

ASSEMBLY, No. 718

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman R. SMITH

1 AN ACT establishing a Kinship Foster Care Program and
2 supplementing Title 30 of the Revised Statutes.

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

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7 1. There is established a Kinship Foster Care Program in the
8 Division of Youth and Family Services in the Department of Human
9 Services.

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11 2. As used in this act:

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

14 "Foster parent" shall mean any person with whom a child in the
15 care, custody or guardianship of the division, is placed for temporary
16 or long-term care, but shall not include any persons with whom a child
17 is placed for the purpose of adoption.

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19 3. When a child has been removed from his home and is in the care,
20 custody or guardianship of the division, the division shall attempt to
21 place the child with a relative for kinship foster care. If the relative is
22 approved by the division to provide foster care services, in accordance
23 with rules and regulations adopted by the division regarding foster
24 care services, and a placement with the relative is made, the relative
25 shall be eligible to receive the full foster care rate for the care of the
26 child.

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28 4. The division shall establish in accordance with the provisions of
29 this act, eligibility standards for becoming a kinship foster parent.

30 a. Relatives within the first, second, or third degree to the parent
31 or step-parent of a child who may be related through blood or
32 marriage may be eligible for approval as a kinship foster parent.

33 b. The kinship foster parent shall be 21 years of age or older,
34 except that if the spouse or partner of the relative is 21 years of age or
35 older and living in the home, and the relative is between 18 and 21

1 years of age, the division may waive the age requirement.

2 c. A person shall be eligible to become a kinship foster parent only
3 upon the completion of an investigation to ascertain if there is a State
4 or federal record of criminal history for the prospective kinship foster
5 parent or any other adult residing the prospective parent's home,
6 pursuant to P.L.1985, c.396 (C.30:4C-26.8).

7 d. The division shall determine whether the person is able to care
8 effectively for the foster child by: a review of personal and
9 professional references; observation during a home visit of the kinship
10 foster parent with household members; and an interview with the
11 kinship foster parent.

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13 5. a. The division and the kinship foster parent shall develop a
14 case plan for the foster care of the child, which shall be periodically
15 reviewed and updated. If the plan includes the use of an approved day
16 care center or family day care home, the division shall pay for child
17 care arrangements, according to established rates.

18 b. The kinship foster parent shall cooperate with any activities
19 specified in the case plan for the foster child, such as counseling,
20 therapy or court sessions, or visits with the foster child's parents or
21 other family members.

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23 6. The Commissioner of Human Services shall adopt rules and
24 regulations necessary to carry out the provisions of this act, pursuant
25 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
26 et seq.).

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28 7. This act shall take effect 60 days after enactment.

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STATEMENT

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33 This bill establishes the Kinship Foster Care Program in the
34 Division of Youth and Family Services in the Department of Human
35 Services.

36 Under the provisions of the bill, when a child has been removed
37 from his home and is in the care, custody or guardianship of the
38 division, the division shall attempt to place the child with a relative for
39 kinship foster care. If the relative is approved by the division to
40 provide foster care services, in accordance with division rules and
41 regulations, and a placement with the relative is made, the relative will
42 be eligible to receive the full foster care rate for the care of the child.

43 Eligible relatives would include the following:

44 a. First degree relatives who include grandparents and siblings of
45 the child;

46 b. Second degree relatives who include great-grandparents and

1 aunts and uncles of the child, including the spouse of the aunt or uncle;
2 and

3 c. Third degree relatives who include great aunts and great uncles
4 of the child, including the spouse of the great aunt or great uncle, first
5 cousins of the child, including the spouse of the first cousin, and
6 great-great-grandparents of the child.

7 In order to become a kinship foster parent, an individual must be 21
8 years of age or older. If the spouse or partner of the relative is 21
9 years of age or older and living in the home, and the relative is
10 between 18 and 21 years of age, the division may waive the age
11 requirement.

12 The division will establish eligibility standards for becoming a
13 kinship foster parent. The division will determine whether the person
14 is able to care effectively for the foster child by: a review of personal
15 and professional references; observation during a home visit of the
16 kinship foster parent with household members; and an interview with
17 the kinship foster parent.

18 A person shall be eligible to become a kinship foster parent only
19 upon the completion of an investigation to ascertain if there is a State
20 or federal record of criminal history for the prospective kinship foster
21 parent or any other adult residing in the prospective parent's home,
22 pursuant to P.L.1985, c.396 (C.30:4C-26.8).

23 The division and the kinship foster parent will develop a case plan
24 for the foster care of the child, which will be periodically reviewed and
25 updated. If the plan includes the use of an approved day care center
26 or family day care home, the division shall pay for child care
27 arrangements, according to established rates.

28 The kinship foster parent is required to cooperate with any
29 activities as specified in the case plan for the foster child, such as
30 counseling, therapy or court sessions, or visits with the foster child's
31 parents or other family members.

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36 Establishes Kinship Foster Care Program in DYFS.