

30:4C-27.3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 419

NJSA: 30:4C-27.3 ("Foster Parent Licensing Act")

BILL NO: A3119 (Substituted for S2056)

SPONSOR(S): Cottrell and Malone

DATE INTRODUCED: January 18, 2001

COMMITTEE: **ASSEMBLY:** Senior Issues

SENATE: Women's Issues

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 3, 2002 Re-enacted January 7, 2002

SENATE: December 17, 2001 Re-enacted January 7, 2002

DATE OF APPROVAL: January 8, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (3rd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A3119

SPONSORS STATEMENT: (Begins on page 7 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S2056

SPONSORS STATEMENT: (Begins on page 7 of original bill) Yes
Bill and Sponsors Statement identical to A3119

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

FINAL VERSION (Senate Committee Substitute): Yes

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

ASSEMBLY, No. 3119

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JANUARY 18, 2001

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

"Foster Parent Licensing Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning foster care and supplementing Title 30 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Foster Parent
8 Licensing Act."

9

10 2. The Legislature finds and declares that: each child requiring
11 foster care should reside in a safe home with a nurturing substitute
12 family who can meet the child's individual needs; the most effective
13 way to ensure the health, safety, general well-being and physical,
14 emotional, social and educational needs of a child residing in a foster
15 home is to require the annual inspection and monitoring of a foster
16 home and to obligate a person to secure and maintain a license in order
17 to provide foster care to a child; therefore, it is in the public interest
18 to license foster parents and regulate foster homes in order to ensure
19 the safety, health and proper development of children placed in foster
20 care.

21

22 3. As used in this act:

23 "Child" means a person who: is either under the age of 18 or meets
24 the criteria set forth in subsection f. of section 2 of P.L.1972, c.81
25 (C.9:17B-2); and is under the care or custody of the division or
26 another public or private agency authorized to place children in New
27 Jersey.

28 "Commissioner" means the Commissioner of Human Services.

29 "Department" means the Department of Human Services.

30 "Division" means the Division of Youth and Family Services in the
31 Department of Human Services.

32 "Foster home" or "home" means a private residence, other than a
33 children's group home or shelter home, in which board, lodging, care
34 and temporary out-of-home placement services are provided by a
35 foster parent on a 24-hour basis to a child under the auspices of the
36 division or any public or private agency authorized to place children
37 in New Jersey.

38 "Foster parent" means a person who has been licensed pursuant to
39 this act to provide foster care to five or fewer children, except that the
40 division may license a foster parent to provide care for more than five
41 children, if necessary, to keep sibling groups intact or to serve the best
42 interests of the children in the home.

43 "License" means a document issued by the division to a person,
44 when there is full or substantial compliance with the applicable
45 provisions of this act, to provide foster care to children in the person's
46 home.

1 4. a. A person shall not provide foster care to a child unless the
2 person is licensed by the division pursuant to this act. The license
3 shall be issued to a specific person for a specific residence and shall
4 not be transferable to another person or residence. The foster parent
5 shall maintain the license on file at the foster home.

6 b. A person desiring to provide foster care to a child shall apply to
7 the division for a license in a manner and form prescribed by the
8 commissioner.

9 c. If a person meets the requirements of this act, the division shall
10 issue a license to the applicant. The license shall be valid indefinitely,
11 subject to the foster parent's continued compliance with the provisions
12 of this act.

13 d. The division shall conduct an annual on-site inspection of a
14 foster home and evaluate the foster home to determine whether it
15 complies with the provisions of this act.

16 e. The division may, without prior notice, inspect and examine a
17 foster home and inspect all documents, records, files or other data
18 required to be maintained by a foster parent pursuant to this act.

19

20 5. a. As a condition of securing a license, a foster parent applicant
21 shall participate in pre-service training in accordance with standards
22 adopted by the commissioner pursuant to this act.

23 b. A foster parent licensed pursuant to this act shall participate in
24 a minimum of 14 hours of in-service training in every 24-month period
25 in accordance with standards adopted by the commissioner pursuant
26 to this act.

27

28 6. a. Prior to the issuance of a license, the department shall ensure
29 that a State and federal criminal history record background check is
30 conducted on a foster parent applicant and any adult member of the
31 foster parent applicant's household pursuant to the provisions of
32 section 1 of P.L.1985, c.396 (C.30:4C-26.8).

33 b. The division shall deny the license if the foster parent applicant
34 or any adult member of the foster parent applicant's household refuses
35 to consent to, or cooperate in, the securing of a criminal history record
36 background check or has been convicted of a crime enumerated under
37 section 1 of P.L.1985, c.396 (C.30:4C-26.8).

38 c. A foster parent applicant or foster parent shall immediately
39 notify the division when a new adult becomes a resident of the foster
40 parent applicant's or foster parent's household in order for the
41 department to ensure that a criminal history record background check
42 is conducted on the new adult household member.

43 d. The Division of State Police in the Department of Law and
44 Public Safety shall promptly notify the division in the event a foster
45 parent or any adult member of the foster parent's household who was
46 the subject of a criminal history record background check conducted

1 pursuant to this section, is convicted of a crime or offense in this State
2 after the date the background check was performed. Upon receipt of
3 such notification, the division shall make a determination whether to
4 suspend or revoke the foster parent's license.

5
6 7. a. Prior to the issuance of a license, the division shall conduct
7 a child abuse record information check of the division's child abuse
8 records to determine if an incident of child abuse or neglect has been
9 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
10 against a foster parent applicant or any adult member of the foster
11 parent applicant's household.

12 b. The foster parent applicant and any adult member of the foster
13 parent applicant's household shall provide prior written consent for the
14 division to conduct a check of its child abuse records.

15 If the foster parent applicant or any adult member of the foster
16 parent applicant's household refuses to consent to, or cooperate in,
17 the securing of a division child abuse record information check, the
18 division shall deny the license.

19 c. The division shall deny the license if the division determines that
20 an incident of child abuse or neglect by the foster parent applicant or
21 any adult member of the foster parent applicant's household has been
22 substantiated, except that the division may issue the license if the
23 division determines that the foster parent applicant or adult household
24 member poses no continuing risk of harm to the child and the issuance
25 of the license is in the child's best interests.

26 d. A foster parent applicant or foster parent shall immediately
27 notify the division when a new adult becomes a resident of the foster
28 parent applicant's or foster parent's household in order for the division
29 to ensure that a child abuse record information check is conducted on
30 the new adult household member.

31 e. The division shall consider, for the purposes of this act, any
32 incidents of child abuse or neglect that were substantiated on or after
33 June 29, 1995, to ensure that a foster parent applicant or adult member
34 of the foster parent applicant's household has had an opportunity to
35 appeal a substantiated finding of child abuse or neglect pursuant to
36 N.J.A.C.10:120A et seq., except that the division may consider
37 substantiated incidents prior to that date if the division, in its
38 judgment, determines that the foster parent applicant or adult
39 household member poses a risk of harm in a foster home. In cases
40 involving incidents substantiated prior to June 29, 1995, the division
41 shall offer the foster parent applicant or adult member of the foster
42 parent applicant's household an opportunity for a hearing to contest its
43 action restricting the foster parent applicant from providing foster care
44 to a child.

45
46 8. The division may deny, suspend or revoke a license for good

1 cause, including, but not limited to:

2 a. Failure of a foster parent applicant or foster parent to comply
3 with the provisions of this act;

4 b. Violation of the terms and conditions of a license;

5 c. Use of fraud or misrepresentation by a foster parent applicant or
6 foster parent in obtaining a license;

7 d. Refusal by a foster parent applicant or foster parent to furnish
8 the division with information, files, reports or records required for
9 compliance with the provisions of this act;

10 e. Refusal by a foster parent applicant or foster parent to permit an
11 inspection of a foster home by an authorized representative of the
12 division; and

13 f. Any conduct, engaged in or permitted, which adversely affects
14 or presents a serious hazard to the education, health, safety, general
15 well-being or physical, emotional and social development of the child
16 residing in the foster home, or which otherwise fails to comply with
17 the standards required for the provision of foster care to a child and
18 the maintenance of a foster home.

19

20 9. Before denying, suspending or revoking a license, the division
21 shall give notice to a foster parent applicant or foster parent personally
22 or by mail to the last known address of the foster parent applicant or
23 foster parent with return receipt requested. The notice shall afford the
24 foster parent applicant or foster parent the opportunity to be heard and
25 to contest the division's action. The hearing shall be conducted in
26 accordance with the "Administrative Procedure Act," P.L.1968, c.410
27 (C.52:14B-1 et seq.).

28

29 10. A person aggrieved by a final decision of the division is entitled
30 to seek judicial review in the Appellate Division of the Superior Court.
31 All petitions for review shall be filed in accordance with the Rules of
32 Court.

33

34 11. A person who provides or assists in the provision of foster care
35 to a child without a license uses fraud or misrepresentation in
36 obtaining a license or offers, advertises or provides any service not
37 authorized by a valid license is guilty of a crime of the fourth degree.

38

39 12. a. Notwithstanding the provisions of this act to the contrary,
40 a foster parent certified by the division on or prior to the effective date
41 of this act may continue to provide foster care to a child until the
42 division conducts an on-site inspection and reevaluation of the foster
43 parent's home, no later than two years following the date of the home's
44 last certification inspection and reevaluation, to determine whether the
45 home complies with the provisions of this act. If the on-site inspection
46 and reevaluation indicate the foster home's full or substantial

1 compliance with the provisions of this act, the division shall issue a
2 license to the foster parent.

3 b. A foster parent who was not certified by the division on or prior
4 to the effective date of this act shall apply to the division for a license
5 within 90 days of the effective date of this act and may continue to
6 provide foster care to a child until the division conducts an on-site
7 inspection and evaluation of the foster parent's home to determine
8 whether the home complies with the provisions of this act. If the on-
9 site inspection and evaluation indicate the foster home's full or
10 substantial compliance with the provisions of this act, the division shall
11 issue a license to the foster parent.

12

13 13. The commissioner shall report to the Governor and the
14 Legislature no later than six months after the effective date of this act
15 in an interim report, and no later than 12 months after the effective
16 date of this act in a final report, on the implementation of this act. The
17 reports shall include:

18 a. the number of licenses that were approved, denied, suspended
19 or revoked;

20 b. the number of licenses that were denied, suspended or revoked
21 as a result of the criminal history record background and division child
22 abuse record information checks conducted pursuant to this act;

23 c. data on the progress of implementing the recommendations
24 contained in the division's Strategic Plan regarding the improvement
25 of the State's foster care system; and

26 d. recommendations for modifying the provisions of this act, which
27 the commissioner believes to be necessary and appropriate.

28

29 14. a. The commissioner shall adopt rules and regulations pursuant
30 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
31 et seq.) to carry out the purposes of this act.

32 The regulations shall include standards governing: the safety and
33 adequacy of the physical premises of a foster home; the health, safety,
34 general well-being and physical, emotional, social and educational
35 needs of a child in foster care; the training of a foster parent; the
36 responsibility of a foster parent to participate in the case plan of a
37 child in foster care and to allow access by the division to the child; the
38 maintenance and confidentiality of records and furnishing of required
39 information to the division; the transportation of a child in foster care;
40 and the provision of other needed services on behalf of a child in foster
41 care. The commissioner shall also adopt rules and regulations for
42 license application, issuance, denial, suspension and revocation.

43 b. Nothing in this act shall be construed to permit the department
44 to adopt any code or standard that exceeds the standards established
45 pursuant to the "State Uniform Construction Code Act," P.L.1975,
46 c.217 (C.52:27D-119 et seq.) and the "Uniform Fire Safety Act,"

1 P.L.1983, c.383 (C.52:27D-192 et seq.).

2

3 15. This act shall take effect on the 90th day after enactment.

4

5

6

STATEMENT

7

8 This bill requires the Division of Youth and Family Services
9 (DYFS) to license all foster parents providing care to children who
10 have been temporarily placed outside their homes by DYFS or other
11 agencies authorized to place children in the State. DYFS currently
12 certifies foster parents who provide care to children in need of
13 temporary out-of-home placement who are under the care and custody
14 of DYFS.

15 Under the provisions of the bill, a person desiring to provide foster
16 care to a child shall apply to the division for a license. If the person
17 meets the requirements of the bill, the division shall issue a license to
18 the applicant for a specific residence. The license shall be valid
19 indefinitely, subject to the foster parent's continued compliance with
20 the provisions of the bill, and shall not be transferable to another
21 person or residence.

22 The bill also requires that prior to issuing a license, the department
23 shall ensure that a criminal history record background check pursuant
24 to N.J.S.A.30:4C-26.8 and DYFS child abuse record information
25 check are conducted on a foster parent applicant and any adult
26 member residing in the applicant's household. If the applicant or adult
27 household member has been convicted of any crime enumerated in
28 N.J.S.A.30:4C-26.8 or refuses to consent to, or cooperate in, the
29 securing of the criminal history record background or DYFS child
30 abuse record information checks, DYFS shall deny the license. If an
31 incident of child abuse or neglect has been substantiated pursuant to
32 N.J.S.A.9:6-11, against the applicant or adult household member
33 DYFS shall deny the license, unless DYFS determines that there is no
34 continuing risk of harm and the issuance of the license is in the child's
35 best interest.

36 A foster parent applicant or foster parent shall immediately notify
37 DYFS when a new adult becomes a resident of the household in order
38 that the department and DYFS, as appropriate, ensure that criminal
39 history record background and DYFS child abuse record information
40 checks are conducted on the new adult household member.

41 To ensure that the criminal history record background check
42 information is kept current, the bill provides that the Division of State
43 Police shall promptly notify DYFS in the event a foster parent or any
44 adult member of the household, who was the subject of a criminal
45 history record background check conducted pursuant to this bill, is
46 convicted of a crime or offense in this State after the date the

1 background check was performed. Upon receipt of such notification,
2 DYFS shall make a determination on whether to suspend or revoke the
3 foster parent's license.

4 This bill does not require foster parents who were certified by
5 DYFS on or prior to the effective date of this bill to immediately
6 obtain licenses, but provides, instead, that they may continue to
7 provide foster care to a child until DYFS conducts an on-site
8 inspection and reevaluation of the foster parent's home, no later than
9 two years following the date of the home's last certification inspection
10 and reevaluation, to determine whether the home complies with the
11 provisions of the bill. If the on-site inspection and reevaluation
12 indicate the foster home's full or substantial compliance with the
13 provisions of the bill, DYFS shall issue a license to the foster parent.

14 A foster parent who was not certified by DYFS on or prior to the
15 effective date of the bill shall apply to DYFS for a license within 90
16 days of the effective date of the bill and may continue to provide foster
17 care to a child until DYFS conducts an on-site inspection and
18 evaluation of the foster parent's home to determine whether the home
19 complies with the provisions of the bill. If the on-site inspection and
20 evaluation indicate the foster home's full or substantial compliance
21 with the provisions of the bill, DYFS shall issue a license to the foster
22 parent.

23 Finally, the bill requires the commissioner to report to the Governor
24 and the Legislature no later than six months after the effective date of
25 the bill in an interim report, and no later than 12 months after the
26 effective date of the bill in a final report, on the provisions of the bill,
27 including information on the number of licenses that were approved,
28 denied, suspended or revoked.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3119

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 05, 2001

The Assembly Senior Issues and Community Services Committee reports favorably and with committee amendments Assembly Bill No. 3119.

Currently the Division of Youth and Family Services (DYFS) certifies foster parents who provide care to children in need of temporary out-of-home placement who are under the care and custody of DYFS. This bill would require DYFS to license all foster parents providing care to children who have been temporarily placed outside their homes by DYFS or other agencies authorized to place children in the State. Under the provisions of the bill, if a person meets the requirements, the division would issue a license to the specific applicant for a specific residence. This license would not be transferable to another person or residence. The license would be valid indefinitely provided the foster parent complies with the licensing requirements.

The bill would require the department, prior to issuing a license, to ensure that a criminal history record background check and a child abuse record information check are conducted on a foster parent applicant and any adult member residing in the applicant's household. A foster parent applicant is required to immediately notify DYFS when a new adult becomes a resident of the household. The bill provides that a license would be denied if the applicant or adult household member has been convicted of a crime or refuses to consent to, or cooperate in, the securing of the criminal history record background or DYFS child abuse record information checks. If an incident of child abuse or neglect has been substantiated against the applicant or adult household member, DYFS would deny the license, unless DYFS determines that there is no continuing risk of harm and that the issuance of the license is in the child's best interest.

To ensure that the criminal history record background check information is kept current, the bill would require the Division of State Police to notify DYFS in the event a foster parent or any adult member of the household, who was the subject of a criminal history

record background check, is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, DYFS would make a determination on whether to suspend or revoke the foster parent's license.

This bill would not require a foster parent who was certified by DYFS on or prior to the effective date of the bill to immediately obtain a license. The bill would allow the parent to continue to provide foster care to a child until DYFS conducts an on-site inspection and a reevaluation of the home is completed. This reevaluation would take place no later than two years following the date of the home's last certification inspection and reevaluation. A license would be issued if the inspection and reevaluation indicates that the foster home is in full or substantial compliance.

A foster parent who was not certified by DYFS on or prior to the effective date of the bill would be able to apply to DYFS for a license within 90 days of the effective date of the bill. The foster parent would be allowed to continue to provide foster care to a child until a on-site inspection and evaluation of the home is completed. If the on-site inspection and evaluation indicates full or substantial compliance, DYFS would issue the license.

Finally, the bill would require the commissioner to report to the Governor and the Legislature no later than six months after the effective date of the bill in an interim report, and no later than 12 months after the effective date of the bill in a final report, on the provisions of the bill, including information on the number of licenses that were approved, denied, suspended or revoked.

The committee amendments correct an internal statutory reference.

[First Reprint]

ASSEMBLY, No. 3119

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 18, 2001

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

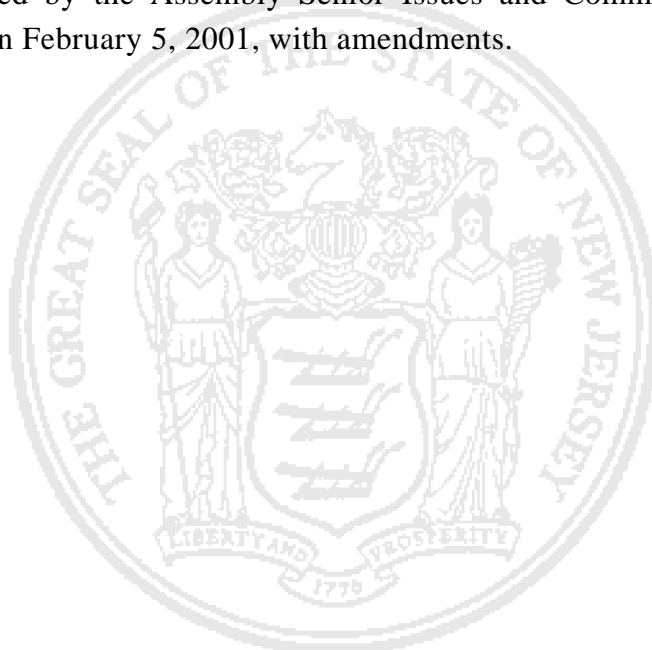
Assemblyman LeFevre and Assemblywoman Heck

SYNOPSIS

"Foster Parent Licensing Act."

CURRENT VERSION OF TEXT

As reported by the Assembly Senior Issues and Community Services Committee on February 5, 2001, with amendments.



(Sponsorship Updated As Of: 5/11/2001)

1 AN ACT concerning foster care and supplementing Title 30 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Foster Parent
8 Licensing Act."

9

10 2. The Legislature finds and declares that: each child requiring
11 foster care should reside in a safe home with a nurturing substitute
12 family who can meet the child's individual needs; the most effective
13 way to ensure the health, safety, general well-being and physical,
14 emotional, social and educational needs of a child residing in a foster
15 home is to require the annual inspection and monitoring of a foster
16 home and to obligate a person to secure and maintain a license in order
17 to provide foster care to a child; therefore, it is in the public interest
18 to license foster parents and regulate foster homes in order to ensure
19 the safety, health and proper development of children placed in foster
20 care.

21

22 3. As used in this act:

23 "Child" means a person who: is either under the age of 18 or meets
24 the criteria set forth in subsection f. of section 2 of P.L.1972, c.81
25 (C.9:17B-2); and is under the care or custody of the division or
26 another public or private agency authorized to place children in New
27 Jersey.

28 "Commissioner" means the Commissioner of Human Services.

29 "Department" means the Department of Human Services.

30 "Division" means the Division of Youth and Family Services in the
31 Department of Human Services.

32 "Foster home" or "home" means a private residence, other than a
33 children's group home or shelter home, in which board, lodging, care
34 and temporary out-of-home placement services are provided by a
35 foster parent on a 24-hour basis to a child under the auspices of the
36 division or any public or private agency authorized to place children
37 in New Jersey.

38 "Foster parent" means a person who has been licensed pursuant to
39 this act to provide foster care to five or fewer children, except that the
40 division may license a foster parent to provide care for more than five
41 children, if necessary, to keep sibling groups intact or to serve the best
42 interests of the children in the home.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASC committee amendments adopted February 5, 2001.

1 "License" means a document issued by the division to a person,
2 when there is full or substantial compliance with the applicable
3 provisions of this act, to provide foster care to children in the person's
4 home.

5
6 4. a. A person shall not provide foster care to a child unless the
7 person is licensed by the division pursuant to this act. The license
8 shall be issued to a specific person for a specific residence and shall
9 not be transferable to another person or residence. The foster parent
10 shall maintain the license on file at the foster home.

11 b. A person desiring to provide foster care to a child shall apply to
12 the division for a license in a manner and form prescribed by the
13 commissioner.

14 c. If a person meets the requirements of this act, the division shall
15 issue a license to the applicant. The license shall be valid indefinitely,
16 subject to the foster parent's continued compliance with the provisions
17 of this act.

18 d. The division shall conduct an annual on-site inspection of a
19 foster home and evaluate the foster home to determine whether it
20 complies with the provisions of this act.

21 e. The division may, without prior notice, inspect and examine a
22 foster home and inspect all documents, records, files or other data
23 required to be maintained by a foster parent pursuant to this act.

24
25 5. a. As a condition of securing a license, a foster parent applicant
26 shall participate in pre-service training in accordance with standards
27 adopted by the commissioner pursuant to this act.

28 b. A foster parent licensed pursuant to this act shall participate in
29 a minimum of 14 hours of in-service training in every 24-month period
30 in accordance with standards adopted by the commissioner pursuant
31 to this act.

32
33 6. a. Prior to the issuance of a license, the department shall ensure
34 that a State and federal criminal history record background check is
35 conducted on a foster parent applicant and any adult member of the
36 foster parent applicant's household pursuant to the provisions of
37 section 1 of P.L.1985, c.396 (C.30:4C-26.8).

38 b. The division shall deny the license if the foster parent applicant
39 or any adult member of the foster parent applicant's household refuses
40 to consent to, or cooperate in, the securing of a criminal history record
41 background check or has been convicted of a crime enumerated under
42 section 1 of P.L.1985, c.396 (C.30:4C-26.8).

43 c. A foster parent applicant or foster parent shall immediately
44 notify the division when a new adult becomes a resident of the foster
45 parent applicant's or foster parent's household in order for the
46 department to ensure that a criminal history record background check

1 is conducted on the new adult household member.

2 d. The Division of State Police in the Department of Law and
3 Public Safety shall promptly notify the division in the event a foster
4 parent or any adult member of the foster parent's household who was
5 the subject of a criminal history record background check conducted
6 pursuant to this section, is convicted of a crime or offense in this State
7 after the date the background check was performed. Upon receipt of
8 such notification, the division shall make a determination whether to
9 suspend or revoke the foster parent's license.

10

11 7. a. Prior to the issuance of a license, the division shall conduct a
12 child abuse record information check of the division's child abuse
13 records to determine if an incident of child abuse or neglect has been
14 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
15 against a foster parent applicant or any adult member of the foster
16 parent applicant's household.

17 b. The foster parent applicant and any adult member of the foster
18 parent applicant's household shall provide prior written consent for the
19 division to conduct a check of its child abuse records.

20 If the foster parent applicant or any adult member of the foster
21 parent applicant's household refuses to consent to, or cooperate in,
22 the securing of a division child abuse record information check, the
23 division shall deny the license.

24 c. The division shall deny the license if the division determines that
25 an incident of child abuse or neglect by the foster parent applicant or
26 any adult member of the foster parent applicant's household has been
27 substantiated, except that the division may issue the license if the
28 division determines that the foster parent applicant or adult household
29 member poses no continuing risk of harm to the child and the issuance
30 of the license is in the child's best interests.

31 d. A foster parent applicant or foster parent shall immediately
32 notify the division when a new adult becomes a resident of the foster
33 parent applicant's or foster parent's household in order for the division
34 to ensure that a child abuse record information check is conducted on
35 the new adult household member.

36 e. The division shall consider, for the purposes of this act, any
37 incidents of child abuse or neglect that were substantiated on or after
38 June 29, 1995, to ensure that a foster parent applicant or adult member
39 of the foster parent applicant's household has had an opportunity to
40 appeal a substantiated finding of child abuse or neglect pursuant to
41 ¹[N.J.A.C.10:120A et seq.,]N.J.A.C. 10:120A-1.1 et. seq.¹ except
42 that the division may consider substantiated incidents prior to that date
43 if the division, in its judgment, determines that the foster parent
44 applicant or adult household member poses a risk of harm in a foster
45 home. In cases involving incidents substantiated prior to June 29,
46 1995, the division shall offer the foster parent applicant or adult

1 member of the foster parent applicant's household an opportunity for
2 a hearing to contest its action restricting the foster parent applicant
3 from providing foster care to a child.

4
5 8. The division may deny, suspend or revoke a license for good
6 cause, including, but not limited to:

7 a. Failure of a foster parent applicant or foster parent to comply
8 with the provisions of this act;

9 b. Violation of the terms and conditions of a license;

10 c. Use of fraud or misrepresentation by a foster parent applicant or
11 foster parent in obtaining a license;

12 d. Refusal by a foster parent applicant or foster parent to furnish
13 the division with information, files, reports or records required for
14 compliance with the provisions of this act;

15 e. Refusal by a foster parent applicant or foster parent to permit an
16 inspection of a foster home by an authorized representative of the
17 division; and

18 f. Any conduct, engaged in or permitted, which adversely affects
19 or presents a serious hazard to the education, health, safety, general
20 well-being or physical, emotional and social development of the child
21 residing in the foster home, or which otherwise fails to comply with
22 the standards required for the provision of foster care to a child and
23 the maintenance of a foster home.

24
25 9. Before denying, suspending or revoking a license, the division
26 shall give notice to a foster parent applicant or foster parent personally
27 or by mail to the last known address of the foster parent applicant or
28 foster parent with return receipt requested. The notice shall afford the
29 foster parent applicant or foster parent the opportunity to be heard and
30 to contest the division's action. The hearing shall be conducted in
31 accordance with the "Administrative Procedure Act," P.L.1968, c.410
32 (C.52:14B-1 et seq.).

33
34 10. A person aggrieved by a final decision of the division is entitled
35 to seek judicial review in the Appellate Division of the Superior Court.
36 All petitions for review shall be filed in accordance with the Rules of
37 Court.

38
39 11. A person who provides or assists in the provision of foster care
40 to a child without a license uses fraud or misrepresentation in
41 obtaining a license or offers, advertises or provides any service not
42 authorized by a valid license is guilty of a crime of the fourth degree.

43
44 12. a. Notwithstanding the provisions of this act to the contrary,
45 a foster parent certified by the division on or prior to the effective date
46 of this act may continue to provide foster care to a child until the

1 division conducts an on-site inspection and reevaluation of the foster
2 parent's home, no later than two years following the date of the home's
3 last certification inspection and reevaluation, to determine whether the
4 home complies with the provisions of this act. If the on-site inspection
5 and reevaluation indicate the foster home's full or substantial
6 compliance with the provisions of this act, the division shall issue a
7 license to the foster parent.

8 b. A foster parent who was not certified by the division on or prior
9 to the effective date of this act shall apply to the division for a license
10 within 90 days of the effective date of this act and may continue to
11 provide foster care to a child until the division conducts an on-site
12 inspection and evaluation of the foster parent's home to determine
13 whether the home complies with the provisions of this act. If the on-
14 site inspection and evaluation indicate the foster home's full or
15 substantial compliance with the provisions of this act, the division shall
16 issue a license to the foster parent.

17

18 13. The commissioner shall report to the Governor and the
19 Legislature no later than six months after the effective date of this act
20 in an interim report, and no later than 12 months after the effective
21 date of this act in a final report, on the implementation of this act. The
22 reports shall include:

23 a. the number of licenses that were approved, denied, suspended
24 or revoked;

25 b. the number of licenses that were denied, suspended or revoked
26 as a result of the criminal history record background and division child
27 abuse record information checks conducted pursuant to this act;

28 c. data on the progress of implementing the recommendations
29 contained in the division's Strategic Plan regarding the improvement
30 of the State's foster care system; and

31 d. recommendations for modifying the provisions of this act, which
32 the commissioner believes to be necessary and appropriate.

33

34 14. a. The commissioner shall adopt rules and regulations pursuant
35 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
36 et seq.) to carry out the purposes of this act.

37 The regulations shall include standards governing: the safety and
38 adequacy of the physical premises of a foster home; the health, safety,
39 general well-being and physical, emotional, social and educational
40 needs of a child in foster care; the training of a foster parent; the
41 responsibility of a foster parent to participate in the case plan of a
42 child in foster care and to allow access by the division to the child; the
43 maintenance and confidentiality of records and furnishing of required
44 information to the division; the transportation of a child in foster care;
45 and the provision of other needed services on behalf of a child in foster
46 care. The commissioner shall also adopt rules and regulations for

1 license application, issuance, denial, suspension and revocation.

2 b. Nothing in this act shall be construed to permit the department
3 to adopt any code or standard that exceeds the standards established
4 pursuant to the "State Uniform Construction Code Act," P.L.1975,
5 c.217 (C.52:27D-119 et seq.) and the "Uniform Fire Safety Act,"
6 P.L.1983, c.383 (C.52:27D-192 et seq.).

7

8 15. This act shall take effect on the 90th day after enactment.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3119

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2001

The Senate Women's Issues, Children and Family Services Committee reports favorably and with Committee Amendments Assembly Bill No. 3119 (1R).

As amended by the committee, this bill, the "Foster Parent Licensing Act," requires the Division of Youth and Family Services (DYFS) to license all foster parents providing care to children who have been temporarily placed outside their homes by DYFS or other agencies authorized to place children in the State. Currently DYFS certifies foster parents who provide care to children in need of temporary out-of-home placement who are under the care and custody of DYFS.

Under the provisions of the bill, a foster parent applicant or foster parent, as applicable, shall:

- ! apply to DYFS for a license and complete the application form;
- ! be of good moral character;
- ! provide written consent for DYFS to conduct a child abuse record information check pursuant to N.J.S.A.9:6-8.11 on the applicant and any adult member of the applicant's household;
- ! immediately notify DYFS when a new adult becomes a resident of the household in order to ensure that criminal history record background and DYFS child abuse record information checks are conducted on the new adult household member;
- ! participate in pre-service training as a condition of securing a license; and
- ! participate in a minimum of 14 hours of in-service training every two years.

The bill authorizes DYFS to:

- ! conduct child abuse record information checks to determine if an incident of child abuse or neglect has been substantiated pursuant to N.J.S.A.9:6-8.11, against a foster parent applicant or any adult member of the applicant's household. If an

incident of child abuse or neglect has been substantiated against the applicant or adult household member or the applicant or adult household member refuses to consent to, or cooperate in, the securing of the child abuse record information check, DYFS shall deny the license, unless DYFS determines that there is no continuing risk of harm and the issuance of the license is in the child's best interest; and

- ! conduct an annual on-site inspection of a foster home and evaluate the home to determine whether it complies with the provisions of the bill.

If the person meets the requirements of the bill, DYFS shall issue a license to an applicant. The license shall be valid for three years, provided that the foster parent continues to comply with the licensing requirements. DYFS shall also determine whether a license shall be renewed based upon the results of the annual on-site inspection and evaluation of the foster home. If the inspection and evaluation indicates full or substantial compliance with the provisions of the bill, DYFS shall renew the license.

The bill also authorizes the department to conduct a criminal history record background check pursuant to N.J.S.A.30:4C-26.8 on a foster parent applicant and any adult member residing in the applicant's household. If the applicant or adult household member has been convicted of any crime enumerated in N.J.S.A.30:4C-26.8 or refuses to consent to, or cooperate in, the securing of the criminal history record background information, DYFS shall deny the license.

To ensure that the criminal history record background check information is kept current, the bill provides that the Division of State Police shall promptly notify DYFS in the event a foster parent or any adult member of the household is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, DYFS shall make a determination on whether to suspend or revoke the foster parent's license.

This bill does not require foster parents who were certified by DYFS on or prior to the effective date of this bill to immediately obtain licenses, but provides, instead, that they may continue to provide foster care to a child until DYFS conducts an on-site inspection and reevaluation of the foster parent's home, no later than two years following the date of the home's last certification inspection and reevaluation, to determine whether the home complies with the provisions of the bill. If the on-site inspection and reevaluation indicate the foster home's full or substantial compliance with the provisions of the bill, DYFS shall issue a license to the foster parent.

A foster parent who was not certified by DYFS on or prior to the effective date of the bill shall apply to DYFS for a license within 90 days of the effective date of the bill and may continue to provide foster care to a child until DYFS conducts an on-site inspection and evaluation of the foster parent's home to determine whether the home complies with the provisions of the bill. If the on-site inspection and

evaluation indicate the foster home's full or substantial compliance with the provisions of the bill, DYFS shall issue a license to the foster parent.

Finally, the bill requires the commissioner to report to the Governor and the Legislature no later than six months after the effective date of the bill in an interim report, and no later than 12 months after the effective date of the bill in a final report, on the provisions of the bill, including information on the number of licenses that were approved, denied, suspended or revoked.

The committee amended the bill to:

- ! provide that "license" is defined as a document issued by DYFS to a person who meets the requirements of the bill;
- ! require foster parent applicants and foster parents to be of good moral character and to complete the license application form provided by DYFS;
- ! require foster parent applicants to participate in pre-service training as a condition of securing a license;
- ! require licensed foster parents to participate in a minimum of 14 hours of in-service training every two years;
- ! stipulate that the license issued pursuant to the bill be valid for three years; and
- ! authorize the division to determine whether the license shall be renewed based on the results of the annual on-site inspection and evaluation of the foster home. If the inspection and evaluation indicates full or substantial compliance with the provisions of the bill, DYFS shall renew the license.

This bill is identical to the Senate Committee Substitute for Senate Bill No. 2056 (Singer), which was reported by this committee on November 29, 2001.

[Second Reprint]

ASSEMBLY, No. 3119

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 18, 2001

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

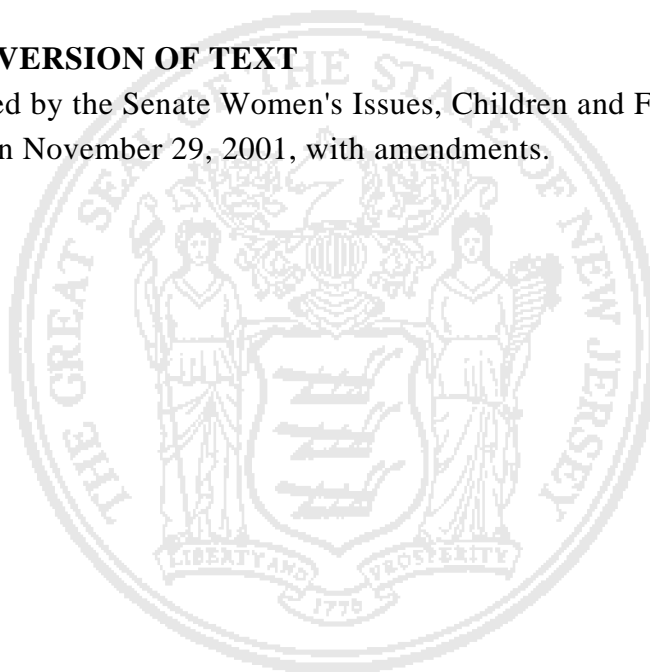
**Assemblyman LeFevre, Assemblywoman Heck, Senators Singer, O'Toole
and Allen**

SYNOPSIS

"Foster Parent Licensing Act."

CURRENT VERSION OF TEXT

As reported by the Senate Women's Issues, Children and Family Services
Committee on November 29, 2001, with amendments.



(Sponsorship Updated As Of: 12/18/2001)

1 AN ACT concerning foster care and supplementing Title 30 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Foster Parent
8 Licensing Act."

9

10 2. The Legislature finds and declares that: each child requiring
11 foster care should reside in a safe home with a nurturing substitute
12 family who can meet the child's individual needs; the most effective
13 way to ensure the health, safety, general well-being and physical,
14 emotional, social and educational needs of a child residing in a foster
15 home is to require the annual inspection and monitoring of a foster
16 home and to obligate a person to secure and maintain a license in order
17 to provide foster care to a child; therefore, it is in the public interest
18 to license foster parents and regulate foster homes in order to ensure
19 the safety, health and proper development of children placed in foster
20 care.

21

22 3. As used in this act:

23 "Child" means a person who: is either under the age of 18 or meets
24 the criteria set forth in subsection f. of section 2 of P.L.1972, c.81
25 (C.9:17B-2); and is under the care or custody of the division or
26 another public or private agency authorized to place children in New
27 Jersey.

28 "Commissioner" means the Commissioner of Human Services.

29 "Department" means the Department of Human Services.

30 "Division" means the Division of Youth and Family Services in the
31 Department of Human Services.

32 "Foster home" or "home" means a private residence, other than a
33 children's group home or shelter home, in which board, lodging, care
34 and temporary out-of-home placement services are provided by a
35 foster parent on a 24-hour basis to a child under the auspices of the
36 division or any public or private agency authorized to place children
37 in New Jersey.

38 "Foster parent" means a person who has been licensed pursuant to
39 this act to provide foster care to five or fewer children, except that the
40 division may license a foster parent to provide care for more than five
41 children, if necessary, to keep sibling groups intact or to serve the best

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASC committee amendments adopted February 5, 2001.

² Senate SWF committee amendments adopted November 29, 2001.

1 interests of the children in the home.

2 "License" means a document issued by the division to a person ²[,
3 when there is full or substantial compliance with the applicable
4 provisions of this act,] who meets the requirements of this act² to
5 provide foster care to children in the person's home.

6

7 4. a. A person shall not provide foster care to a child unless the
8 person is licensed by the division pursuant to this act. The license
9 shall be issued to a specific person for a specific residence and shall
10 not be transferable to another person or residence. The foster parent
11 shall maintain the license on file at the foster home.

12 b. A person desiring to provide foster care to a child shall apply to
13 the division for a license in a manner and form prescribed by the
14 commissioner.

15 c. ²[If a person meets the requirements of this act, the division
16 shall issue a license to the applicant. The license shall be valid
17 indefinitely, subject to the foster parent's continued compliance with
18 the provisions of this act.

19 d. The division shall conduct an annual on-site inspection of a
20 foster home and evaluate the foster home to determine whether it
21 complies with the provisions of this act.

22 e. The division may, without prior notice, inspect and examine a
23 foster home and inspect all documents, records, files or other data
24 required to be maintained by a foster parent pursuant to this act.] A
25 foster parent applicant or foster parent shall be of good moral
26 character.

27 d. A foster parent applicant or foster parent, as applicable, shall:

28 (1) Complete the license application form provided by the division;

29 (2) Provide written consent for the division to conduct a check of
30 its child abuse records pursuant to section 4 of P.L.1971, c.437
31 (C.9:6-8.11);

32 (3) Provide written consent from each adult member of the foster
33 parent applicant's household for the division to conduct a child abuse
34 record information check on that person; and

35 (4) Immediately notify the division when a new adult becomes a
36 resident of the foster parent applicant's or foster parent's household in
37 order to ensure that the department can conduct a criminal history
38 record background check pursuant to section 1 of P.L.1985, c.396
39 (C.30:4C-26.8) and the division can conduct a child abuse record
40 information check on the new adult household member.

41 e. As a condition of securing a license, the applicant shall
42 participate in pre-service training in accordance with standards
43 adopted by the commissioner pursuant to this act.

44 f. A foster parent licensed pursuant to this act shall participate in
45 a minimum of 14 hours of in-service training in every 24-month period
46 in accordance with standards adopted by the commissioner pursuant

1 to this act.²

2

3 ²[5. a. As a condition of securing a license, a foster parent
4 applicant shall participate in pre-service training in accordance with
5 standards adopted by the commissioner pursuant to this act.

6 b. A foster parent licensed pursuant to this act shall participate in
7 a minimum of 14 hours of in-service training in every 24-month period
8 in accordance with standards adopted by the commissioner pursuant
9 to this act.]²

10

11 ²[6. a. Prior to the issuance of a license, the department shall
12 ensure that a State and federal criminal history record background
13 check is conducted on a foster parent applicant and any adult member
14 of the foster parent applicant's household pursuant to the provisions
15 of section 1 of P.L.1985, c.396 (C.30:4C-26.8).

16 b. The division shall deny the license if the foster parent applicant
17 or any adult member of the foster parent applicant's household refuses
18 to consent to, or cooperate in, the securing of a criminal history record
19 background check or has been convicted of a crime enumerated under
20 section 1 of P.L.1985, c.396 (C.30:4C-26.8).

21 c. A foster parent applicant or foster parent shall immediately
22 notify the division when a new adult becomes a resident of the foster
23 parent applicant's or foster parent's household in order for the
24 department to ensure that a criminal history record background check
25 is conducted on the new adult household member.

26 d. The Division of State Police in the Department of Law and
27 Public Safety shall promptly notify the division in the event a foster
28 parent or any adult member of the foster parent's household who was
29 the subject of a criminal history record background check conducted
30 pursuant to this section, is convicted of a crime or offense in this State
31 after the date the background check was performed. Upon receipt of
32 such notification, the division shall make a determination whether to
33 suspend or revoke the foster parent's license.]²

34

35 ²[7. a. Prior to the issuance of a license, the division shall conduct
36 a child abuse record information check of the division's child abuse
37 records to determine if an incident of child abuse or neglect has been
38 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
39 against a foster parent applicant or any adult member of the foster
40 parent applicant's household.

41 b. The foster parent applicant and any adult member of the foster
42 parent applicant's household shall provide prior written consent for the
43 division to conduct a check of its child abuse records.

44 If the foster parent applicant or any adult member of the foster
45 parent applicant's household refuses to consent to, or cooperate in,
46 the securing of a division child abuse record information check, the

1 division shall deny the license.

2 c. The division shall deny the license if the division determines that
3 an incident of child abuse or neglect by the foster parent applicant or
4 any adult member of the foster parent applicant's household has been
5 substantiated, except that the division may issue the license if the
6 division determines that the foster parent applicant or adult household
7 member poses no continuing risk of harm to the child and the issuance
8 of the license is in the child's best interests.

9 d. A foster parent applicant or foster parent shall immediately
10 notify the division when a new adult becomes a resident of the foster
11 parent applicant's or foster parent's household in order for the division
12 to ensure that a child abuse record information check is conducted on
13 the new adult household member.

14 e. The division shall consider, for the purposes of this act, any
15 incidents of child abuse or neglect that were substantiated on or after
16 June 29, 1995, to ensure that a foster parent applicant or adult member
17 of the foster parent applicant's household has had an opportunity to
18 appeal a substantiated finding of child abuse or neglect pursuant to
19 ¹[N.J.A.C.10:120A et seq.,]N.J.A.C. 10:120A-1.1 et. seq.,¹ except
20 that the division may consider substantiated incidents prior to that date
21 if the division, in its judgment, determines that the foster parent
22 applicant or adult household member poses a risk of harm in a foster
23 home. In cases involving incidents substantiated prior to June 29,
24 1995, the division shall offer the foster parent applicant or adult
25 member of the foster parent applicant's household an opportunity for
26 a hearing to contest its action restricting the foster parent applicant
27 from providing foster care to a child.]²

28

29 ² 5. a. The division shall conduct a child abuse record information
30 check of the division's child abuse records to determine if an incident
31 of child abuse or neglect has been substantiated, pursuant to section
32 4 of P.L.1971, c.437 (C.9:6-8.11), against a foster parent applicant or
33 any adult member of the foster parent applicant's household, upon
34 receipt of written consent from the foster parent applicant or any
35 adult member of the foster parent applicant's household pursuant to
36 subsection d. of section 4 of this act.

37 The division shall consider, for the purposes of this act, any
38 incidents of child abuse or neglect that were substantiated on or after
39 June 29, 1995, to ensure that a foster parent applicant or adult member
40 of the foster parent applicant's household has had an opportunity to
41 appeal a substantiated finding of child abuse or neglect pursuant to
42 N.J.A.C. 10:120A-1.1 et. seq., except that the division may consider
43 substantiated incidents prior to that date if the division, in its
44 judgment, determines that the foster parent applicant or adult
45 household member poses a risk of harm in a foster home. In cases
46 involving incidents substantiated prior to June 29, 1995, the division

1 shall offer the foster parent applicant or adult member of the foster
2 parent applicant's household an opportunity for a hearing to contest its
3 action restricting the foster parent applicant from providing foster care
4 to a child.

5 b. (1) The division shall conduct an annual on-site inspection of a
6 foster home and evaluate the foster home to determine whether it
7 complies with the provisions of this act.

8 (2) The division may, without prior notice, inspect and examine a
9 foster home and inspect all documents, records, files or other data
10 required to be maintained by a foster parent pursuant to this act.

11 c. If an applicant meets the requirements of this act, the division
12 shall issue a license to that person.

13 d. (1) The license shall be valid for three years, subject to the
14 foster parent's continued compliance with the provisions of this act.

15 (2) The division shall determine if the license shall be renewed
16 based upon the results of the annual on-site inspection and evaluation
17 of the foster home conducted pursuant to this section. If the on-site
18 inspection and evaluation indicate the foster home's full or substantial
19 compliance with the provisions of this act, the division shall renew the
20 license.²

21
22 ²6. a. The department shall ensure that a State and federal criminal
23 history record background check is conducted on a foster parent
24 applicant and any adult member of the foster parent applicant's
25 household pursuant to the provisions of section 1 of P.L.1985, c.396
26 (C.30:4C-26.8).

27 b. The Division of State Police in the Department of Law and
28 Public Safety shall promptly notify the division in the event a foster
29 parent or any adult member of the foster parent's household, who was
30 the subject of a criminal history record background check conducted
31 pursuant to this section, is convicted of a crime or offense in this State
32 after the date the background check was performed. Upon receipt of
33 such notification, the division shall make a determination whether to
34 suspend or revoke the foster parent's license.²

35
36 ²[8.] 7.² The division may deny, suspend or revoke a license for
37 good cause, including, but not limited to:

38 a. Failure of a foster parent applicant or foster parent to comply
39 with the provisions of this act;

40 b. ²[Violation of the terms and conditions of a license;

41 c. Use of fraud or misrepresentation by a foster parent applicant or
42 foster parent in obtaining a license;

43 d. Refusal by a foster parent applicant or foster parent to furnish
44 the division with information, files, reports or records required for
45 compliance with the provisions of this act;

46 e. Refusal by a foster parent applicant or foster parent to permit an

- 1 inspection of a foster home by an authorized representative of the
2 division; and
- 3 f. Any conduct, engaged in or permitted, which adversely affects
4 or presents a serious hazard to the education, health, safety, general
5 well-being or physical, emotional and social development of the child
6 residing in the foster home, or which otherwise fails to comply with
7 the standards required for the provision of foster care to a child and
8 the maintenance of a foster home.] Failure of a foster parent applicant
9 or any adult member of the foster parent applicant's household to
10 consent to, or cooperate in, the securing of a criminal history record
11 background check pursuant to section 1 of P.L.1985, c.396 (C.30:4C-
12 26.8) or a division child abuse record information check pursuant to
13 section 4 of P.L.1971, c.437 (C.9:6-8.11);
- 14 c. The conviction of a foster parent applicant or any adult member
15 of the foster parent applicant's household of a crime enumerated under
16 section 1 of P.L.1985, c.396 (C.30:4C-26.8);
- 17 d. A determination that an incident of child abuse or neglect by a
18 foster parent applicant or any adult member of the foster parent
19 applicant's household has been substantiated, except that the division
20 may issue the license if the division determines that the foster parent
21 applicant or adult household member poses no continuing risk of harm
22 to the child and the issuance of the license is in the child's best
23 interests;
- 24 e. Violation of the terms and conditions of a license;
- 25 f. Use of fraud or misrepresentation by a foster parent applicant or
26 foster parent in obtaining a license;
- 27 g. Refusal by a foster parent applicant or foster parent to furnish
28 the division with information, files, reports or records required for
29 compliance with the provisions of this act;
- 30 h. Refusal by a foster parent applicant or foster parent to permit an
31 inspection of a foster home by an authorized representative of the
32 division; and
- 33 i. Any conduct, engaged in or permitted, which adversely affects
34 or presents a serious hazard to the education, health, safety, general
35 well-being or physical, emotional and social development of the child
36 residing in the foster home, or which otherwise fails to comply with
37 the standards required for the provision of foster care to a child and
38 the maintenance of a foster home.²

39

40 ²[9.] §.² Before denying, suspending or revoking a license, the
41 division shall give notice to a foster parent applicant or foster parent
42 personally or by mail to the last known address of the foster parent
43 applicant or foster parent with return receipt requested. The notice
44 shall afford the foster parent applicant or foster parent the opportunity
45 to be heard and to contest the division's action. The hearing shall be

1 conducted in accordance with the "Administrative Procedure Act,"
2 P.L.1968, c.410 (C.52:14B-1 et seq.).

3
4 ²[10.] 9.² A person aggrieved by a final decision of the division is
5 entitled to seek judicial review in the Appellate Division of the
6 Superior Court. All petitions for review shall be filed in accordance
7 with the Rules of Court.

8
9 ²[11.] 10.² A person who provides or assists in the provision of
10 foster care to a child without a license ²,² uses fraud or
11 misrepresentation in obtaining a license ²,² or offers, advertises or
12 provides any service not authorized by a valid license is guilty of a
13 crime of the fourth degree.

14
15 ²[12.] 11.² a. Notwithstanding the provisions of this act to the
16 contrary, a foster parent certified by the division on or prior to the
17 effective date of this act may continue to provide foster care to a child
18 until the division conducts an on-site inspection and reevaluation of
19 the foster parent's home, no later than two years following the date of
20 the home's last certification inspection and reevaluation, to determine
21 whether the home complies with the provisions of this act. If the on-
22 site inspection and reevaluation indicate the foster home's full or
23 substantial compliance with the provisions of this act, the division shall
24 issue a license to the foster parent.

25 b. A foster parent who was not certified by the division on or prior
26 to the effective date of this act shall apply to the division for a license
27 within 90 days of the effective date of this act and may continue to
28 provide foster care to a child until the division conducts an on-site
29 inspection and evaluation of the foster parent's home to determine
30 whether the home complies with the provisions of this act. If the on-
31 site inspection and evaluation indicate the foster home's full or
32 substantial compliance with the provisions of this act, the division shall
33 issue a license to the foster parent.

34
35 ²[13.] 12.² The commissioner shall report to the Governor and the
36 Legislature no later than six months after the effective date of this act
37 in an interim report, and no later than 12 months after the effective
38 date of this act in a final report, on the implementation of this act. The
39 reports shall include:

40 a. the number of licenses that were approved, denied, suspended
41 or revoked;

42 b. the number of licenses that were denied, suspended or revoked
43 as a result of the criminal history record background and division child
44 abuse record information checks conducted pursuant to this act;

45 c. data on the progress of implementing the recommendations
46 contained in the division's Strategic Plan regarding the improvement

1 of the State's foster care system; and

2 d. recommendations for modifying the provisions of this act, which
3 the commissioner believes to be necessary and appropriate.

4

5 ²[14.] 13.² a. The commissioner shall adopt rules and regulations
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.) to carry out the purposes of this act.

8 The regulations shall include standards governing: the safety and
9 adequacy of the physical premises of a foster home; the health, safety,
10 general well-being and physical, emotional, social and educational
11 needs of a child in foster care; the training of a foster parent; the
12 responsibility of a foster parent to participate in the case plan of a
13 child in foster care and to allow access by the division to the child; the
14 maintenance and confidentiality of records and furnishing of required
15 information to the division; the transportation of a child in foster care;
16 and the provision of other needed services on behalf of a child in foster
17 care. The commissioner shall also adopt rules and regulations for
18 license application, issuance, denial, suspension and revocation.

19 b. Nothing in this act shall be construed to permit the department
20 to adopt any code or standard that exceeds the standards established
21 pursuant to the "State Uniform Construction Code Act," P.L.1975,
22 c.217 (C.52:27D-119 et seq.) and the "Uniform Fire Safety Act,"
23 P.L.1983, c.383 (C.52:27D-192 et seq.).

24

25 ²[15.] 14.² This act shall take effect on the 90th day after
26 enactment.

[Third Reprint]

ASSEMBLY, No. 3119

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 18, 2001

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

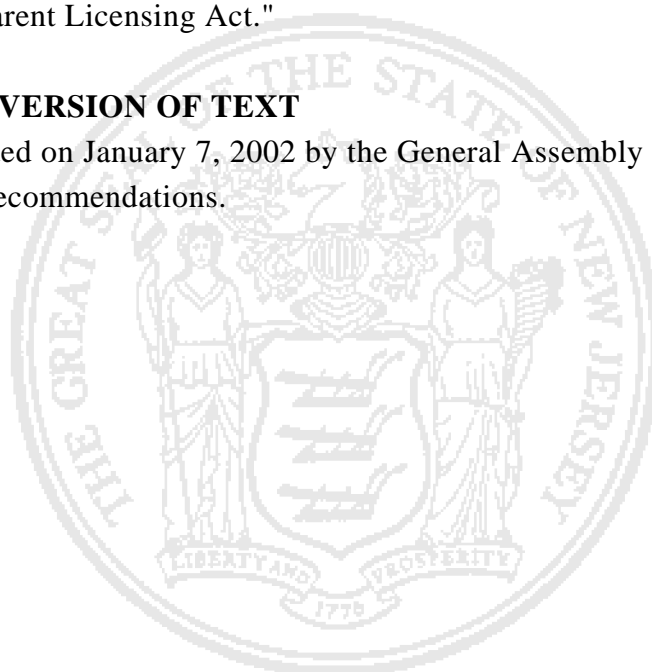
**Assemblyman LeFevre, Assemblywoman Heck, Senators Singer, O'Toole
and Allen**

SYNOPSIS

"Foster Parent Licensing Act."

CURRENT VERSION OF TEXT

As amended on January 7, 2002 by the General Assembly pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 12/18/2001)

1 AN ACT concerning foster care and supplementing Title 30 of the
2 Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Foster Parent
8 Licensing Act."

9
10 2. The Legislature finds and declares that: each child requiring
11 foster care should reside in a safe home with a nurturing substitute
12 family who can meet the child's individual needs; the most effective
13 way to ensure the health, safety, general well-being and physical,
14 emotional, social and educational needs of a child residing in a foster
15 home is to require the annual inspection and monitoring of a foster
16 home and to obligate a person to secure and maintain a license in order
17 to provide foster care to a child; therefore, it is in the public interest
18 to license foster parents and regulate foster homes in order to ensure
19 the safety, health and proper development of children placed in foster
20 care.

21
22 3. As used in this act:

23 "Child" means a person who: is either under the age of 18 or meets
24 the criteria set forth in subsection f. of section 2 of P.L.1972, c.81
25 (C.9:17B-2); and is under the care or custody of the division or
26 another public or private agency authorized to place children in New
27 Jersey.

28 "Commissioner" means the Commissioner of Human Services.

29 "Department" means the Department of Human Services.

30 "Division" means the Division of Youth and Family Services in the
31 Department of Human Services.

32 "Foster home" or "home" means a private residence, other than a
33 children's group home or shelter home, in which board, lodging, care
34 and temporary out-of-home placement services are provided by a
35 foster parent on a 24-hour basis to a child under the auspices of the
36 division or any public or private agency authorized to place children
37 in New Jersey.

38 "Foster parent" means a person who has been licensed pursuant to
39 this act to provide foster care to five or fewer children, except that the
40 division may license a foster parent to provide care for more than five

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ **Assembly ASC committee amendments adopted February 5, 2001.**

² **Senate SWF committee amendments adopted November 29, 2001.**

³ **Assembly amendments adopted in accordance with Governor's recommendations January 7, 2002.**

1 children, if necessary, to keep sibling groups intact or to serve the best
2 interests of the children in the home.

3 "License" means a document issued by the division to a person ² [,
4 when there is full or substantial compliance with the applicable
5 provisions of this act,] who meets the requirements of this act² to
6 provide foster care to children in the person's home.

7

8 4. a. A person shall not provide foster care to a child unless the
9 person is licensed by the division pursuant to this act. The license
10 shall be issued to a specific person for a specific residence and shall
11 not be transferable to another person or residence. The foster parent
12 shall maintain the license on file at the foster home.

13 b. A person desiring to provide foster care to a child shall apply to
14 the division for a license in a manner and form prescribed by the
15 commissioner.

16 c. ²[If a person meets the requirements of this act, the division
17 shall issue a license to the applicant. The license shall be valid
18 indefinitely, subject to the foster parent's continued compliance with
19 the provisions of this act.

20 d. The division shall conduct an annual on-site inspection of a
21 foster home and evaluate the foster home to determine whether it
22 complies with the provisions of this act.

23 e. The division may, without prior notice, inspect and examine a
24 foster home and inspect all documents, records, files or other data
25 required to be maintained by a foster parent pursuant to this act.] A
26 foster parent applicant or foster parent shall be of good moral
27 character.

28 d. A foster parent applicant or foster parent, as applicable, shall:

29 (1) Complete the license application form provided by the division;

30 (2) Provide written consent for the division to conduct a check of
31 its child abuse records pursuant to section 4 of P.L.1971, c.437
32 (C.9:6-8.11);

33 (3) Provide written consent from each adult member of the foster
34 parent applicant's household for the division to conduct a child abuse
35 record information check on that person; and

36 (4) Immediately notify the division when a new adult becomes a
37 resident of the foster parent applicant's or foster parent's household in
38 order to ensure that the department can conduct a criminal history
39 record background check pursuant to section 1 of P.L.1985, c.396
40 (C.30:4C-26.8) and the division can conduct a child abuse record
41 information check on the new adult household member.

42 e. As a condition of securing a license, the applicant shall
43 participate in pre-service training in accordance with standards
44 adopted by the commissioner pursuant to this act.

45 f. A foster parent licensed pursuant to this act shall participate in
46 a minimum of 14 hours of in-service training in every 24-month period

1 in accordance with standards adopted by the commissioner pursuant
2 to this act.²

3
4 ²[5. a. As a condition of securing a license, a foster parent
5 applicant shall participate in pre-service training in accordance with
6 standards adopted by the commissioner pursuant to this act.

7 b. A foster parent licensed pursuant to this act shall participate in
8 a minimum of 14 hours of in-service training in every 24-month period
9 in accordance with standards adopted by the commissioner pursuant
10 to this act.]²

11
12 ²[6. a. Prior to the issuance of a license, the department shall
13 ensure that a State and federal criminal history record background
14 check is conducted on a foster parent applicant and any adult member
15 of the foster parent applicant's household pursuant to the provisions
16 of section 1 of P.L.1985, c.396 (C.30:4C-26.8).

17 b. The division shall deny the license if the foster parent applicant
18 or any adult member of the foster parent applicant's household refuses
19 to consent to, or cooperate in, the securing of a criminal history record
20 background check or has been convicted of a crime enumerated under
21 section 1 of P.L.1985, c.396 (C.30:4C-26.8).

22 c. A foster parent applicant or foster parent shall immediately
23 notify the division when a new adult becomes a resident of the foster
24 parent applicant's or foster parent's household in order for the
25 department to ensure that a criminal history record background check
26 is conducted on the new adult household member.

27 d. The Division of State Police in the Department of Law and
28 Public Safety shall promptly notify the division in the event a foster
29 parent or any adult member of the foster parent's household who was
30 the subject of a criminal history record background check conducted
31 pursuant to this section, is convicted of a crime or offense in this State
32 after the date the background check was performed. Upon receipt of
33 such notification, the division shall make a determination whether to
34 suspend or revoke the foster parent's license.]²

35
36 ²[7. a. Prior to the issuance of a license, the division shall conduct
37 a child abuse record information check of the division's child abuse
38 records to determine if an incident of child abuse or neglect has been
39 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
40 against a foster parent applicant or any adult member of the foster
41 parent applicant's household.

42 b. The foster parent applicant and any adult member of the foster
43 parent applicant's household shall provide prior written consent for the
44 division to conduct a check of its child abuse records.

45 If the foster parent applicant or any adult member of the foster
46 parent applicant's household refuses to consent to, or cooperate in,

1 the securing of a division child abuse record information check, the
2 division shall deny the license.

3 c. The division shall deny the license if the division determines that
4 an incident of child abuse or neglect by the foster parent applicant or
5 any adult member of the foster parent applicant's household has been
6 substantiated, except that the division may issue the license if the
7 division determines that the foster parent applicant or adult household
8 member poses no continuing risk of harm to the child and the issuance
9 of the license is in the child's best interests.

10 d. A foster parent applicant or foster parent shall immediately
11 notify the division when a new adult becomes a resident of the foster
12 parent applicant's or foster parent's household in order for the division
13 to ensure that a child abuse record information check is conducted on
14 the new adult household member.

15 e. The division shall consider, for the purposes of this act, any
16 incidents of child abuse or neglect that were substantiated on or after
17 June 29, 1995, to ensure that a foster parent applicant or adult member
18 of the foster parent applicant's household has had an opportunity to
19 appeal a substantiated finding of child abuse or neglect pursuant to
20 ¹[N.J.A.C.10:120A et seq.,]N.J.A.C.10:120A-1.1 et. seq.,¹ except
21 that the division may consider substantiated incidents prior to that date
22 if the division, in its judgment, determines that the foster parent
23 applicant or adult household member poses a risk of harm in a foster
24 home. In cases involving incidents substantiated prior to June 29,
25 1995, the division shall offer the foster parent applicant or adult
26 member of the foster parent applicant's household an opportunity for
27 a hearing to contest its action restricting the foster parent applicant
28 from providing foster care to a child.]²

29
30 ^{25.} a. The division shall conduct a child abuse record information
31 check of the division's child abuse records to determine if an incident
32 of child abuse or neglect has been substantiated, pursuant to section
33 4 of P.L.1971, c.437 (C.9:6-8.11), against a foster parent applicant or
34 any adult member of the foster parent applicant's household, upon
35 receipt of written consent from the foster parent applicant or any
36 adult member of the foster parent applicant's household pursuant to
37 subsection d. of section 4 of this act.

38 The division shall consider, for the purposes of this act, any
39 incidents of child abuse or neglect that were substantiated on or after
40 June 29, 1995, to ensure that a foster parent applicant or adult member
41 of the foster parent applicant's household has had an opportunity to
42 appeal a substantiated finding of child abuse or neglect pursuant to
43 N.J.A.C.10:120A-1.1 et. seq., except that the division may consider
44 substantiated incidents prior to that date if the division, in its
45 judgment, determines that the foster parent applicant or adult
46 household member poses a risk of harm in a foster home. In cases

1 involving incidents substantiated prior to June 29, 1995, the division
2 shall offer the foster parent applicant or adult member of the foster
3 parent applicant's household an opportunity for a hearing to contest its
4 action restricting the foster parent applicant from providing foster care
5 to a child.

6 b. (1) The division shall conduct an annual on-site inspection of a
7 foster home and evaluate the foster home to determine whether it
8 complies with the provisions of this act.

9 (2) The division may, without prior notice, inspect and examine a
10 foster home and inspect all documents, records, files or other data
11 required to be maintained by a foster parent pursuant to this act.

12 c. If an applicant meets the requirements of this act, the division
13 shall issue a license to that person.

14 d. (1) The license shall be valid for three years, subject to the
15 foster parent's continued compliance with the provisions of this act.

16 (2) The division shall determine if the license shall be renewed
17 based upon the results of the annual on-site inspection and evaluation
18 of the foster home conducted pursuant to this section. If the on-site
19 inspection and evaluation indicate the foster home's full or substantial
20 compliance with the provisions of this act, the division shall renew the
21 license.²

22
23 ²6. a. The department shall ensure that a State and federal criminal
24 history record background check is conducted on a foster parent
25 applicant and any adult member of the foster parent applicant's
26 household pursuant to the provisions of section 1 of P.L.1985, c.396
27 (C.30:4C-26.8).

28 b. The Division of State Police in the Department of Law and
29 Public Safety shall promptly notify the division in the event a foster
30 parent or any adult member of the foster parent's household, who was
31 the subject of a criminal history record background check conducted
32 pursuant to this section, is convicted of a crime or offense in this State
33 after the date the background check was performed. Upon receipt of
34 such notification, the division shall make a determination whether to
35 suspend or revoke the foster parent's license.²

36
37 ²[8.] 7.² The division may deny, suspend or revoke a license for
38 good cause, including, but not limited to:

39 a. Failure of a foster parent applicant or foster parent to comply
40 with the provisions of this act;

41 b. ²[Violation of the terms and conditions of a license;

42 c. Use of fraud or misrepresentation by a foster parent applicant or
43 foster parent in obtaining a license;

44 d. Refusal by a foster parent applicant or foster parent to furnish
45 the division with information, files, reports or records required for
46 compliance with the provisions of this act;

1 e. Refusal by a foster parent applicant or foster parent to permit an
2 inspection of a foster home by an authorized representative of the
3 division; and

4 f. Any conduct, engaged in or permitted, which adversely affects
5 or presents a serious hazard to the education, health, safety, general
6 well-being or physical, emotional and social development of the child
7 residing in the foster home, or which otherwise fails to comply with
8 the standards required for the provision of foster care to a child and
9 the maintenance of a foster home.] Failure of a foster parent applicant
10 or any adult member of the foster parent applicant's household to
11 consent to, or cooperate in, the securing of a criminal history record
12 background check pursuant to section 1 of P.L.1985, c.396 (C.30:4C-
13 26.8) or a division child abuse record information check pursuant to
14 section 4 of P.L.1971, c.437 (C.9:6-8.11);

15 c. The conviction of a foster parent applicant or any adult member
16 of the foster parent applicant's household of a crime enumerated under
17 section 1 of P.L.1985, c.396 (C.30:4C-26.8);

18 d. A determination that an incident of child abuse or neglect by a
19 foster parent applicant or any adult member of the foster parent
20 applicant's household has been substantiated, except that the division
21 may issue the license if the division determines that the foster parent
22 applicant or adult household member poses no continuing risk of harm
23 to the child and the issuance of the license is in the child's best
24 interests;

25 e. Violation of the terms and conditions of a license;

26 f. Use of fraud or misrepresentation by a foster parent applicant or
27 foster parent in obtaining a license;

28 g. Refusal by a foster parent applicant or foster parent to furnish
29 the division with information, files, reports or records required for
30 compliance with the provisions of this act;

31 h. Refusal by a foster parent applicant or foster parent to permit an
32 inspection of a foster home by an authorized representative of the
33 division; and

34 i. Any conduct, engaged in or permitted, which adversely affects
35 or presents a serious hazard to the education, health, safety, general
36 well-being or physical, emotional and social development of the child
37 residing in the foster home, or which otherwise fails to comply with
38 the standards required for the provision of foster care to a child and
39 the maintenance of a foster home.²

40
41 ²[9.] 8.² Before denying, suspending or revoking a license, the
42 division shall give notice to a foster parent applicant or foster parent
43 personally or by mail to the last known address of the foster parent
44 applicant or foster parent with return receipt requested. The notice
45 shall afford the foster parent applicant or foster parent the opportunity
46 to be heard and to contest the division's action. The hearing shall be

1 conducted in accordance with the "Administrative Procedure Act,"
2 P.L.1968, c.410 (C.52:14B-1 et seq.).

3
4 ²[10.] 9.² A person aggrieved by a final decision of the division is
5 entitled to seek judicial review in the Appellate Division of the
6 Superior Court. All petitions for review shall be filed in accordance
7 with the Rules of Court.

8
9 ²[11.] 10.² A person who ³[provides or assists in the provision of
10 foster care to a child without a license ^{2,2}]³ uses fraud or
11 misrepresentation in obtaining a license ^{2,2} or offers, advertises or
12 provides any service not authorized by a valid license is guilty of a
13 crime of the fourth degree.

14
15 ²[12.] 11.² a. Notwithstanding the provisions of this act to the
16 contrary, a foster parent certified by the division on or prior to the
17 effective date of this act may continue to provide foster care to a child
18 until the division conducts an on-site inspection and reevaluation of
19 the foster parent's home, no later than two years following the date of
20 the home's last certification inspection and reevaluation, to determine
21 whether the home complies with the provisions of this act. If the on-
22 site inspection and reevaluation indicate the foster home's full or
23 substantial compliance with the provisions of this act, the division shall
24 issue a license to the foster parent.

25 b. A foster parent who was not certified by the division on or prior
26 to the effective date of this act shall apply to the division for a license
27 within 90 days of the effective date of this act and may continue to
28 provide foster care to a child until the division conducts an on-site
29 inspection and evaluation of the foster parent's home to determine
30 whether the home complies with the provisions of this act. If the on-
31 site inspection and evaluation indicate the foster home's full or
32 substantial compliance with the provisions of this act, the division shall
33 issue a license to the foster parent.

34
35 ²[13.] 12.² The commissioner shall report to the Governor and the
36 Legislature no later than six months after the effective date of this act
37 in an interim report, and no later than 12 months after the effective
38 date of this act in a final report, on the implementation of this act. The
39 reports shall include:

40 a. the number of licenses that were approved, denied, suspended
41 or revoked;

42 b. the number of licenses that were denied, suspended or revoked
43 as a result of the criminal history record background and division child
44 abuse record information checks conducted pursuant to this act;

45 c. data on the progress of implementing the recommendations
46 contained in the division's Strategic Plan regarding the improvement

1 of the State's foster care system; and

2 d. recommendations for modifying the provisions of this act, which
3 the commissioner believes to be necessary and appropriate.

4

5 ²[14.] 13.² a. The commissioner shall adopt rules and regulations
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.) to carry out the purposes of this act.

8 The regulations shall include standards governing: the safety and
9 adequacy of the physical premises of a foster home; the health, safety,
10 general well-being and physical, emotional, social and educational
11 needs of a child in foster care; the training of a foster parent; the
12 responsibility of a foster parent to participate in the case plan of a
13 child in foster care and to allow access by the division to the child; the
14 maintenance and confidentiality of records and furnishing of required
15 information to the division; the transportation of a child in foster care;
16 and the provision of other needed services on behalf of a child in foster
17 care. The commissioner shall also adopt rules and regulations for
18 license application, issuance, denial, suspension and revocation.

19 b. Nothing in this act shall be construed to permit the department
20 to adopt any code or standard that exceeds the standards established
21 pursuant to the "State Uniform Construction Code Act," P.L.1975,
22 c.217 (C.52:27D-119 et seq.) and the "Uniform Fire Safety Act,"
23 P.L.1983, c.383 (C.52:27D-192 et seq.).

24

25 ²[15.] 14.² This act shall take effect on the 90th day after
26 enactment.

SENATE, No. 2056

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 22, 2001

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator KEVIN J. O'TOOLE

District 21 (Essex and Union)

Co-Sponsored by:

Senator Allen

SYNOPSIS

"Foster Parent Licensing Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2001)

1 AN ACT concerning foster care and supplementing Title 30 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Foster Parent
8 Licensing Act."

9

10 2. The Legislature finds and declares that: each child requiring
11 foster care should reside in a safe home with a nurturing substitute
12 family who can meet the child's individual needs; the most effective
13 way to ensure the health, safety, general well-being and physical,
14 emotional, social and educational needs of a child residing in a foster
15 home is to require the annual inspection and monitoring of a foster
16 home and to obligate a person to secure and maintain a license in order
17 to provide foster care to a child; therefore, it is in the public interest
18 to license foster parents and regulate foster homes in order to ensure
19 the safety, health and proper development of children placed in foster
20 care.

21

22 3. As used in this act:

23 "Child" means a person who: is either under the age of 18 or meets
24 the criteria set forth in subsection f. of section 2 of P.L.1972, c.81
25 (C.9:17B-2); and is under the care or custody of the division or
26 another public or private agency authorized to place children in New
27 Jersey.

28 "Commissioner" means the Commissioner of Human Services.

29 "Department" means the Department of Human Services.

30 "Division" means the Division of Youth and Family Services in the
31 Department of Human Services.

32 "Foster home" or "home" means a private residence, other than a
33 children's group home or shelter home, in which board, lodging, care
34 and temporary out-of-home placement services are provided by a
35 foster parent on a 24-hour basis to a child under the auspices of the
36 division or any public or private agency authorized to place children
37 in New Jersey.

38 "Foster parent" means a person who has been licensed pursuant to
39 this act to provide foster care to five or fewer children, except that the
40 division may license a foster parent to provide care for more than five
41 children, if necessary, to keep sibling groups intact or to serve the best
42 interests of the children in the home.

43 "License" means a document issued by the division to a person,
44 when there is full or substantial compliance with the applicable
45 provisions of this act, to provide foster care to children in the person's
46 home.

- 1 4. a. A person shall not provide foster care to a child unless the
2 person is licensed by the division pursuant to this act. The license
3 shall be issued to a specific person for a specific residence and shall
4 not be transferable to another person or residence. The foster parent
5 shall maintain the license on file at the foster home.
- 6 b. A person desiring to provide foster care to a child shall apply to
7 the division for a license in a manner and form prescribed by the
8 commissioner.
- 9 c. If a person meets the requirements of this act, the division shall
10 issue a license to the applicant. The license shall be valid indefinitely,
11 subject to the foster parent's continued compliance with the provisions
12 of this act.
- 13 d. The division shall conduct an annual on-site inspection of a
14 foster home and evaluate the foster home to determine whether it
15 complies with the provisions of this act.
- 16 e. The division may, without prior notice, inspect and examine a
17 foster home and inspect all documents, records, files or other data
18 required to be maintained by a foster parent pursuant to this act.
19
- 20 5. a. As a condition of securing a license, a foster parent applicant
21 shall participate in pre-service training in accordance with standards
22 adopted by the commissioner pursuant to this act.
- 23 b. A foster parent licensed pursuant to this act shall participate in
24 a minimum of 14 hours of in-service training in every 24-month period
25 in accordance with standards adopted by the commissioner pursuant
26 to this act.
27
- 28 6. a. Prior to the issuance of a license, the department shall ensure
29 that a State and federal criminal history record background check is
30 conducted on a foster parent applicant and any adult member of the
31 foster parent applicant's household pursuant to the provisions of
32 section 1 of P.L.1985, c.396 (C.30:4C-26.8).
- 33 b. The division shall deny the license if the foster parent applicant
34 or any adult member of the foster parent applicant's household refuses
35 to consent to, or cooperate in, the securing of a criminal history record
36 background check or has been convicted of a crime enumerated under
37 section 1 of P.L.1985, c.396 (C.30:4C-26.8).
- 38 c. A foster parent applicant or foster parent shall immediately
39 notify the division when a new adult becomes a resident of the foster
40 parent applicant's or foster parent's household in order for the
41 department to ensure that a criminal history record background check
42 is conducted on the new adult household member.
- 43 d. The Division of State Police in the Department of Law and
44 Public Safety shall promptly notify the division in the event a foster
45 parent or any adult member of the foster parent's household who was
46 the subject of a criminal history record background check conducted

1 pursuant to this section, is convicted of a crime or offense in this State
2 after the date the background check was performed. Upon receipt of
3 such notification, the division shall make a determination whether to
4 suspend or revoke the foster parent's license.

5
6 7. a. Prior to the issuance of a license, the division shall conduct
7 a child abuse record information check of the division's child abuse
8 records to determine if an incident of child abuse or neglect has been
9 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
10 against a foster parent applicant or any adult member of the foster
11 parent applicant's household.

12 b. The foster parent applicant and any adult member of the foster
13 parent applicant's household shall provide prior written consent for the
14 division to conduct a check of its child abuse records.

15 If the foster parent applicant or any adult member of the foster
16 parent applicant's household refuses to consent to, or cooperate in,
17 the securing of a division child abuse record information check, the
18 division shall deny the license.

19 c. The division shall deny the license if the division determines that
20 an incident of child abuse or neglect by the foster parent applicant or
21 any adult member of the foster parent applicant's household has been
22 substantiated, except that the division may issue the license if the
23 division determines that the foster parent applicant or adult household
24 member poses no continuing risk of harm to the child and the issuance
25 of the license is in the child's best interests.

26 d. A foster parent applicant or foster parent shall immediately
27 notify the division when a new adult becomes a resident of the foster
28 parent applicant's or foster parent's household in order for the division
29 to ensure that a child abuse record information check is conducted on
30 the new adult household member.

31 e. The division shall consider, for the purposes of this act, any
32 incidents of child abuse or neglect that were substantiated on or after
33 June 29, 1995, to ensure that a foster parent applicant or adult member
34 of the foster parent applicant's household has had an opportunity to
35 appeal a substantiated finding of child abuse or neglect pursuant to
36 N.J.A.C.10:120A et seq., except that the division may consider
37 substantiated incidents prior to that date if the division, in its
38 judgment, determines that the foster parent applicant or adult
39 household member poses a risk of harm in a foster home. In cases
40 involving incidents substantiated prior to June 29, 1995, the division
41 shall offer the foster parent applicant or adult member of the foster
42 parent applicant's household an opportunity for a hearing to contest its
43 action restricting the foster parent applicant from providing foster care
44 to a child.

1 8. The division may deny, suspend or revoke a license for good
2 cause, including, but not limited to:

3 a. Failure of a foster parent applicant or foster parent to comply
4 with the provisions of this act;

5 b. Violation of the terms and conditions of a license;

6 c. Use of fraud or misrepresentation by a foster parent applicant or
7 foster parent in obtaining a license;

8 d. Refusal by a foster parent applicant or foster parent to furnish
9 the division with information, files, reports or records required for
10 compliance with the provisions of this act;

11 e. Refusal by a foster parent applicant or foster parent to permit an
12 inspection of a foster home by an authorized representative of the
13 division; and

14 f. Any conduct, engaged in or permitted, which adversely affects
15 or presents a serious hazard to the education, health, safety, general
16 well-being or physical, emotional and social development of the child
17 residing in the foster home, or which otherwise fails to comply with
18 the standards required for the provision of foster care to a child and
19 the maintenance of a foster home.

20

21 9. Before denying, suspending or revoking a license, the division
22 shall give notice to a foster parent applicant or foster parent personally
23 or by mail to the last known address of the foster parent applicant or
24 foster parent with return receipt requested. The notice shall afford the
25 foster parent applicant or foster parent the opportunity to be heard and
26 to contest the division's action. The hearing shall be conducted in
27 accordance with the "Administrative Procedure Act," P.L.1968, c.410
28 (C.52:14B-1 et seq.).

29

30 10. A person aggrieved by a final decision of the division is entitled
31 to seek judicial review in the Appellate Division of the Superior Court.
32 All petitions for review shall be filed in accordance with the Rules of
33 Court.

34

35 11. A person who provides or assists in the provision of foster care
36 to a child without a license, uses fraud or misrepresentation in
37 obtaining a license, or offers, advertises or provides any service not
38 authorized by a valid license is guilty of a crime of the fourth degree.

39

40 12. a. Notwithstanding the provisions of this act to the contrary,
41 a foster parent certified by the division on or prior to the effective date
42 of this act may continue to provide foster care to a child until the
43 division conducts an on-site inspection and reevaluation of the foster
44 parent's home, no later than two years following the date of the home's
45 last certification inspection and reevaluation, to determine whether the
46 home complies with the provisions of this act. If the on-site inspection

1 and reevaluation indicate the foster home's full or substantial
2 compliance with the provisions of this act, the division shall issue a
3 license to the foster parent.

4 b. A foster parent who was not certified by the division on or prior
5 to the effective date of this act shall apply to the division for a license
6 within 90 days of the effective date of this act and may continue to
7 provide foster care to a child until the division conducts an on-site
8 inspection and evaluation of the foster parent's home to determine
9 whether the home complies with the provisions of this act. If the on-
10 site inspection and evaluation indicate the foster home's full or
11 substantial compliance with the provisions of this act, the division shall
12 issue a license to the foster parent.

13

14 13. The commissioner shall report to the Governor and the
15 Legislature no later than six months after the effective date of this act
16 in an interim report, and no later than 12 months after the effective
17 date of this act in a final report, on the implementation of this act. The
18 reports shall include:

19 a. the number of licenses that were approved, denied, suspended
20 or revoked;

21 b. the number of licenses that were denied, suspended or revoked
22 as a result of the criminal history record background and division child
23 abuse record information checks conducted pursuant to this act;

24 c. data on the progress of implementing the recommendations
25 contained in the division's Strategic Plan regarding the improvement
26 of the State's foster care system; and

27 d. recommendations for modifying the provisions of this act, which
28 the commissioner believes to be necessary and appropriate.

29

30 14. a. The commissioner shall adopt rules and regulations pursuant
31 to the "Administrative Procedure Act," P.L. 1968, c. 410 (C.52:14B-1
32 et seq.) to carry out the purposes of this act.

33 The regulations shall include standards governing: the safety and
34 adequacy of the physical premises of a foster home; the health, safety,
35 general well-being and physical, emotional, social and educational
36 needs of a child in foster care; the training of a foster parent; the
37 responsibility of a foster parent to participate in the case plan of a
38 child in foster care and to allow access by the division to the child; the
39 maintenance and confidentiality of records and furnishing of required
40 information to the division; the transportation of a child in foster care;
41 and the provision of other needed services on behalf of a child in foster
42 care. The commissioner shall also adopt rules and regulations for
43 license application, issuance, denial, suspension and revocation.

44 b. Nothing in this act shall be construed to permit the department
45 to adopt any code or standard that exceeds the standards established
46 pursuant to the "State Uniform Construction Code Act," P.L.1975,

1 c.217 (C.52:27D-119 et seq.) and the "Uniform Fire Safety Act,"
2 P.L.1983, c.383 (C.52:27D-192 et seq.).

3
4 15. This act shall take effect on the 90th day after enactment.

5
6
7 STATEMENT

8
9 This bill requires the Division of Youth and Family Services
10 (DYFS) to license all foster parents providing care to children who
11 have been temporarily placed outside their homes by DYFS or other
12 agencies authorized to place children in the State. DYFS currently
13 certifies foster parents who provide care to children in need of
14 temporary out-of-home placement who are under the care and custody
15 of DYFS.

16 Under the provisions of the bill, a person desiring to provide foster
17 care to a child shall apply to the division for a license. If the person
18 meets the requirements of the bill, the division shall issue a license to
19 the applicant for a specific residence. The license shall be valid
20 indefinitely, subject to the foster parent's continued compliance with
21 the provisions of the bill, and shall not be transferable to another
22 person or residence.

23 The bill also requires that prior to issuing a license, the department
24 shall ensure that a criminal history record background check pursuant
25 to N.J.S.A.30:4C-26.8 and DYFS child abuse record information
26 check are conducted on a foster parent applicant and any adult
27 member residing in the applicant's household. If the applicant or adult
28 household member has been convicted of any crime enumerated in
29 N.J.S.A.30:4C-26.8 or refuses to consent to, or cooperate in, the
30 securing of the criminal history record background or DYFS child
31 abuse record information checks, DYFS shall deny the license. If an
32 incident of child abuse or neglect has been substantiated pursuant to
33 N.J.S.A.9:8.11, against the applicant or adult household member,
34 DYFS shall deny the license, unless DYFS determines that there is no
35 continuing risk of harm and the issuance of the license is in the child's
36 best interest.

37 A foster parent applicant or foster parent shall immediately notify
38 DYFS when a new adult becomes a resident of the household in order
39 that the department and DYFS, as appropriate, ensure that criminal
40 history record background and DYFS child abuse record information
41 checks are conducted on the new adult household member.

42 To ensure that the criminal history record background check
43 information is kept current, the bill provides that the Division of State
44 Police shall promptly notify DYFS in the event a foster parent or any
45 adult member of the household, who was the subject of a criminal
46 history record background check conducted pursuant to this bill, is

1 convicted of a crime or offense in this State after the date the
2 background check was performed. Upon receipt of such notification,
3 DYFS shall make a determination on whether to suspend or revoke the
4 foster parent's license.

5 This bill does not require foster parents who were certified by
6 DYFS on or prior to the effective date of this bill to immediately
7 obtain licenses, but provides, instead, that they may continue to
8 provide foster care to a child until DYFS conducts an on-site
9 inspection and reevaluation of the foster parent's home, no later than
10 two years following the date of the home's last certification inspection
11 and reevaluation, to determine whether the home complies with the
12 provisions of the bill. If the on-site inspection and reevaluation
13 indicate the foster home's full or substantial compliance with the
14 provisions of the bill, DYFS shall issue a license to the foster parent.

15 A foster parent who was not certified by DYFS on or prior to the
16 effective date of the bill shall apply to DYFS for a license within
17 90 days of the effective date of the bill and may continue to provide
18 foster care to a child until DYFS conducts an on-site inspection and
19 evaluation of the foster parent's home to determine whether the home
20 complies with the provisions of the bill. If the on-site inspection and
21 evaluation indicate the foster home's full or substantial compliance
22 with the provisions of the bill, DYFS shall issue a license to the foster
23 parent.

24 Finally, the bill requires the commissioner to report to the Governor
25 and the Legislature no later than six months after the effective date of
26 the bill in an interim report, and no later than 12 months after the
27 effective date of the bill in a final report, on the provisions of the bill,
28 including information on the number of licenses that were approved,
29 denied, suspended or revoked.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2056

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED NOVEMBER 29, 2001

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator KEVIN J. O'TOOLE

District 21 (Essex and Union)

Co-Sponsored by:

Senator Allen

SYNOPSIS

"Foster Parent Licensing Act."

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Women's Issues Committee.



(Sponsorship Updated As Of: 12/7/2001)

1 AN ACT concerning foster care and supplementing Title 30 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the "Foster Parent
8 Licensing Act."

9

10 2. The Legislature finds and declares that: each child requiring
11 foster care should reside in a safe home with a nurturing substitute
12 family who can meet the child's individual needs; the most effective
13 way to ensure the health, safety, general well-being and physical,
14 emotional, social and educational needs of a child residing in a foster
15 home is to require the annual inspection and monitoring of a foster
16 home and to obligate a person to secure and maintain a license in order
17 to provide foster care to a child; therefore, it is in the public interest
18 to license foster parents and regulate foster homes in order to ensure
19 the safety, health and proper development of children placed in foster
20 care.

21

22 3. As used in this act:

23 "Child" means a person who: is either under the age of 18 or meets
24 the criteria set forth in subsection f. of section 2 of P.L.1972, c.81
25 (C.9:17B-2); and is under the care or custody of the division or
26 another public or private agency authorized to place children in New
27 Jersey.

28 "Commissioner" means the Commissioner of Human Services.

29 "Department" means the Department of Human Services.

30 "Division" means the Division of Youth and Family Services in the
31 Department of Human Services.

32 "Foster home" or "home" means a private residence, other than a
33 children's group home or shelter home, in which board, lodging, care
34 and temporary out-of-home placement services are provided by a
35 foster parent on a 24-hour basis to a child under the auspices of the
36 division or any public or private agency authorized to place children
37 in New Jersey.

38 "Foster parent" means a person who has been licensed pursuant to
39 this act to provide foster care to five or fewer children, except that the
40 division may license a foster parent to provide care for more than five
41 children, if necessary, to keep sibling groups intact or to serve the best
42 interests of the children in the home.

43 "License" means a document issued by the division to a person
44 who meets the requirements of this act to provide foster care to
45 children in the person's home.

1 4. a. A person shall not provide foster care to a child unless the
2 person is licensed by the division pursuant to this act. The license
3 shall be issued to a specific person for a specific residence and shall
4 not be transferable to another person or residence. The foster parent
5 shall maintain the license on file at the foster home.

6 b. A person desiring to provide foster care to a child shall apply
7 to the division for a license in a manner and form prescribed by the
8 commissioner.

9 c. A foster parent applicant or foster parent shall be of good moral
10 character.

11 d. A foster parent applicant or foster parent, as applicable, shall:

12 (1) Complete the license application form provided by the
13 division;

14 (2) Provide written consent for the division to conduct a check of
15 its child abuse records pursuant to section 4 of P.L.1971, c.437
16 (C.9:6-8.11);

17 (3) Provide written consent from each adult member of the foster
18 parent applicant's household for the division to conduct a child abuse
19 record information check on that person; and

20 (4) Immediately notify the division when a new adult becomes a
21 resident of the foster parent applicant's or foster parent's household in
22 order to ensure that the department can conduct a criminal history
23 record background check pursuant to section 1 of P.L.1985, c.396
24 (C.30:4C-26.8) and the division can conduct a child abuse record
25 information check on the new adult household member.

26 e. As a condition of securing a license, the applicant shall
27 participate in pre-service training in accordance with standards
28 adopted by the commissioner pursuant to this act.

29 f. A foster parent licensed pursuant to this act shall participate in
30 a minimum of 14 hours of in-service training in every 24-month period
31 in accordance with standards adopted by the commissioner pursuant
32 to this act.

33
34 5. a. The division shall conduct a child abuse record information
35 check of the division's child abuse records to determine if an incident
36 of child abuse or neglect has been substantiated, pursuant to section
37 4 of P.L.1971, c.437 (C.9:6-8.11), against a foster parent applicant or
38 any adult member of the foster parent applicant's household, upon
39 receipt of written consent from the foster parent applicant or any
40 adult member of the foster parent applicant's household pursuant to
41 subsection d. of section 4 of this act.

42 The division shall consider, for the purposes of this act, any
43 incidents of child abuse or neglect that were substantiated on or after
44 June 29, 1995, to ensure that a foster parent applicant or adult member
45 of the foster parent applicant's household has had an opportunity to
46 appeal a substantiated finding of child abuse or neglect pursuant to

1 N.J.A.C.10:120A-1.1 et seq., except that the division may consider
2 substantiated incidents prior to that date if the division, in its
3 judgment, determines that the foster parent applicant or adult
4 household member poses a risk of harm in a foster home. In cases
5 involving incidents substantiated prior to June 29, 1995, the division
6 shall offer the foster parent applicant or adult member of the foster
7 parent applicant's household an opportunity for a hearing to contest its
8 action restricting the foster parent applicant from providing foster care
9 to a child.

10 b. (1) The division shall conduct an annual on-site inspection of
11 a foster home and evaluate the foster home to determine whether it
12 complies with the provisions of this act.

13 (2) The division may, without prior notice, inspect and examine a
14 foster home and inspect all documents, records, files or other data
15 required to be maintained by a foster parent pursuant to this act.

16 c. If an applicant meets the requirements of this act, the division
17 shall issue a license to that person.

18 d. (1) The license shall be valid for three years, subject to the
19 foster parent's continued compliance with the provisions of this act.

20 (2) The division shall determine if the license shall be renewed
21 based upon the results of the annual on-site inspection and evaluation
22 of the foster home conducted pursuant to this section. If the on-site
23 inspection and evaluation indicate the foster home's full or substantial
24 compliance with the provisions of this act, the division shall renew the
25 license.

26

27 6. a. The department shall ensure that a State and federal criminal
28 history record background check is conducted on a foster parent
29 applicant and any adult member of the foster parent applicant's
30 household pursuant to the provisions of section 1 of P.L.1985, c.396
31 (C.30:4C-26.8).

32 b. The Division of State Police in the Department of Law and
33 Public Safety shall promptly notify the division in the event a foster
34 parent or any adult member of the foster parent's household, who was
35 the subject of a criminal history record background check conducted
36 pursuant to this section, is convicted of a crime or offense in this State
37 after the date the background check was performed. Upon receipt of
38 such notification, the division shall make a determination whether to
39 suspend or revoke the foster parent's license.

40

41 7. The division may deny, suspend or revoke a license for good
42 cause, including, but not limited to:

43 a. Failure of a foster parent applicant or foster parent to comply
44 with the provisions of this act;

45 b. Failure of a foster parent applicant or any adult member of the
46 foster parent applicant's household to consent to, or cooperate in, the

1 securing of a criminal history record background check pursuant to
2 section 1 of P.L.1985, c.396 (C.30:4C-26.8) or a division child abuse
3 record information check pursuant to section 4 of P.L.1971, c.437
4 (C.9:6-8.11);

5 c. The conviction of a foster parent applicant or any adult member
6 of the foster parent applicant's household of a crime enumerated under
7 section 1 of P.L.1985, c.396 (C.30:4C-26.8);

8 d. A determination that an incident of child abuse or neglect by a
9 foster parent applicant or any adult member of the foster parent
10 applicant's household has been substantiated, except that the division
11 may issue the license if the division determines that the foster parent
12 applicant or adult household member poses no continuing risk of harm
13 to the child and the issuance of the license is in the child's best
14 interests;

15 e. Violation of the terms and conditions of a license;

16 f. Use of fraud or misrepresentation by a foster parent applicant
17 or foster parent in obtaining a license;

18 g. Refusal by a foster parent applicant or foster parent to furnish
19 the division with information, files, reports or records required for
20 compliance with the provisions of this act;

21 h. Refusal by a foster parent applicant or foster parent to permit
22 an inspection of a foster home by an authorized representative of the
23 division; and

24 i. Any conduct, engaged in or permitted, which adversely affects
25 or presents a serious hazard to the education, health, safety, general
26 well-being or physical, emotional and social development of the child
27 residing in the foster home, or which otherwise fails to comply with
28 the standards required for the provision of foster care to a child and
29 the maintenance of a foster home.

30

31 8. Before denying, suspending or revoking a license, the division
32 shall give notice to a foster parent applicant or foster parent personally
33 or by mail to the last known address of the foster parent applicant or
34 foster parent with return receipt requested. The notice shall afford the
35 foster parent applicant or foster parent the opportunity to be heard and
36 to contest the division's action. The hearing shall be conducted in
37 accordance with the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.).

39

40 9. A person aggrieved by a final decision of the division is entitled
41 to seek judicial review in the Appellate Division of the Superior Court.
42 All petitions for review shall be filed in accordance with the Rules of
43 Court.

44

45 10. A person who provides or assists in the provision of foster
46 care to a child without a license, uses fraud or misrepresentation in

1 obtaining a license, or offers, advertises or provides any service not
2 authorized by a valid license is guilty of a crime of the fourth degree.

3
4 11. a. Notwithstanding the provisions of this act to the contrary,
5 a foster parent certified by the division on or prior to the effective date
6 of this act may continue to provide foster care to a child until the
7 division conducts an on-site inspection and reevaluation of the foster
8 parent's home, no later than two years following the date of the home's
9 last certification inspection and reevaluation, to determine whether the
10 home complies with the provisions of this act. If the on-site inspection
11 and reevaluation indicate the foster home's full or substantial
12 compliance with the provisions of this act, the division shall issue a
13 license to the foster parent.

14 b. A foster parent who was not certified by the division on or prior
15 to the effective date of this act shall apply to the division for a license
16 within 90 days of the effective date of this act and may continue to
17 provide foster care to a child until the division conducts an on-site
18 inspection and evaluation of the foster parent's home to determine
19 whether the home complies with the provisions of this act. If the on-
20 site inspection and evaluation indicate the foster home's full or
21 substantial compliance with the provisions of this act, the division shall
22 issue a license to the foster parent.

23
24 12. The commissioner shall report to the Governor and the
25 Legislature no later than six months after the effective date of this act
26 in an interim report, and no later than 12 months after the effective
27 date of this act in a final report, on the implementation of this act. The
28 reports shall include:

29 a. the number of licenses that were approved, denied, suspended
30 or revoked;

31 b. the number of licenses that were denied, suspended or revoked
32 as a result of the criminal history record background and division child
33 abuse record information checks conducted pursuant to this act;

34 c. data on the progress of implementing the recommendations
35 contained in the division's Strategic Plan regarding the improvement
36 of the State's foster care system; and

37 d. recommendations for modifying the provisions of this act,
38 which the commissioner believes to be necessary and appropriate.

39
40 13. a. The commissioner shall adopt rules and regulations
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.) to carry out the purposes of this act.

43 The regulations shall include standards governing: the safety and
44 adequacy of the physical premises of a foster home; the health, safety,
45 general well-being and physical, emotional, social and educational
46 needs of a child in foster care; the training of a foster parent; the

1 responsibility of a foster parent to participate in the case plan of a
2 child in foster care and to allow access by the division to the child; the
3 maintenance and confidentiality of records and furnishing of required
4 information to the division; the transportation of a child in foster care;
5 and the provision of other needed services on behalf of a child in foster
6 care. The commissioner shall also adopt rules and regulations for
7 license application, issuance, denial, suspension and revocation.

8 b. Nothing in this act shall be construed to permit the department
9 to adopt any code or standard that exceeds the standards established
10 pursuant to the "State Uniform Construction Code Act," P.L.1975,
11 c.217 (C.52:27D-119 et seq.) and the "Uniform Fire Safety Act,"
12 P.L.1983, c.383 (C.52:27D-192 et seq.).

13

14 14. This act shall take effect on the 90th day after enactment.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2056

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2001

The Senate Women's Issues, Children and Family Services Committee reports favorably the Senate Committee Substitute for Senate Bill No. 2056.

This substitute, the "Foster Parent Licensing Act," requires the Division of Youth and Family Services (DYFS) to license all foster parents providing care to children who have been temporarily placed outside their homes by DYFS or other agencies authorized to place children in the State. Currently DYFS certifies foster parents who provide care to children in need of temporary out-of-home placement who are under the care and custody of DYFS.

Under the provisions of the substitute, a foster parent applicant or foster parent, as applicable, shall:

- ! apply to DYFS for a license and complete the application form;
- ! be of good moral character;
- ! provide written consent for DYFS to conduct a child abuse record information check pursuant to N.J.S.A.9:6-8.11 on the applicant and any adult member of the applicant's household;
- ! immediately notify DYFS when a new adult becomes a resident of the household in order to ensure that criminal history record background and DYFS child abuse record information checks are conducted on the new adult household member;
- ! participate in pre-service training as a condition of securing a license; and
- ! participate in a minimum of 14 hours of in-service training every two years.

The substitute authorizes DYFS to:

- ! conduct child abuse record information checks to determine if an incident of child abuse or neglect has been substantiated pursuant to N.J.S.A.9:6-8.11, against a foster parent applicant or any adult member of the applicant's household. If an incident of child abuse or neglect has been substantiated against the applicant or adult household member or the applicant or adult household member refuses to consent to, or cooperate in, the securing of the child abuse record information

check, DYFS shall deny the license, unless DYFS determines that there is no continuing risk of harm and the issuance of the license is in the child's best interest; and

- ! conduct an annual on-site inspection of a foster home and evaluate the home to determine whether it complies with the provisions of the substitute.

If the person meets the requirements of the substitute, DYFS shall issue a license to an applicant. The license shall be valid for three years, provided that the foster parent continues to comply with the licensing requirements. DYFS shall also determine whether a license shall be renewed based upon the results of the annual on-site inspection and evaluation of the foster home. If the inspection and evaluation indicates full or substantial compliance with the provisions of the substitute, DYFS shall renew the license.

The substitute also authorizes the department to conduct a criminal history record background check pursuant to N.J.S.A.30:4C-26.8 on a foster parent applicant and any adult member residing in the applicant's household. If the applicant or adult household member has been convicted of any crime enumerated in N.J.S.A.30:4C-26.8 or refuses to consent to, or cooperate in, the securing of the criminal history record background information, DYFS shall deny the license.

To ensure that the criminal history record background check information is kept current, the substitute provides that the Division of State Police shall promptly notify DYFS in the event a foster parent or any adult member of the household is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, DYFS shall make a determination on whether to suspend or revoke the foster parent's license.

This substitute does not require foster parents who were certified by DYFS on or prior to the effective date of this substitute to immediately obtain licenses, but provides, instead, that they may continue to provide foster care to a child until DYFS conducts an on-site inspection and reevaluation of the foster parent's home, no later than two years following the date of the home's last certification inspection and reevaluation, to determine whether the home complies with the provisions of the substitute. If the on-site inspection and reevaluation indicate the foster home's full or substantial compliance with the provisions of the substitute, DYFS shall issue a license to the foster parent.

A foster parent who was not certified by DYFS on or prior to the effective date of the substitute shall apply to DYFS for a license within 90 days of the effective date of the substitute and may continue to provide foster care to a child until DYFS conducts an on-site inspection and evaluation of the foster parent's home to determine whether the home complies with the provisions of the substitute. If the on-site inspection and evaluation indicate the foster home's full or

substantial compliance with the provisions of the substitute, DYFS shall issue a license to the foster parent.

Finally, the substitute requires the commissioner to report to the Governor and the Legislature no later than six months after the effective date of the substitute in an interim report, and no later than 12 months after the effective date of the substitute in a final report, on the provisions of the substitute, including information on the number of licenses that were approved, denied, suspended or revoked.

This substitute is identical to Assembly Bill No. 3119 (1R) SCA, which the committee also reported on this date.

P.L. 2001, CHAPTER 419, *approved January 8, 2002*
Assembly, No. 3119 (*Third Reprint*)

1 **AN ACT** concerning foster care and supplementing Title 30 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Foster Parent
8 Licensing Act."

9

10 2. The Legislature finds and declares that: each child requiring
11 foster care should reside in a safe home with a nurturing substitute
12 family who can meet the child's individual needs; the most effective
13 way to ensure the health, safety, general well-being and physical,
14 emotional, social and educational needs of a child residing in a foster
15 home is to require the annual inspection and monitoring of a foster
16 home and to obligate a person to secure and maintain a license in order
17 to provide foster care to a child; therefore, it is in the public interest
18 to license foster parents and regulate foster homes in order to ensure
19 the safety, health and proper development of children placed in foster
20 care.

21

22 3. As used in this act:

23 "Child" means a person who: is either under the age of 18 or meets
24 the criteria set forth in subsection f. of section 2 of P.L.1972, c.81
25 (C.9:17B-2); and is under the care or custody of the division or
26 another public or private agency authorized to place children in New
27 Jersey.

28 "Commissioner" means the Commissioner of Human Services.

29 "Department" means the Department of Human Services.

30 "Division" means the Division of Youth and Family Services in the
31 Department of Human Services.

32 "Foster home" or "home" means a private residence, other than a
33 children's group home or shelter home, in which board, lodging, care
34 and temporary out-of-home placement services are provided by a
35 foster parent on a 24-hour basis to a child under the auspices of the
36 division or any public or private agency authorized to place children

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ **Assembly ASC committee amendments adopted February 5, 2001.**

² **Senate SWF committee amendments adopted November 29, 2001.**

³ **Assembly amendments adopted in accordance with Governor's recommendations January 7, 2002.**

1 in New Jersey.

2 "Foster parent" means a person who has been licensed pursuant to
3 this act to provide foster care to five or fewer children, except that the
4 division may license a foster parent to provide care for more than five
5 children, if necessary, to keep sibling groups intact or to serve the best
6 interests of the children in the home.

7 "License" means a document issued by the division to a person ²[,
8 when there is full or substantial compliance with the applicable
9 provisions of this act,] who meets the requirements of this act² to
10 provide foster care to children in the person's home.

11

12 4. a. A person shall not provide foster care to a child unless the
13 person is licensed by the division pursuant to this act. The license
14 shall be issued to a specific person for a specific residence and shall
15 not be transferable to another person or residence. The foster parent
16 shall maintain the license on file at the foster home.

17 b. A person desiring to provide foster care to a child shall apply to
18 the division for a license in a manner and form prescribed by the
19 commissioner.

20 c. ²[If a person meets the requirements of this act, the division
21 shall issue a license to the applicant. The license shall be valid
22 indefinitely, subject to the foster parent's continued compliance with
23 the provisions of this act.

24 d. The division shall conduct an annual on-site inspection of a
25 foster home and evaluate the foster home to determine whether it
26 complies with the provisions of this act.

27 e. The division may, without prior notice, inspect and examine a
28 foster home and inspect all documents, records, files or other data
29 required to be maintained by a foster parent pursuant to this act.] A
30 foster parent applicant or foster parent shall be of good moral
31 character.

32 d. A foster parent applicant or foster parent, as applicable, shall:

33 (1) Complete the license application form provided by the division;

34 (2) Provide written consent for the division to conduct a check of
35 its child abuse records pursuant to section 4 of P.L.1971, c.437
36 (C.9:6-8.11);

37 (3) Provide written consent from each adult member of the foster
38 parent applicant's household for the division to conduct a child abuse
39 record information check on that person; and

40 (4) Immediately notify the division when a new adult becomes a
41 resident of the foster parent applicant's or foster parent's household in
42 order to ensure that the department can conduct a criminal history
43 record background check pursuant to section 1 of P.L.1985, c.396
44 (C.30:4C-26.8) and the division can conduct a child abuse record
45 information check on the new adult household member.

46 e. As a condition of securing a license, the applicant shall

1 participate in pre-service training in accordance with standards
2 adopted by the commissioner pursuant to this act.

3 f. A foster parent licensed pursuant to this act shall participate in
4 a minimum of 14 hours of in-service training in every 24-month period
5 in accordance with standards adopted by the commissioner pursuant
6 to this act.²

7

8 ²[5. a. As a condition of securing a license, a foster parent
9 applicant shall participate in pre-service training in accordance with
10 standards adopted by the commissioner pursuant to this act.

11 b. A foster parent licensed pursuant to this act shall participate in
12 a minimum of 14 hours of in-service training in every 24-month period
13 in accordance with standards adopted by the commissioner pursuant
14 to this act.]²

15

16 ²[6. a. Prior to the issuance of a license, the department shall
17 ensure that a State and federal criminal history record background
18 check is conducted on a foster parent applicant and any adult member
19 of the foster parent applicant's household pursuant to the provisions
20 of section 1 of P.L.1985, c.396 (C.30:4C-26.8).

21 b. The division shall deny the license if the foster parent applicant
22 or any adult member of the foster parent applicant's household refuses
23 to consent to, or cooperate in, the securing of a criminal history record
24 background check or has been convicted of a crime enumerated under
25 section 1 of P.L.1985, c.396 (C.30:4C-26.8).

26 c. A foster parent applicant or foster parent shall immediately
27 notify the division when a new adult becomes a resident of the foster
28 parent applicant's or foster parent's household in order for the
29 department to ensure that a criminal history record background check
30 is conducted on the new adult household member.

31 d. The Division of State Police in the Department of Law and
32 Public Safety shall promptly notify the division in the event a foster
33 parent or any adult member of the foster parent's household who was
34 the subject of a criminal history record background check conducted
35 pursuant to this section, is convicted of a crime or offense in this State
36 after the date the background check was performed. Upon receipt of
37 such notification, the division shall make a determination whether to
38 suspend or revoke the foster parent's license.]²

39

40 ²[7. a. Prior to the issuance of a license, the division shall conduct
41 a child abuse record information check of the division's child abuse
42 records to determine if an incident of child abuse or neglect has been
43 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
44 against a foster parent applicant or any adult member of the foster
45 parent applicant's household.

46 b. The foster parent applicant and any adult member of the foster

1 parent applicant's household shall provide prior written consent for the
2 division to conduct a check of its child abuse records.

3 If the foster parent applicant or any adult member of the foster
4 parent applicant's household refuses to consent to, or cooperate in,
5 the securing of a division child abuse record information check, the
6 division shall deny the license.

7 c. The division shall deny the license if the division determines that
8 an incident of child abuse or neglect by the foster parent applicant or
9 any adult member of the foster parent applicant's household has been
10 substantiated, except that the division may issue the license if the
11 division determines that the foster parent applicant or adult household
12 member poses no continuing risk of harm to the child and the issuance
13 of the license is in the child's best interests.

14 d. A foster parent applicant or foster parent shall immediately
15 notify the division when a new adult becomes a resident of the foster
16 parent applicant's or foster parent's household in order for the division
17 to ensure that a child abuse record information check is conducted on
18 the new adult household member.

19 e. The division shall consider, for the purposes of this act, any
20 incidents of child abuse or neglect that were substantiated on or after
21 June 29, 1995, to ensure that a foster parent applicant or adult member
22 of the foster parent applicant's household has had an opportunity to
23 appeal a substantiated finding of child abuse or neglect pursuant to
24 ¹[N.J.A.C.10:120A et seq.,]N.J.A.C.10:120A-1.1 et. seq., ¹except
25 that the division may consider substantiated incidents prior to that date
26 if the division, in its judgment, determines that the foster parent
27 applicant or adult household member poses a risk of harm in a foster
28 home. In cases involving incidents substantiated prior to June 29,
29 1995, the division shall offer the foster parent applicant or adult
30 member of the foster parent applicant's household an opportunity for
31 a hearing to contest its action restricting the foster parent applicant
32 from providing foster care to a child.]²

33
34 ²5. a. The division shall conduct a child abuse record information
35 check of the division's child abuse records to determine if an incident
36 of child abuse or neglect has been substantiated, pursuant to section
37 4 of P.L.1971, c.437 (C.9:6-8.11), against a foster parent applicant or
38 any adult member of the foster parent applicant's household, upon
39 receipt of written consent from the foster parent applicant or any
40 adult member of the foster parent applicant's household pursuant to
41 subsection d. of section 4 of this act.

42 The division shall consider, for the purposes of this act, any
43 incidents of child abuse or neglect that were substantiated on or after
44 June 29, 1995, to ensure that a foster parent applicant or adult member
45 of the foster parent applicant's household has had an opportunity to
46 appeal a substantiated finding of child abuse or neglect pursuant to

1 N.J.A.C.10:120A-1.1 et. seq., except that the division may consider
2 substantiated incidents prior to that date if the division, in its
3 judgment, determines that the foster parent applicant or adult
4 household member poses a risk of harm in a foster home. In cases
5 involving incidents substantiated prior to June 29, 1995, the division
6 shall offer the foster parent applicant or adult member of the foster
7 parent applicant's household an opportunity for a hearing to contest its
8 action restricting the foster parent applicant from providing foster care
9 to a child.

10 b. (1) The division shall conduct an annual on-site inspection of a
11 foster home and evaluate the foster home to determine whether it
12 complies with the provisions of this act.

13 (2) The division may, without prior notice, inspect and examine a
14 foster home and inspect all documents, records, files or other data
15 required to be maintained by a foster parent pursuant to this act.

16 c. If an applicant meets the requirements of this act, the division
17 shall issue a license to that person.

18 d. (1) The license shall be valid for three years, subject to the
19 foster parent's continued compliance with the provisions of this act.

20 (2) The division shall determine if the license shall be renewed
21 based upon the results of the annual on-site inspection and evaluation
22 of the foster home conducted pursuant to this section. If the on-site
23 inspection and evaluation indicate the foster home's full or substantial
24 compliance with the provisions of this act, the division shall renew the
25 license.²

26
27 ²6. a. The department shall ensure that a State and federal criminal
28 history record background check is conducted on a foster parent
29 applicant and any adult member of the foster parent applicant's
30 household pursuant to the provisions of section 1 of P.L.1985, c.396
31 (C.30:4C-26.8).

32 b. The Division of State Police in the Department of Law and
33 Public Safety shall promptly notify the division in the event a foster
34 parent or any adult member of the foster parent's household, who was
35 the subject of a criminal history record background check conducted
36 pursuant to this section, is convicted of a crime or offense in this State
37 after the date the background check was performed. Upon receipt of
38 such notification, the division shall make a determination whether to
39 suspend or revoke the foster parent's license.²

40
41 ²[8.] ^{7.}² The division may deny, suspend or revoke a license for
42 good cause, including, but not limited to:

43 a. Failure of a foster parent applicant or foster parent to comply
44 with the provisions of this act;

45 b. ²[Violation of the terms and conditions of a license;

46 c. Use of fraud or misrepresentation by a foster parent applicant or

1 foster parent in obtaining a license;

2 d. Refusal by a foster parent applicant or foster parent to furnish
3 the division with information, files, reports or records required for
4 compliance with the provisions of this act;

5 e. Refusal by a foster parent applicant or foster parent to permit an
6 inspection of a foster home by an authorized representative of the
7 division; and

8 f. Any conduct, engaged in or permitted, which adversely affects
9 or presents a serious hazard to the education, health, safety, general
10 well-being or physical, emotional and social development of the child
11 residing in the foster home, or which otherwise fails to comply with
12 the standards required for the provision of foster care to a child and
13 the maintenance of a foster home.] Failure of a foster parent applicant
14 or any adult member of the foster parent applicant's household to
15 consent to, or cooperate in, the securing of a criminal history record
16 background check pursuant to section 1 of P.L.1985, c.396 (C.30:4C-
17 26.8) or a division child abuse record information check pursuant to
18 section 4 of P.L.1971, c.437 (C.9:6-8.11);

19 c. The conviction of a foster parent applicant or any adult member
20 of the foster parent applicant's household of a crime enumerated under
21 section 1 of P.L.1985, c.396 (C.30:4C-26.8);

22 d. A determination that an incident of child abuse or neglect by a
23 foster parent applicant or any adult member of the foster parent
24 applicant's household has been substantiated, except that the division
25 may issue the license if the division determines that the foster parent
26 applicant or adult household member poses no continuing risk of harm
27 to the child and the issuance of the license is in the child's best
28 interests;

29 e. Violation of the terms and conditions of a license;

30 f. Use of fraud or misrepresentation by a foster parent applicant or
31 foster parent in obtaining a license;

32 g. Refusal by a foster parent applicant or foster parent to furnish
33 the division with information, files, reports or records required for
34 compliance with the provisions of this act;

35 h. Refusal by a foster parent applicant or foster parent to permit an
36 inspection of a foster home by an authorized representative of the
37 division; and

38 i. Any conduct, engaged in or permitted, which adversely affects
39 or presents a serious hazard to the education, health, safety, general
40 well-being or physical, emotional and social development of the child
41 residing in the foster home, or which otherwise fails to comply with
42 the standards required for the provision of foster care to a child and
43 the maintenance of a foster home.²

44

45 ²[9.] 8.² Before denying, suspending or revoking a license, the
46 division shall give notice to a foster parent applicant or foster parent

1 personally or by mail to the last known address of the foster parent
2 applicant or foster parent with return receipt requested. The notice
3 shall afford the foster parent applicant or foster parent the opportunity
4 to be heard and to contest the division's action. The hearing shall be
5 conducted in accordance with the "Administrative Procedure Act,"
6 P.L.1968, c.410 (C.52:14B-1 et seq.).

7
8 ²[10.] 9.² A person aggrieved by a final decision of the division is
9 entitled to seek judicial review in the Appellate Division of the
10 Superior Court. All petitions for review shall be filed in accordance
11 with the Rules of Court.

12
13 ²[11.] 10.² A person who ³[provides or assists in the provision of
14 foster care to a child without a license ^{2,2}]³ uses fraud or
15 misrepresentation in obtaining a license ^{2,2} or offers, advertises or
16 provides any service not authorized by a valid license is guilty of a
17 crime of the fourth degree.

18
19 ²[12.] 11.² a. Notwithstanding the provisions of this act to the
20 contrary, a foster parent certified by the division on or prior to the
21 effective date of this act may continue to provide foster care to a child
22 until the division conducts an on-site inspection and reevaluation of
23 the foster parent's home, no later than two years following the date of
24 the home's last certification inspection and reevaluation, to determine
25 whether the home complies with the provisions of this act. If the on-
26 site inspection and reevaluation indicate the foster home's full or
27 substantial compliance with the provisions of this act, the division shall
28 issue a license to the foster parent.

29 b. A foster parent who was not certified by the division on or prior
30 to the effective date of this act shall apply to the division for a license
31 within 90 days of the effective date of this act and may continue to
32 provide foster care to a child until the division conducts an on-site
33 inspection and evaluation of the foster parent's home to determine
34 whether the home complies with the provisions of this act. If the on-
35 site inspection and evaluation indicate the foster home's full or
36 substantial compliance with the provisions of this act, the division shall
37 issue a license to the foster parent.

38
39 ²[13.] 12.² The commissioner shall report to the Governor and the
40 Legislature no later than six months after the effective date of this act
41 in an interim report, and no later than 12 months after the effective
42 date of this act in a final report, on the implementation of this act. The
43 reports shall include:

44 a. the number of licenses that were approved, denied, suspended
45 or revoked;

46 b. the number of licenses that were denied, suspended or revoked

1 as a result of the criminal history record background and division child
2 abuse record information checks conducted pursuant to this act;

3 c. data on the progress of implementing the recommendations
4 contained in the division's Strategic Plan regarding the improvement
5 of the State's foster care system; and

6 d. recommendations for modifying the provisions of this act, which
7 the commissioner believes to be necessary and appropriate.

8

9 ²[14.] 13.² a. The commissioner shall adopt rules and regulations
10 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
11 (C.52:14B-1 et seq.) to carry out the purposes of this act.

12 The regulations shall include standards governing: the safety and
13 adequacy of the physical premises of a foster home; the health, safety,
14 general well-being and physical, emotional, social and educational
15 needs of a child in foster care; the training of a foster parent; the
16 responsibility of a foster parent to participate in the case plan of a
17 child in foster care and to allow access by the division to the child; the
18 maintenance and confidentiality of records and furnishing of required
19 information to the division; the transportation of a child in foster care;
20 and the provision of other needed services on behalf of a child in foster
21 care. The commissioner shall also adopt rules and regulations for
22 license application, issuance, denial, suspension and revocation.

23 b. Nothing in this act shall be construed to permit the department
24 to adopt any code or standard that exceeds the standards established
25 pursuant to the "State Uniform Construction Code Act," P.L.1975,
26 c.217 (C.52:27D-119 et seq.) and the "Uniform Fire Safety Act,"
27 P.L.1983, c.383 (C.52:27D-192 et seq.).

28

29 ²[15.] 14.² This act shall take effect on the 90th day after
30 enactment.

31

32

33

34

35 "Foster Parent Licensing Act."

CHAPTER 419

AN ACT concerning foster care and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.30:4C-27.3 Short title.

1. This act shall be known and may be cited as the "Foster Parent Licensing Act."

C.30:4C-27.4 Findings, declarations relative to foster care.

2. The Legislature finds and declares that: each child requiring foster care should reside in a safe home with a nurturing substitute family who can meet the child's individual needs; the most effective way to ensure the health, safety, general well-being and physical, emotional, social and educational needs of a child residing in a foster home is to require the annual inspection and monitoring of a foster home and to obligate a person to secure and maintain a license in order to provide foster care to a child; therefore, it is in the public interest to license foster parents and regulate foster homes in order to ensure the safety, health and proper development of children placed in foster care.

C.30:4C-27.5 Definitions relative to foster care.

3. As used in this act:

"Child" means a person who: is either under the age of 18 or meets the criteria set forth in subsection f. of section 2 of P.L.1972, c.81 (C.9:17B-2); and is under the care or custody of the division or another public or private agency authorized to place children in New Jersey.

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

"Division" means the Division of Youth and Family Services in the Department of Human Services.

"Foster home" or "home" means a private residence, other than a children's group home or shelter home, in which board, lodging, care and temporary out-of-home placement services are provided by a foster parent on a 24-hour basis to a child under the auspices of the division or any public or private agency authorized to place children in New Jersey.

"Foster parent" means a person who has been licensed pursuant to this act to provide foster care to five or fewer children, except that the division may license a foster parent to provide care for more than five children, if necessary, to keep sibling groups intact or to serve the best interests of the children in the home.

"License" means a document issued by the division to a person who meets the requirements of this act to provide foster care to children in the person's home.

C.30:4C-27.6 Licensure required for foster parents.

4. a. A person shall not provide foster care to a child unless the person is licensed by the division pursuant to this act. The license shall be issued to a specific person for a specific residence and shall not be transferable to another person or residence. The foster parent shall maintain the license on file at the foster home.

b. A person desiring to provide foster care to a child shall apply to the division for a license in a manner and form prescribed by the commissioner.

c. A foster parent applicant or foster parent shall be of good moral character.

d. A foster parent applicant or foster parent, as applicable, shall:

- (1) Complete the license application form provided by the division;
- (2) Provide written consent for the division to conduct a check of its child abuse records pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11);
- (3) Provide written consent from each adult member of the foster parent applicant's household for the division to conduct a child abuse record information check on that person; and
- (4) Immediately notify the division when a new adult becomes a resident of the foster parent applicant's or foster parent's household in order to ensure that the department can conduct a criminal history record background check pursuant to section 1 of P.L.1985, c.396 (C.30:4C-26.8) and the division can conduct a child abuse record information check on the new adult household member.

e. As a condition of securing a license, the applicant shall participate in pre-service training

in accordance with standards adopted by the commissioner pursuant to this act.

f. A foster parent licensed pursuant to this act shall participate in a minimum of 14 hours of in-service training in every 24-month period in accordance with standards adopted by the commissioner pursuant to this act.

C.30:4C-27.7 Child abuse record information check required, conditions.

5. a. The division shall conduct a child abuse record information check of the division's child abuse records to determine if an incident of child abuse or neglect has been substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), against a foster parent applicant or any adult member of the foster parent applicant's household, upon receipt of written consent from the foster parent applicant or any adult member of the foster parent applicant's household pursuant to subsection d. of section 4 of this act.

The division shall consider, for the purposes of this act, any incidents of child abuse or neglect that were substantiated on or after June 29, 1995, to ensure that a foster parent applicant or adult member of the foster parent applicant's household has had an opportunity to appeal a substantiated finding of child abuse or neglect pursuant to N.J.A.C.10:120A-1.1 et seq., except that the division may consider substantiated incidents prior to that date if the division, in its judgment, determines that the foster parent applicant or adult household member poses a risk of harm in a foster home. In cases involving incidents substantiated prior to June 29, 1995, the division shall offer the foster parent applicant or adult member of the foster parent applicant's household an opportunity for a hearing to contest its action restricting the foster parent applicant from providing foster care to a child.

b. (1) The division shall conduct an annual on-site inspection of a foster home and evaluate the foster home to determine whether it complies with the provisions of this act.

(2) The division may, without prior notice, inspect and examine a foster home and inspect all documents, records, files or other data required to be maintained by a foster parent pursuant to this act.

c. If an applicant meets the requirements of this act, the division shall issue a license to that person.

d. (1) The license shall be valid for three years, subject to the foster parent's continued compliance with the provisions of this act.

(2) The division shall determine if the license shall be renewed based upon the results of the annual on-site inspection and evaluation of the foster home conducted pursuant to this section. If the on-site inspection and evaluation indicate the foster home's full or substantial compliance with the provisions of this act, the division shall renew the license.

C.30:4C-27.8 Criminal history record background check required for licensure.

6. a. The department shall ensure that a State and federal criminal history record background check is conducted on a foster parent applicant and any adult member of the foster parent applicant's household pursuant to the provisions of section 1 of P.L.1985, c.396 (C.30:4C-26.8).

b. The Division of State Police in the Department of Law and Public Safety shall promptly notify the division in the event a foster parent or any adult member of the foster parent's household, who was the subject of a criminal history record background check conducted pursuant to this section, is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, the division shall make a determination whether to suspend or revoke the foster parent's license.

C.30:4C-27.9 Denial, suspension, revocation of license.

7. The division may deny, suspend or revoke a license for good cause, including, but not limited to:

a. Failure of a foster parent applicant or foster parent to comply with the provisions of this act;

b. Failure of a foster parent applicant or any adult member of the foster parent applicant's household to consent to, or cooperate in, the securing of a criminal history record background check pursuant to section 1 of P.L.1985, c.396 (C.30:4C-26.8) or a division child abuse record

information check pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11);

c. The conviction of a foster parent applicant or any adult member of the foster parent applicant's household of a crime enumerated under section 1 of P.L.1985, c.396 (C.30:4C-26.8);

d. A determination that an incident of child abuse or neglect by a foster parent applicant or any adult member of the foster parent applicant's household has been substantiated, except that the division may issue the license if the division determines that the foster parent applicant or adult household member poses no continuing risk of harm to the child and the issuance of the license is in the child's best interests;

e. Violation of the terms and conditions of a license;

f. Use of fraud or misrepresentation by a foster parent applicant or foster parent in obtaining a license;

g. Refusal by a foster parent applicant or foster parent to furnish the division with information, files, reports or records required for compliance with the provisions of this act;

h. Refusal by a foster parent applicant or foster parent to permit an inspection of a foster home by an authorized representative of the division; and

i. 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 the child residing in the foster home, or which otherwise fails to comply with the standards required for the provision of foster care to a child and the maintenance of a foster home.

C.30:4C-27.10 Notice before denial, suspension, revocation of license, hearing.

8. Before denying, suspending or revoking a license, the division shall give notice to a foster parent applicant or foster parent personally or by mail to the last known address of the foster parent applicant or foster parent with return receipt requested. The notice shall afford the foster parent applicant or foster parent the opportunity to be heard and to contest the division's action. The hearing shall be conducted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.30:4C-27.11 Judicial review.

9. A person aggrieved by a final decision of the division is entitled to seek judicial review in the Appellate Division of the Superior Court. All petitions for review shall be filed in accordance with the Rules of Court.

C.30:4C-27.12 Fraud, misrepresentation, fourth degree crime.

10. A person who uses fraud or misrepresentation in obtaining a license, or offers, advertises or provides any service not authorized by a valid license is guilty of a crime of the fourth degree.

C.30:4C-27.13 Certified foster parent may continue to provide care pending licensing.

11. a. Notwithstanding the provisions of this act to the contrary, a foster parent certified by the division on or prior to the effective date of this act may continue to provide foster care to a child until the division conducts an on-site inspection and reevaluation of the foster parent's home, no later than two years following the date of the home's last certification inspection and reevaluation, to determine whether the home complies with the provisions of this act. If the on-site inspection and reevaluation indicate the foster home's full or substantial compliance with the provisions of this act, the division shall issue a license to the foster parent.

b. A foster parent who was not certified by the division on or prior to the effective date of this act shall apply to the division for a license within 90 days of the effective date of this act and may continue to provide foster care to a child until the division conducts an on-site inspection and evaluation of the foster parent's home to determine whether the home complies with the provisions of this act. If the on-site inspection and evaluation indicate the foster home's full or substantial compliance with the provisions of this act, the division shall issue a license to the foster parent.

C.30:4C-27.14 Report to Governor, Legislature.

12. The commissioner shall report to the Governor and the Legislature no later than six months after the effective date of this act in an interim report, and no later than 12 months after the effective date of this act in a final report, on the implementation of this act. The reports shall include:

- a. the number of licenses that were approved, denied, suspended or revoked;
- b. the number of licenses that were denied, suspended or revoked as a result of the criminal history record background and division child abuse record information checks conducted pursuant to this act;
- c. data on the progress of implementing the recommendations contained in the division's Strategic Plan regarding the improvement of the State's foster care system; and
- d. recommendations for modifying the provisions of this act, which the commissioner believes to be necessary and appropriate.

C.30:4C-27.15 Rules, regulations.

13. a. The commissioner shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this act.

The regulations shall include standards governing: the safety and adequacy of the physical premises of a foster home; the health, safety, general well-being and physical, emotional, social and educational needs of a child in foster care; the training of a foster parent; the responsibility of a foster parent to participate in the case plan of a child in foster care and to allow access by the division to the child; the maintenance and confidentiality of records and furnishing of required information to the division; the transportation of a child in foster care; and the provision of other needed services on behalf of a child in foster care. The commissioner shall also adopt rules and regulations for license application, issuance, denial, suspension and revocation.

b. Nothing in this act shall be construed to permit the department to adopt any code or standard that exceeds the standards established pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).

14. This act shall take effect on the 90th day after enactment.

Approved January 8, 2002.