to N.J.S.A. 9:6-3;

ii. Murder, pursuant to N.J.S.A. 2C:11-3, or manslaughter, pursuant to N.J.S.A. 2C:11-4;

iii. Aggravated assault, which would constitute a crime of the second or third degree pursuant to N.J.S.A. 2C:12-1.b;

iv. Stalking, pursuant to P.L. 1992, c. 209 (N.J.S.A. 2C:12-10);

v. 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 6;

vi. Sexual assault, criminal sexual contact, or lewdness, pursuant to N.J.S.A. 2C:14-2 through 4;

vii. Robbery, which would constitute a crime of the first degree pursuant to N.J.S.A. 2C:15-1;

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

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

x. Endangering the welfare of an incompetent person, pursuant to N.J.S.A. 2C:24-7, or endangering the welfare of an elderly or disabled person, pursuant to N.J.S.A. 2C:24-8;

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

xii. Arson, pursuant to N.J.S.A. 2C:17-1, or causing or risking widespread injury or damage that would constitute a crime of the second degree, pursuant to N.J.S.A. 2C:17-2;

xiii. An attempt or conspiracy to commit an offense listed at (a)7i through xii above; or

xiv. Any other offense that calls into question the kinship resource family provider or applicant's ability to care for the child and ensure their safety and well-being;

8. A person shall be disqualified from receiving or maintaining an initial or renewal license as a kinship resource family provider if that person or any person specified at (a)1 above was convicted of one of the following crimes and the date of release from confinement occurred during the preceding five years (the term "date of release from confinement" shall mean the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last):

i. Simple assault, pursuant to N.J.S.A. 2C:12-1.a;

ii. Aggravated assault, which would constitute a crime of the fourth degree pursuant to N.J.S.A. 2C:12-1.b;

iii. A drug-related crime, pursuant to P.L. 1987, c. 106 (N.J.S.A. 2C:35-1 et seq.);

iv. Robbery, which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:15-1;

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

vi. An attempt or conspiracy to commit an offense listed at (a)8i through v above;

9. A conviction for one of the offenses enumerated at (a)7 or 8 above shall be determined to have occurred if the person has been convicted pursuant to the laws of this State or any other state or jurisdiction for an offense that is substantially equivalent to the offenses enumerated in this subsection; and

10. If the Department is notified that any person specified at (a)1 above is convicted of a crime or offense after the CHRI has been completed, the Department shall make a determination whether to deny, suspend, revoke, or refuse to renew the kinship resource family provider's license.

(b) The Department may obtain a criminal history check from the local police department for any kinship resource family provider, applicant, temporary caregiver, or household member who is at least 18 years of age. The kinship resource family provider or applicant shall submit Department-specified release of information forms for a local criminal history check for such an individual when requested by the Department.

3A:51A-5.5 Child Abuse Record Information (CARI) background checks

(a) Level I Child Abuse Record Information requirements are as follows:

1. As a condition of securing and maintaining a license, the kinship resource family provider or applicant shall provide written consent to the Department for a Child Abuse Record Information (CARI) background check from each kinship resource family provider or applicant, each household member at least 18 years of age, each new household member at least 18 years of age, and each household member who reaches 18 years of age.

2. If any person specified at (a)1 above refuses to consent to a CARI background check, the Office of Licensing shall deny the application or suspend, revoke, or refuse to renew the license, as applicable. The kinship resource family provider or applicant may appeal the denial, suspension, revocation, or refusal to renew, as specified at N.J.A.C. 3A:51A-2.6.

(b) If the Department determines that an incident of child abuse or neglect by any person specified at (a)1 above has been substantiated, the Office of Licensing shall deny the application or suspend, revoke, or refuse to renew the license, as applicable; except that the Office may issue the license if all of the following conditions have been met:

1. No person specified at (a) above has been substantiated for an incident of sexual abuse of a child or an incident of child abuse or neglect that caused serious injury or harm to a child, or has caused

death to a child through abuse or neglect, or has put a child at risk of serious injury or harm;

2. A child in placement is already living in the home, or a child is recommended for placement in the home;

3. The Division has determined that there is no danger to the child if he or she remains or is placed in the home;

4. The Division has determined that it is in the child's best interest to remain or to be placed in the home; and

5. The Office of Licensing has given approval for the resource family home to be open for all children already in placement or recommended for placement in the home.

3A:51A-5.6 Training

Each kinship resource family provider or applicant shall complete the requirements of the Department's annual in-service training plan, including pre-service training to be developed in consultation with, and approved by, the Department. The annual in-service training plan will provide the kinship resource family provider or applicant with the appropriate knowledge and skills to provide for the needs of the children placed in the home, including those related to the reasonable and prudent parent standard.

SUBCHAPTER 6. KINSHIP FAMILY HOME PROGRAM REQUIREMENTS

3A:51A-6.1 Supervision of children in placement

(a) Level I supervision requirements are as follows:

1. The kinship resource family provider shall ensure the supervision of each child in placement, as appropriate to the child's age and particular needs, pursuant to the reasonable and prudent parent standard;

2. The kinship resource family provider shall be reachable by telephone in the event of an emergency or illness when the child in placement or kinship resource family provider is not in the home;

3. When temporary care is provided for a child in placement on behalf of the kinship resource family provider for more than seven consecutive nights, either in the kinship family home or in the temporary caregiver's home, the kinship resource family provider must seek permission from the Division:

i. The kinship resource family provider shall inform the Department office of the temporary care arrangements;

ii. The temporary caregiver shall complete a Child Abuse Record Information background check, as specified at N.J.A.C. 3A:51A-5.5, and a check of court records;

iii. The temporary care arrangements shall be approved by the Department office having supervision of the child; and

iv. The temporary caregiver shall be trustworthy and well known to the kinship resource family provider;

4. When a child in placement attends a child care center or family child care home, the program shall be either licensed, as specified at N.J.A.C. 3A:52, or registered, as specified at N.J.A.C. 3A:16 and 3A:54, as applicable; and

5. The kinship resource family provider shall not use cameras installed in the home as a means of supervision, with the exception of baby monitors used for infants and toddlers, unless determined by the treating physician to be medically necessary.

3A:51A-6.2 Visitation and communication

(a) The Department office having supervision of the child in placement, in consultation with the kinship resource family provider, shall determine the family members and friends with whom the child may communicate and visit.

(b) Level I visitation and communication requirements are as follows:

1. The kinship resource family provider shall comply with the visitation restrictions specified by the Department for each child in placement;

2. If a visitor appears to be under the influence of drugs or alcohol, the kinship resource family provider:

i. May restrict the individual from visiting;

ii. Shall prohibit the individual from transporting the child in placement; and

iii. Shall contact the Division;

3. The kinship resource family provider shall provide each child in placement with access to a telephone for conversations with the child's worker and law guardian or law guardian investigator, as applicable.

i. The kinship resource family provider shall permit a child in placement to visit his or her Division worker and law guardian or law guardian investigator, as applicable, upon request.

ii. The kinship resource family provider shall not obligate the child in placement to pay for the cost of telephone calls to and from the worker or law guardian.

iii. The kinship resource family provider shall provide each child in placement with adequate privacy for telephone calls to and from the worker and law guardian, but the kinship resource family provider may locate the telephone in an area where the kinship resource family provider can observe the child's reactions;

4. The kinship resource family provider shall provide each child in placement with reasonable access to the telephone and other means of communication for communication with the child's parents and siblings.

i. The kinship resource family provider may impose restrictions on these conversations and communications, if necessary, to comply with a court order or child's case plan that limits the child's contact with his or her parents.

ii. When the kinship resource family provider imposes restrictions on a child's access to telephone conversations or other means of communication, as specified at (b)3i above, the kinship resource family provider shall explain the nature of the restrictions to the child;

5. The kinship resource family provider shall prohibit the use of any electronic listening devices to monitor the telephone calls of a child in placement;

6. The kinship resource family provider shall provide each child in placement with reasonable access to the telephone or other means of communication to communicate with friends. The kinship resource family provider may impose one or more of the following conditions:

i. Restricting the time and duration of telephone calls or other communications;

ii. Requesting the child in placement to identify telephone callers and those individuals with whom the child in placement communicates; and

iii. The kinship resource family provider shall provide each child in placement with adequate materials for corresponding with family, friends, and other persons who have a positive relationship with the child; and

7. The kinship resource family provider, in consultation with the Department, shall request that the child in placement open parcels or letters in the presence of the kinship resource family provider only upon suspicion that the contents contain contraband. Contraband is assessed on an individualized basis with both the kinship resource family provider and the Division worker. Contraband is any item that would endanger the child or someone else in the home as determined by the kinship resource family provider in consultation with the Division worker, including, but not limited to, drugs, alcohol, or weapons. If the child refuses to comply with this request, the kinship resource family provider shall inform the child's Division worker.

3A:51A-6.3 Education

(a) The kinship resource family provider shall cooperate with the Department to ensure that each school-age child in placement receives an educational program pursuant to N.J.S.A. 30:4C-26(c) and 18A:7B-12(a).

1. The kinship resource family provider shall register each school-age child in placement in school.

2. The kinship resource family provider shall ensure that each school-age child in placement attends school regularly according to applicable State and local school attendance requirements.

3. Home schooling in lieu of school attendance for a child in placement shall be prohibited.

(b) The kinship resource family provider shall encourage good study habits, be involved with the academic progress of each child in placement, attend school conferences, and meet with school personnel when there are problems or periodic reviews.

1. The kinship resource family provider shall review and sign report cards and other reports that pertain to the child's education, as required.

2. The kinship resource family provider shall inform the Division worker about the academic progress of each child in placement.

(c) The kinship resource family provider shall ensure that each preschool-age child in placement is provided age-appropriate activities and an environment suitable to stimulate the child's proper development.

(d) The kinship resource family provider shall ensure that each child in placement who is three, four, or five years old and not enrolled in kindergarten, attends an early childhood education program. The early childhood education program shall be:

1. Provided by a licensed child care center, a registered family child care provider in accordance with N.J.A.C. 3A:16 and 3A:54, or a public or private school, or provided or approved by the Department of Children and Families, the Department of Education, or the Department of Health; and

2. Approved by the worker as meeting the child's educational needs.

(e) The kinship resource family provider shall ensure the opportunity for the continuity of developmental growth and education of each child placed in the home.

3A:51A-6.4 Recreation

(a) The kinship resource family provider shall:

1. Determine the recreational activities that the child may engage in, based on the reasonable and prudent parent standard; and

2. Encourage and support the child's participation in recreation activities.

3A:51A-6.5 Religion

(a) The kinship resource family provider shall ensure that the child in placement is afforded the opportunity to attend religious activities and services in the community in accordance with the faith of the child's parent.

(b) The kinship resource family provider shall provide or arrange transportation if the child in placement wishes to attend religious activities or services.

(c) The kinship resource family provider shall not coerce or require a child in placement to participate in religious activities, nor punish a child in placement who chooses not to participate in religious activities.

(d) The kinship resource family provider's religious practices shall not interfere with a child in placement receiving medical care.

(e) The kinship resource family provider may include the child in placement in the kinship resource family provider's religious activities or services if the child expresses such interest and the child's parent consents.

3A:51A-6.6 Food and nutrition

(a) Level I food and nutrition requirements are as follows:

1. The kinship resource family provider shall ensure that each child in placement is provided with at least three nutritious meals daily;

2. The kinship resource family provider shall make daily snacks available if the child in placement desires them unless there is a written medical reason from a medical doctor not to provide them;

3. The kinship resource family provider shall not lock up or withhold access to food from any child unless there is a written medical reason from a medical doctor stating that access to food should be withheld from the child. This must be discussed with the Child Health Unit and Division worker;

4. The kinship resource family provider shall select, store, prepare, and serve food in a sanitary and palatable manner;

5. The kinship resource family provider shall not force-feed or otherwise coerce the child in placement to eat, except by written order of a physician;

6. The kinship resource family provider shall provide meals as prescribed by a physician for each child in placement who requires a specialized diet;

7. The kinship resource family provider shall ensure that the daily diet for each child in placement includes a balance of foods from all essential food groups;

8. The kinship resource family provider shall ensure that each meal contains a sufficient amount of food for each child in placement;

9. The kinship resource family provider shall make available, as necessary, an alternate choice of food for each child in placement on a special diet or who, because of religious beliefs, cannot eat certain foods; and

10. If the child in placement is an infant, the kinship resource family provider shall consult with the infant's health care provider and follow recommendations in regard to the feeding schedule, special formula, nutritional needs, and introduction of new foods.

3A:51A-6.7 Pets

(a) The kinship resource family provider shall ensure that pets kept in the home pose no danger to the health, safety, or well-being of a child in placement.

(b) The kinship resource family provider shall ensure that all pets kept in the home are:

1. Domesticated and non-aggressive;

2. Vaccinated, if applicable, as prescribed by law or as recommended by a licensed veterinarian. The record of the vaccinations shall be maintained in the home along with the name and address of the licensed veterinarian providing care for the pet;

3. Removed, if sick, from the areas occupied by the child in placement, until the pet has been examined by a licensed veterinarian who verifies that the pet does not present a risk to the child; and

4. Effectively controlled by leash, command, or cage.

(c) The kinship resource family provider shall ensure that animal waste is disposed of in a sanitary manner.

(d) If the child in placement is a pregnant adolescent, the kinship resource family provider shall prohibit the child from cleaning a cat's litter box.

3A:51A-6.8 Discipline and control

(a) Level I discipline and control requirements are as follows:

1. The kinship resource family provider shall not assign the responsibility for the discipline and control of a child in placement to another child, or to an adult who is not a kinship resource family provider, unless the adult is providing temporary care on behalf of the kinship resource family provider, as specified at N.J.A.C. 3A:51A-6.1;

2. The kinship resource family provider shall not threaten discipline or administer discipline to a child in placement for the misbehavior of another child;

3. The kinship resource family provider shall not use the following types of punishment on a child in placement:

i. Any type of physical hitting, shaking, or the use of corporal punishment;

ii. Forced physical exercise or forcing the child to take an uncomfortable position;

iii. Subjection to verbal abuse, ridicule, humiliation, or other forms of degradation;

iv. Deprivation of meals, sleep, clothing, or communication;

v. Mechanical or chemical restraint;

vi. Assignment of overly strenuous work;

vii. Exclusion from medical treatment, education, or clinical treatment;

viii. Locking the child out of the home;

ix. Locking the child in a room or area of the home;

x. Withholding or threatening to withhold visits with the child's birth family; or

xi. Removing or threatening to remove the child from the home;

4. The kinship resource family provider shall not use restrictive behavior management practices to control or modify the behavior of a child in placement; and

5. The kinship resource family provider shall use acceptable methods of discipline and control for the child in placement, such as:

- i. Brief time-outs;
- ii. Withholding of privileges, such as television, playtime, or other activity;
- iii. Early bedtimes;
- iv. Writing a story or an essay;
- v. Having the child do extra chores that are appropriate to the child's age and ability; or
- vi. Discussing the child's behavior with the child in a supportive manner.

(b) If the methods at (a) above prove ineffective, the kinship resource family provider shall reach out to the Division worker.

3A:51A-6.9 Firearms and weapons

(a) Level I firearms and weapons requirements are as follows:

1. All firearms shall be secured in a locked steel gun vault approved by the Office of Licensing;
2. All ammunition shall be secured in a locked area separate from the firearm storage vault; and
3. The kinship resource family provider shall not maintain chemical weapons, such as mace or pepper spray, in the home unless these items are stored in a place inaccessible to children.

3A:51A-6.10 Clothing

Level I clothing requirement is as follows: the kinship resource family provider shall ensure that each child in placement has adequate, clean clothing and a permanent place to store it, in accordance with the reasonable and prudent parent standard.

SUBCHAPTER 7. HEALTH REQUIREMENTS

3A:51A-7.1 Health care and medical treatment

(a) Level I health care and medical treatment requirements for children are as follows:

1. The Division, including the Child Health Unit, in partnership with the kinship resource family provider, works to ensure that each child's medical, dental, mental/behavioral health, and overall wellness needs are met. This includes all emergency, routine, and follow-up care. The Child Health Unit shall perform routine in-person contact with the child and the kinship resource family provider to manage any health care case management and treatment recommendations. The Division shall assist the kinship resource family provider in attending appropriate medical services for the child in placement, including transportation and follow-up care, as needed;

2. The kinship resource family provider shall ensure that each child living in the home, including children in placement under age 18 or when the case plan states that the kinship resource family provider is responsible and all other children in the kinship resource family home, receives all age-appropriate immunizations as recommended by the child's physician, unless a physician or advanced practice nurse documents that immunization would be detrimental to the child's health; and

3. A child residing in the home who is not in placement shall be exempted from immunization, if:

- i. The parent objects thereto in a written statement submitted to the Department, signed by the parent, explaining how the immunization conflicts with the child's exercise of bona fide religious tenets or practices; or
- ii. Immunization is contrary to the child's health as documented by a physician or advanced practice nurse.

(b) The kinship resource family provider shall maintain documentation of all medical, dental, and other health care examinations and treatment for each child in placement who is under age 18 or when the case plan states that the kinship resource family provider is responsible. The kinship resource family provider shall contact the Division worker and the Child Health Unit to obtain this

information if he or she does not have documentation of a child's examinations and treatment.

(c) The kinship resource family provider shall ensure that all medical, dental, psychological, and psychiatric treatment or medication administered to a child in placement who is under age 18 is explained to the child in an age-appropriate manner.

3A:51A-7.2 General health practices

(a) Level I general health practices requirements are as follows:

1. If a serious accident or illness occurs to a child in placement, the kinship resource family provider shall take necessary emergency action and immediately notify the Department office having supervision of the child, or the State Central Registry, if after business hours.

2. If a child in placement, kinship resource family provider, or household member has a serious communicable disease, the kinship resource family provider shall:

- i. Seek appropriate medical attention from a physician for the individual and determine the possible risks to others in the home;
- ii. Isolate the individual posing a risk to others; and
- iii. Contact the Division worker or the State Central Registry, if after office hours, who shall determine whether the New Jersey State Department of Health, the local health department, or other appropriate public health authority needs to be contacted; and

3. The kinship resource family provider shall make all efforts to maintain a smoke-free environment in all indoor areas of the home, in all vehicles used to transport a child in placement, and in the presence of each child in placement.

i. The kinship resource family provider shall prohibit smoking, vaping, and the use of smokeless tobacco by children in placement.

ii. The kinship resource family provider shall comply with the provisions at N.J.S.A. 2A:170-51.4 prohibiting any person from, directly or indirectly, selling, giving, or furnishing to a minor under 21 years of age, any cigarettes made of tobacco, any matter or substance that can be smoked, any cigarette paper or tobacco in any form, including smokeless tobacco, vaping, and cannabis.

iii. The kinship resource family provider may permit smoking outdoors when no child in placement is present.

3A:51A-7.3 Prescription and non-prescription medication

(a) Level I prescription and non-prescription medication requirements are as follows:

1. The kinship resource family provider shall administer prescription medication to a child in placement under age 18 or when the case plan states that the kinship resource family provider is responsible only when a physician, advanced practice nurse, or dentist authorizes the medication;

2. The kinship resource family provider shall administer non-prescription over-the-counter medication only in accordance with the recommended dosage and for intended medical purpose for the age or weight of the child in placement, as indicated on the label or as directed by the child's physician, advanced practice nurse, or dentist;

3. The kinship resource family provider shall ensure that all prescription and non-prescription medications are kept in an area inaccessible to children; and

4. The kinship resource family provider shall allow each child in placement 18 years and older to maintain and administer his or her own medication:

i. Unless it is prohibited by the prescribing physician or the case plan; and

ii. If the medication is securely stored.

(b) For each child in placement under age 18, the kinship resource family provider shall safely dispose of all expired medications and prescriptions and all medications and prescriptions that are no longer used.

3A:51A-7.4 Psychotropic medication

(a) Level I psychotropic medication requirements are as follows:

1. Before any psychotropic medication is administered to a child in placement under age 18 or when the case plan states that the kinship resource family provider is responsible, the kinship resource family

provider, in conjunction with the Division worker and the Child Health Unit, shall ensure that the child's initial assessment to determine the need for and the possible risks or side effects of psychotropic medication is completed by a board-certified or board-eligible physician in one of the following areas of expertise: psychiatry, neurodevelopmental pediatrics, or pediatric neurology.

i. The kinship resource family provider, in conjunction with the Division worker and the Child Health Unit, may utilize the services of the physicians identified in this paragraph, a pediatric or family physician, or an advanced practice nurse certified in pediatric or family medicine or psychiatric/mental health, to complete an initial assessment, being conducted solely for the purpose of assessing Attention Deficit Hyperactivity Disorder (ADHD) and to determine the need for and the possible risks or side effects of the psychotropic medication;

2. The kinship resource family provider shall be knowledgeable about the indications for the use of psychotropic medication, the therapeutic benefits, and the side effects of such medication. The Child Health Unit, in providing care management, will ensure the kinship resource family provider understands the medical treatment plan;

3. The kinship resource family provider shall not administer psychotropic medication as a punishment or for the convenience of the kinship resource family provider;

4. The kinship resource family provider shall ensure that psychotropic medication is stored in an area inaccessible to children; and

5. The kinship resource family provider shall ensure that each child in placement who is under age 18 or whose case plan states that the kinship resource family provider shall maintain this responsibility and who is prescribed psychotropic medication is monitored in the following manner:

i. The kinship resource family provider shall immediately report any observed side effects, which are identified in the assessment specified at (a)1 above, to the Division worker, the Child Health Unit, and the prescriber;

ii. The kinship resource family provider, in conjunction with the Division worker and the Child Health Unit, shall ensure that ongoing assessments, psychotropic medication monitoring, and resultant prescriptions for a child in placement who is under age 18 only be conducted by a board-certified or board-eligible physician in one of the following areas of expertise: psychiatry, neurodevelopmental pediatrics, or pediatric neurology, or by an advanced practice nurse certified in psychiatric/mental health;

iii. The kinship resource family provider, in conjunction with the Division worker and the Child Health Unit, may utilize the services of the physicians or advanced practice nurses certified in psychiatric/mental health identified at (a)5ii above, or he or she may utilize the services of a pediatric or family physician, or an advanced practice nurse certified in pediatric or family medicine to complete the ongoing assessments, medication monitoring, and prescriptions, where ongoing assessments, medication monitoring, and prescriptions are solely for the treatment of Attention Deficit Hyperactivity Disorder (ADHD);

iv. The kinship resource family provider, in conjunction with the Division worker and the Child Health Unit, shall ensure that the prescriber reviews the child's status, behavior, well-being, progress, side effects, and reason for continuing the medication every 30 days, or as the prescriber deems necessary; and

v. The kinship resource family provider, in conjunction with the Division worker and the Child Health Unit, shall ensure that a pediatric or family physician or advanced practice nurse certified in pediatric or family medicine or psychiatric/mental health treating a child in placement who is under age 18 for Attention Deficit Hyperactivity Disorder (ADHD) coordinates care for each child in placement under age 18 who is also being treated for another psychiatric disorder by another prescriber.

(b) When a child in placement who is under age 18 is receiving psychotropic medication, the kinship resource family provider shall maintain a medication log indicating the child's name, the type of

psychotropic medication, and the date and time the medication is administered.

3A:51A-7.5 Personal care and hygiene

(a) Level I personal care and hygiene requirements are as follows:

1. The kinship resource family provider shall provide the child in placement with appropriate hygiene supplies;

2. For a child in placement unable to provide for his or her own personal care and hygiene, the kinship resource family provider shall bathe and groom the child; and

3. The kinship resource family provider shall ensure that each child in placement has the opportunity for at least eight hours of uninterrupted sleep each night.

(b) The kinship resource family provider shall instruct the child in placement in age-appropriate personal care, hygiene, and grooming habits.

(c) The kinship resource family provider may permit a child in placement to maintain cosmetics and personal hygiene supplies, as developmentally appropriate.

3A:51A-7.6 Environmental sanitation and hygiene

(a) Level I environmental sanitation and hygiene requirements are as follows:

1. The kinship resource family provider shall ensure that disposable gloves, which shall be discarded after each use, are used when any person in the home has contact with blood, vomit, urine, fecal matter, or other bodily secretions of any person known to have an infectious disease;

2. The kinship resource family provider shall ensure that all items in the home and outdoors that come into contact with blood, vomit, urine, fecal matter, or other bodily secretions are washed and disinfected with a commercially prepared disinfectant whose label indicates it kills bacteria, viruses, and parasites.

i. Disinfectant shall be used in accordance with label instructions.

ii. Items to be washed and disinfected shall include:

(1) Bedding and clothing;

(2) Furniture and carpeting;

(3) Toilet seats, sinks, and faucets;

(4) Fever thermometers; and

(5) Mops, washcloths, towels, and sponges that were used in the clean-up; and

3. The kinship resource family provider shall ensure that all persons in the home thoroughly wash their hands with a disinfectant soap after each incident of coming into contact with blood, vomit, urine, fecal matter, or other body secretions.

SUBCHAPTER 8. TRANSPORTATION REQUIREMENTS

3A:51A-8.1 Transportation and vehicle safety requirements

(a) Level I transportation and vehicle safety requirements are as follows:

1. Each kinship resource family provider shall provide or arrange for the routine transportation needs of each child in placement;

2. Each resource family parent or household member, who provides transportation to a child in placement shall have:

i. A current driver's license;

ii. Automobile insurance coverage; and

iii. A vehicle with ample space, seatbelts, and age-appropriate safety seats for each child placed with him or her; and

3. The kinship resource family provider shall not knowingly allow a child in placement to ride with a driver who does not have a current driver's license, automobile insurance, or a seat belt or safety seat for the child in placement.