



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date: 5-29-2014
Volume:	III	Case Management	
Chapter:	C	Case Oversight and Management	Revised Date: 8-5-2019
Subchapter:	9	Consents	
Issuance:	100	CP&P Authority to Issue Consent	

Right of Authorization 5-29-2014

Although CP&P is responsible for the care, maintenance, and supervision of a child in placement, the parents retain legal responsibility and authority for the child, unless that authority has been terminated or limited by a court order. The assigned Worker contacts the child's parent when significant issues arise that affect the child.

In certain instances, the parents may not be available to issue a required consent. All efforts to locate the parents must be made, and documented in the case record. In this situation, CP&P may act as the child's parent, and, depending on the child's legal status, may consent to the specified action.

Any adolescent over the age of 18 may issue consent on his or her own behalf. The chart below indicates situations that may occur:

TYPES OF CONSENTS	CONSENT WHEN PARENTS RETAIN LEGAL RIGHT & CP&P HAS CUSTODY	CONSENT WHEN CP&P HAS GUARDIANSHIP
Enlistment in Armed Forces	Parents	LO Manager with approval of DAG
Child Study Team	Parents	LO Manager Resource Parents
Emergency Medical/Dental	Parents LO Manager Resource Parents	LO Manager Resource Parents
Employment (Over age 14)	Parents	LO Manager Resource Parents
Fingerprinting	Parents	LO Manager with DAG approval Resource Parents (school program to identify missing children)
Independent Living	Parents	LO Manager

	Court Order (when necessary)	
Job Corps/Other related programs	Parents	LO Manager
Law Suit (on behalf of children in placement)	Parents	LO Manager with DAG approval
Marriage/Civil Union Partnership	Parents	LO Manager with DAG approval
Out-of-State Placement	Parents	LO Manager or Court Order
Photograph Publication	Parents	LO Manager
Pregnancy Related Services	Minor Child	Minor Child
Psychological/Psychiatric Evaluation or Treatment	Parents LO Manager (parents are missing)	LO Manager
Routine Medical/Dental	Parents Resource Parents	LO Manager Resource Parents
School Trips/Activities	Parents Resource Parents	Resource Parents
School Withdrawal	Parents	LO Manager
Substance Use Disorder Treatment	Parents (if child is under age 13) Child (age 13 and older)	LO Manager Child (age 13 or older)
Treatment for Sexually Transmitted Disease	Minor Child Parents	Minor Child
Vacation/Trips	Parents LO Manager with court order (when parents cannot be located or refuse to give permission)	LO Manager

Related Policy 1-14-2008

[CP&P-VI-A-1-101](#), Independent Living Placements

[CP&P-IV-A-6-100](#), Photographing a Child in Out-of-Home Placement

CP&P-V-5, Department of Health Programs

[CP&P-V-A-1-900](#), Mental Health Therapeutic/Evaluative Services

[CP&P-V-B-1-100](#), Substance Use Disorder Services

Consent to Medical Examination and Treatment 2-6-2006

It is CP&P policy to ensure that the health needs of each child in resource family care are met. CP&P has the legal authority to consent to medical examination, surgery, anesthesia, diagnostic tests, and treatment for a child in out-of-home placement whenever CP&P has guardianship or whenever the child is in resource family care pursuant to:

- N.J.S.A. 9:6-8.27 or 9:6-8.29, removal based on emergent circumstances; or
- a court order specifying that CP&P has the authority to issue each consent.

When CP&P Does Not Have Authority to Consent 1-31-85

When the child is in placement pursuant to a court order other than the above, authority to consent for medical treatment rests with the parent or guardian. CP&P does not have authority to consent to medical treatment except in a medically necessary emergency situation in which the parent cannot be located. If a parent or guardian refuses to consent to medical treatment for a child or cannot be located and CP&P does not have the authority to consent as defined above, a court order is necessary for the treatment to be administered with proper authority.

The Worker informs the child's parent or guardian of the child's need for treatment and attempts to obtain his consent even when CP&P has the legal authority to consent to medical care.

Resource Parent Authority to Consent 12-1-81

The foster parent is authorized to obtain medical and dental care for the child on a routine basis and on an emergency basis when necessary. The foster parent is responsible for contacting CP&P immediately whenever emergency care is required, and consents to emergency care, including hospitalization, only when immediate consent is essential and CP&P cannot be contacted within the time available. The foster parent notifies CP&P as soon as possible after consenting to such treatment.

Procedures Related to Consent to Medical Examination and Treatment 12-1-81

RESPONSIBILITY	ACTION REQUIRED
Resource Parent	1. Notify LO or SCR of the child's need for surgery, anesthesia, diagnostic tests and medical treatment.
Local Office Manager/ Resource Parent	2. Consent to surgery, anesthesia, diagnostic tests, and medical treatment on behalf of a foster child, when appropriate.
Worker	3. Inform the parent or guardian of the child's need for medical care and attempt to obtain his consent.
Parent/Guardian	4. Give consent for medical treatment when appropriate.

Worker	5. Obtain a court order authorizing the required medical care when appropriate.
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Consent to Enlistment in the Armed Forces 9-7-84

A foster child may enlist in the armed forces, provided that the child is capable of making an informed decision. The Worker discusses the decision with the child, the child's parent, and the foster parent when appropriate.

When CP&P consent is required, as specified below, and the enlistment is determined to be in the child's best interest, the consent is issued in accordance with the requirements of the specific branch of service.

Individuals 18 years of age or older may sign their own enlistment papers.

Children must be 17 years of age or older in order to enlist in the armed forces and must have appropriate consent on their enlistment papers. Enlistees 17 to 18 years of age require the signature of the parent or legal guardian. The Local Office Manager may sign the enlistment papers only when CP&P has guardianship and the approval of the DAG. When the child's parent is deceased or cannot be located and the child has no legal guardian, the child should consult the local recruiting office. In most cases, a notarized statement from the child or Local Office Manager indicating the child's legal status is accepted in lieu of a consent by the parent.

Procedures Related to Consent for Enlistment in the Armed Forces 9-7-84

RESPONSIBILITY	ACTION REQUIRED
Worker	<ol style="list-style-type: none"> 1. Discuss the child's plan to enlist in the armed forces with the child, the child's parent, the foster parent and other professionals involved to determine whether enlistment is in the child's best interest. 2. Assist the child in obtaining the signature of the parent or legal guardian on the enlistment papers when appropriate.
Worker/Supervisor	<ol style="list-style-type: none"> 3. Complete Special Approval Request, CP&P Form 16-76 if Local Office Manager approval is necessary. 4. Contact the DAG for approval of the enlistment of a child under guardianship.
Local Office Manager	<ol style="list-style-type: none"> 5. Sign the enlistment papers when appropriate, or explain the child's status by

	a notarized statement.
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Consent to Marriage/Civil Union Partnership 9-7-84

For males or females between the ages of 16 and 18, the law requires the consent of the parent or guardian in order for the child to enter into a marriage/civil union partnership. When the parent or guardian cannot be located, CP&P may consent to the child's marriage/civil union partnership with the approval of the DAG. Efforts to locate the parent or guardian must be documented in the case record. See [CP&P-IV-C-1-600](#) and [CP&P-III-C-4-100](#).

For males or females under the age of 16, the law requires written judicial consent in addition to the consent defined above.

The Worker discusses the marriage/civil union partnership plans with the child and his finance, the child's parent, and the foster parent. The purpose of the discussion is to ensure that those involved are aware of the age limits, responsibilities and consequences of such a decision.

When CP&P has guardianship, CP&P may consent to the child's marriage/civil union partnership with the approval of the DAG.

Procedures Related to Consent to Marriage/Civil Union Partnership 9-7-84

RESPONSIBILITY	ACTION REQUIRED
Worker	1. Discuss the child's plan to marry with the child, the fiancé or fiancée, the child's parent, and the foster parent.
Parent/Guardian	2. Give consent to the marriage/civil union partnership when appropriate.
Worker/ Supervisor	3. Complete Special Approval Request, CP&P Form 16-76 , when Local Office Manager approval is necessary...
Local Office Manager	4. Give consent to the marriage/civil union partnership after obtaining DAG and/or judicial approval: <ul style="list-style-type: none"> • when the parent cannot be located; or, • when CP&P has guardianship.
Worker	5. Document efforts to locate the parent or guardian in the child's case record.
Judge of Superior Court-Family Part	6. Issue written consent in addition to the above consents when appropriate.

Change in Religion 9-7-84

The child must be allowed to practice his religious beliefs and the foster parent is expected to support the child's religious practices to the fullest extent possible. The foster parent is prohibited from encouraging or forcing a foster child to change religion. The foster parent must inform the Worker when a child wants to change his religion.

The child is encouraged to discuss his desire to change religion with his parent or guardian. If the child refuses to discuss this with the parent or guardian, the Worker must inform the parent or guardian that the child is pursuing this course of action.

When the child's parent or guardian indicates a desire to change the child's religion, the Worker discusses the permanent plan with him. The change is evaluated in terms of the permanent plan. The decision to change religion is based on the child's choice guided by his birth parent or adoptive parent.

Procedures Related to Change in Religion 12-5-86

RESPONSIBILITY	ACTION REQUIRED
Worker	<ol style="list-style-type: none">1. Encourage the child to discuss his plan to change religion with his parent or guardian, and inform the parent or guardian of the child's plan if he is unwilling to discuss it with him.2. Discuss the permanency plan with the child's parent or guardian when he indicates a desire to change the child's religion; encourage such a change only if it is consistent with the permanent plan.

Consent for Educational Matters 11-1-2005

The resource parent is required to assume responsibility for the child's daily school activities and for consenting to routine actions regarding educational issues. The resource parent has the authority to:

- Register the child in school. In accordance with the Child Welfare Reform Plan, all children in out-of-home placement must be registered for and attending school within 72 hours of initial placement and re-placement. See [CP&P-IV-B-6-300](#);
- Consent to the child's participation in elective courses of study, school activities, day trips and organized sports; and
- Sign report cards and permission slips for routine educational activities.

The parent's consent must be obtained if the school district determines that a Child Study Team evaluation is warranted. The resource parent consents to the request from the school district to refer the child for a Child Study Team evaluation only if the parents are unavailable. See [CP&P-VII-A-1-200](#).

The parent's consent must be obtained whenever the child will be on a class trip or attending a school activity which would interfere with his visits with his parents. CP&P consent is also necessary for all overnight school activities.

The parent's consent must also be obtained whenever a child over the age of 16 wishes to leave school; CP&P may consent if the child is under the guardianship of the agency. Inform the parent that the child may re-enroll in school up to 20 years of age for general education, or 21 years of age for special education.

Private or parochial schooling is authorized only when all of the following conditions are met:

- The child's parent, the child, when appropriate, and the CP&P Worker agree to private or parochial schooling; and
- The schooling is consistent with the child's religion, if a parochial school is being considered; and
- No cost to CP&P will be incurred.

See [CP&P-IV-B-6-300](#) and [CP&P-IV-B-8-100](#) for the resource parent's responsibilities and CP&P policy regarding educational services.

Procedures Related to Consent for Educational Matters 9-7-84

RESPONSIBILITY	ACTION REQUIRED
Resource Parent	1. Assume responsibility for the child's daily school activities
Worker	2. Keep the child's parent informed of the child's progress in school 3. Encourage the parent's involvement in school related matters. 4. Consent to overnight school activities for the child and obtain the parent's consent to those activities which would interfere with visits between the parent and the child. 5. Refer the child to the Child Study Team, when appropriate, and involve the

	parent in the classification process.
Parent/Resource Parent	6. Initiate a challenge about the classification process when appropriate.
Parent	7. Give consent for a child over the age of 16 who wishes to leave school, if appropriate.
Worker	8. Complete Special Approval Request, CP&P Form 16-76 , if Local Office Manager approval is necessary for a child over 16 to leave school.
Local Office Manager	9. Approve or disapprove Special Approval Request. 10. Prepare letter or complete school's form to verify consent has been granted.

Consent to the Publication of Photographs 7-26-2010

The principles of confidentiality apply to children and families under supervision and to the resource parent. Information or photographs must not be released without appropriate consent.

Occasionally, newspapers or television stations may request permission to photograph CP&P children as part of an article or program. This practice is permitted only if such photographs are silhouettes or do not include the child's face and in no way identify the child.

A child's photograph may be published for other purposes, such as the child receiving an award or for superior achievement in sports or academics. In such cases no reference may be made to CP&P or the child's status as a foster child.

Children in resource care whose permanent plan is adoption and for whom CP&P has guardianship may be photographed for special adoption publications, such as those which find homes for hard-to-place children.

When the child can be identified, CP&P may consent to a foster child's photograph being published only when the child is under the guardianship of CP&P. In all other instances, the consent of the parent or guardian must be obtained by completing a CP&P Form [26-91](#), DCF Consent of Parent or Guardian to Photograph, Interview and/or Identify Client. When a child is less than 18 years old and under the guardianship of CP&P, the LO Manager must sign CP&P Form [16-76](#), the Special Approval Request, before a child may be photographed. If the foster child has reached his 18th birthday, he or she may sign the CP&P Form [26-92](#), DCF Consent to be Photographed, Identified and/or Interviewed and may consent to have photographs released.

When the child is a foundling or the child's identity is otherwise unknown, CP&P may publish the child's picture for the purpose of obtaining information concerning the child's identity only with the authorization of the court. The DAG must be consulted in order to obtain the approval of the court.

Authorization to publicize a photograph of, or information about, a Safe Haven infant may be sought from the court, if obtaining information about the infant's health, prenatal care and/or birth history is critical to the infant's survival, immediate health, care, safety, and/or treatment. Information or a photograph may not be published without a court order. See Safe Haven policy at [CP&P-IV-C-5-100](#).

Procedures Related to Consent to the Publication of Photographs 7-26-2010

RESPONSIBILITY	ACTION REQUIRED
Worker	1. Complete Special Approval Request, CP&P Form 16-76 , when Local Office Manager approval is necessary for publication of a child's photograph.
LO Manager	2. Give consent on CP&P Form 16-76 to the publication of the child's photograph if: <ul style="list-style-type: none"> • CP&P has guardianship; or • the photograph is to be in silhouette or taken in such a way as to prevent identification; or • the child's identity is unknown; or • the child is receiving an award or has achieved special recognition in sports or academics; or • the child is a foundling or a Safe Haven infant and the DAG has obtained authorization from the court to publish the child's photograph.

DAG	3. Obtain authorization from the court to publish a photograph of a foundling or a Safe Haven infant.
Parent/guardian	4. Give consent to the publication of the child's photograph in all other instances by signing a CP&P Form 26-91 , consent of parent or Guardian to Photograph, Interview and/or Identify Client.

Consent to Enrollment in Job Corps and Other Programs 6-5-91

CP&P encourages the child's participation in educational, vocational, or training programs, if they are determined to be appropriate for the particular child's abilities and needs.

When the child is under the guardianship of CP&P, the Local Office Manager may consent to the foster child's enrollment in such a program.

When the child is not under the guardianship of CP&P, the child's parent or guardian must issue any required consent for the child's participation. When the parent or guardian is deceased or his whereabouts is unknown, CP&P may consent to the child's enrollment. All efforts to obtain the parent's consent are documented. A letter is sent to the last known address of the parent, informing him of the child's participation in the particular program.

Procedures Related to Consent to Enrollment in Job Corps and Other Programs 9-7-84

RESPONSIBILITY	ACTION REQUIRED
Parent/Guardian	1. Give consent to the child's enrollment in the program when appropriate.
Worker	2. Document efforts to obtain the parent's consent in the child's case record. 3. Complete Special Approval Request, CP&P Form 16-76 , if Local Office Manager approval is necessary.
Local Office Manager	4. Give consent to the child's enrollment in any educational, vocational, or training program determined to be appropriate if the child is under the guardianship of CP&P, or if the child's parent is deceased or cannot be located.

Worker	5. Send a letter to the last known address of the parent, if appropriate, to advise him of the child's enrollment in the program.
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Amendments to Birth, Death, Marriage, Civil Union, or Domestic Partnership Certificates

Purpose 11-9-2009

Identifying information for children under CP&P supervision (e.g., birth) and for their families as appropriate (e.g., birth, death, marriage/civil union/domestic partnership) is accurately recorded and maintained in NJ SPIRIT as part of the electronic case record. Whenever it is determined that information was incorrectly or incompletely recorded, or when a change in such information is required, the assigned Worker updates NJS as necessary.

Authority 11-9-2009

- N.J.A.C. 10:133-1.5, Responsibilities of applicants and clients.

Name Change 11-9-2009

The name of a child in out-of-home placement may be changed when:

- The birth certificate is found to be incomplete or incorrect; or
- The child's adoption has been finalized.

A child's legal name cannot be changed simply because he or she is commonly known by another name.

Note: When the plan for a newborn is adoption, the birth mother is encouraged to name the child in order to avoid the possibility of the child having no legal name for any length of time.

Name Change When CP&P Does Not Have Guardianship 11-9-2009

When the child is not under the guardianship of CP&P, the parent, guardian, or child makes the desired name change by contacting:

- The Registrar (Bureau) of Vital Statistics located in the municipality where the child was born, or
- The NJ State Bureau of Vital Statistics (BVS) located in the NJ Department of Health.

When the parent or guardian is not available, the change may be requested by a person with legal custody of the child. The NJ State Bureau of Vital Statistics and names and addresses of local Registrars may be accessed at the following Web site:

<http://www.nj.gov/health/vital/order-vital/local-vital-records/>.

Call the DCF BVS Liaison When CP&P Has Guardianship 11-9-2009

When the child is under the guardianship of CP&P, CP&P is responsible for initiating amendments regarding the child's name.

When a child has no legal name, is under the guardianship of CP&P, and is able to make the decision, the child is consulted regarding his or her choice of a name. If the plan is for the child to remain in the resource home where he or she is living, the resource parent is also consulted.

For all amendments to a birth certificate contact the DCF Bureau of Vital Statistics (BVS) Liaison located in the DCF Office of Facilities and Support Services. The BVS Liaison processes requests for amendments with the NJ State BVS.

Call the BVS Liaison at 609-313-3284 or 609-888-7153, and the BVS Liaison will identify:

- What documents are needed for the specific change or addition (e.g., civil action order, unnamed certificate, paternity results);
- The steps in the process, including the approximate time a response will be obtained; and
- How to submit the required documents, including the CP&P Form [26-8](#), Request for NJ Birth/Death/Marriage/Civil Union/Domestic Partnership Certificate.

See CP&P Form [26-8](#) and its instructions.

When a Child Is Born Out-of-State 11-9-2009

When the child was born in a state other than New Jersey, contact the appropriate agency in that state for information concerning required procedures. Use the following Web site for a directory of out-of-state vital statistics agencies and links to these agencies: <http://www.cdc.gov/nchs/w2w.htm>.

Filing Amended Birth Certificate 11-9-2009

File the copy of the changed long form certified birth certificate in the child's case record in the medical section or process as required by the case plan (e.g., submit to court).

See [CP&P-III-C-6-100](#), Maintaining Confidentiality of Client Information.

Other Certificates 11-9-2009

Call the BVS Liaison at 609-313-3284 or 609-888-7153 to request assistance, if an amendment is needed to a NJ BVS death, marriage, civil union, or domestic partnership certificate. The BVS Liaison will provide instructions and identify what documents must be submitted. See Call the DCF BVS Liaison When CP&P Has Guardianship, above.

Document Changes in Electronic or Paper Records 11-9-2009

Whenever a child's name or other birth information is amended, all agency records, electronic as well as paper, must be changed, including the Medicaid Eligibility File Demographic Changes. Use the CP&P Form [11-69](#), Medicaid Eligibility File Demographic Changes to inform Medicaid of demographic changes. Forward the completed CP&P Form [11-69](#) to the Office of Information Technology Medicaid Unit.

Other Forms 11-9-2009

- CP&P Form [11-69](#), Medicaid Eligibility File Demographic Changes
- CP&P Form [26-8](#), Request for NJ Birth/Death/Marriage/Civil Union/Domestic Partnership Certificate

Anthropological Exam for Race Determination

Purpose 11-9-2009

When the race of a child is unknown, and information is needed for case planning and NCANS reporting purposes, an anthropological examination may be arranged to determine the child's race.

Use CP&P Forms 16-76 and [K-100](#) in the NJS Application 11-9-2009

Prior to arranging the anthropological examination, obtain supervisory approval and Local Office Manager/designee approval on the CP&P Form [16-76](#), Special Approval Request (SAR), in the NJS application.

For payment, use the CP&P Form [K-100](#), Client Service Invoice, for a “one-time” non-contracted provider, or invoices from the CP&P Form [K-100](#), Billing Spreadsheet, received from a “contracted” provider via the [“Secure Billing” process](#). The Local Office enters the CP&P Form [K-100](#) into the NJ SPIRIT Payment Request Window ([K-100](#)) to process the payment.

See NJS "How Do I Guides" and Cheat Sheets for assistance with the SAR and CP&P Form [K-100](#), Client Service Invoice. See the "[Secure Billing](#)" process for assistance with the CP&P Form [K-100](#), Billing Spreadsheet.

Relevant NJS Forms or Windows 11-9-2009

- Payment Request Window ([K-100](#))
- CP&P Form [16-76](#), Special Approval Request (SAR)

Other Forms 11-9-2009

- CP&P Form [K-100](#), Client Service Invoice
- CP&P Form [K-100](#), Billing Spreadsheet

Consent for Employment of a Foster Child 9-7-84

A foster child 14 years of age and older who is in school is encouraged to find part-time employment whenever it is appropriate to his age and abilities. CP&P or the parent may consent to such employment whenever it is required by the employer.

The Worker or the foster parent aids the child in obtaining the necessary working papers. Working papers are available at high school guidance offices; the guidance counselor aids in completing the papers.

Procedures Related to Consent for Employment of a Foster Child 9-7-84

RESPONSIBILITY	ACTION REQUIRED
Worker	<ol style="list-style-type: none"> 1. Encourage the child to find part-time employment if he is over 14 years of age and in school, and if such employment is appropriate. 2. Give consent for part-time employment as required.

Consent for a Foster Child to Move Out-of-State 9-25-89

When the foster family is planning to move to another state and wishes to take the foster child with them, the Worker and the Supervisor are responsible for determining

the appropriateness of the child accompanying the foster family. The following factors are considered in making the determination:

- the permanent plan for the child;
- the legal status of the child with CP&P;
- the appropriateness of the placement in terms of the child's needs, and the availability of resources to meet any special needs of the child;
- the extent and nature of parental involvement with the child;
- the availability and appropriateness of alternate placements in New Jersey; and
- the geographic location of the child's parent and relatives.

When the foster parent is moving out of state and it is consistent with the permanent plan for the child to accompany him, the Worker ensures that the appropriate authority is obtained to consent to the move. See [CP&P-VIII-D-1-300](#).

For guidelines regarding the supervision of out-of-state foster children, see [CP&P-VIII-D-2-400](#). For information regarding out of state Medicaid coverage of CP&P children, see [CP&P-V-A-2-700](#).

Procedures Related to Consent for a Permanent Move Out of State 9-25-89

RESPONSIBILITY	ACTION REQUIRED
Worker/ Supervisor	1. Determine the appropriateness of the child accompanying the foster parent out of state for a permanent move.

Worker	<p>2. Discuss move with parent and obtain written consent from the parent or guardian, or from the court if parental consent is not obtained and CP&P determines that child should accompany foster family.</p> <p>3. Complete Special Approval Request, CP&P Form 16-76, if CP&P has guardianship.</p> <p>4. Request interstate services for a permanent move out-of-state. See CP&P-VIII-D-1-300 and CP&P-VIII-D-2-400.</p>
Worker/Resource Parent	<p>5. Advises foster parent to contact the out-of-state child welfare agency if a special need arises.</p> <p>6. Advise foster parent about use of N.J. Medicaid out of state. See CP&P-V-A-2-700.</p>

Consent for Child to Accompany Resource Family on Vacation or Other Trip In or Out-of-State 2-6-2006

This section has been recodified in [CPP-III-C-9-200](#), **Overnight Travel by Children and Youth in Resource Family Placements**.

Consent for Child to Accompany Foster Family on Vacation or Other Trip Outside the Country 12-22-2000

This section has been recodified in [CPP-III-C-9-200](#), **Overnight Travel by Children and Youth in Resource Family Placements**.

Procedures Related to Consent for Vacations or Other Travel 12-22-2000

This section has been recodified in [CPP-III-C-9-200](#), **Overnight Travel by Children and Youth in Resource Family Placements**.

Consent to Voluntary School Fingerprint Program for Foster Children 10-1-88

The Division and its foster parents have the authority to consent to voluntary school fingerprint programs for those foster children for whom foster parents wish participation. However, approval for involvement of foster children in fingerprint records or copies are not retained by the police or any other law enforcement agency. Where prints are to be retained by the police, foster children may participate only upon written consent of a biological parent, if at all.

The fingerprint documents are to be kept in a safe place by the foster parents and may not be copied or retained in the case record or shared with any other agency or third

party. If a child's placement changes, the fingerprints will go with the child to the new placement. When the child returns home from placement or is adopted, the fingerprints are given to the birth or adoptive parents.

Consent to Pursue Legal Action on Behalf of Foster Children 10-1-88

In 1985, the Division was given the legal authority, pursuant to N.J.S.A. 30:4C-22, ". . . to prosecute suits, claims and any and all manner of proceedings or actions in law or equity for and on behalf of the children under its custody or care . . . when the children are in foster homes." Therefore, the Division DAG may request that the court appoint a guardian ad litem to pursue a cause of action on behalf of a child in foster care who has been injured. The Division DAG may also, through the appointed guardian ad litem, request the initiation of an action against any previously appointed guardian for the child in order to hold and administer the foster child's real and personal property.

The Worker should first attempt to obtain the consent and cooperation of the foster child's parent or guardian for any legal action on behalf of the foster child. However, if the parent refuses to consent or is unavailable to consent, the Worker may request the assignment of a DAG to move the court to appoint a guardian ad litem. The Worker submits a Special Approval Request, CP&P Form [16-76](#), to the Office of the CP&P Director.

Selection of an appropriate DAG will be coordinated through OLRL. The assigned DAG notifies the Worker of any legal action and the results of that action.

Consent to Provide Legal Representation on Behalf of Foster Children Who Are Sued in a Legal Proceeding 11-19-92

The Division may arrange for legal representation for children under its care when they are sued in a civil proceeding. The Office of the Attorney General is responsible for making this determination based upon the circumstances of the case.

Whenever a child in foster care is the subject of a civil suit, the Local Office Manager or his designee informs the Office of Legal and Regulatory Liaison (OLRL) which is responsible for bringing the matter to the attention of the Office of the Attorney General so that a decision regarding representation can be made.

Based upon the decision of the Office of the Attorney General and the Division's legal authority for the placement of the child who is the subject of the suit, OLRL will advise the Local Office Manager whether parental consent is required for any action that will be taken.