



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

**New Jersey Department of Children and Families Policy Manual**

Manual:	CP&P	Child Protection & Permanency	Effective Date:
Volume:	IV	Out of Home Placement	
Chapter:	A	General Placement	7-21-2014
Subchapter:	11	Home Selection	
Issuance:	200	<b>Placement of Children with Kinship Caretakers who are Undocumented Immigrants</b>	

**Purpose:**

This issuance establishes the policy and procedures on the out of home placement of children with kinship caretakers who are undocumented immigrants.

**Authority:**

- Executive Authority Pursuant to N.J.S.A 9:3A-1 et seq.
- N.J.A.C 10:122C-1.2, 2.2

**Policy:**

**A) Placement with Kinship Caretakers who are Undocumented Immigrants**

A child may be placed with kinship caretakers who are undocumented immigrants only when such placement is clearly in the child’s best interest. Approval must be obtained from the CP&P Director or designee prior to placement, *and* a waiver of the home study requirement in N.J.A.C 10:122C-5.3(a)1ii must be granted by the Office of Licensing.

**B) Presumption Against Placement and Compelling Justification Required**

CP&P presumes that undocumented immigrant caretakers will have difficulty providing children in out of home placement with long or short term stability or permanency. Compelling justification is required to overcome this presumption and permit placement.

**C) Other Requirements Unaffected**

Requirements generally applicable to all kinship placement caretakers, including background check (CARI/CHRI) requirements, and presumptive eligibility criteria

specified in N.J.A.C 10:121C-2.1, shall apply with equal force to undocumented immigrant caretakers.

#### **D) Subsidy Payment Requirements**

Undocumented immigrants cannot be paid a resource or adoption subsidy until they have obtained an Individual Taxpayer Identification Number (ITIN) from the IRS. No subsidy shall be paid or owed to caretakers unable to obtain an ITIN and therefore, a child can not be placed until the perspective the caretaker has received an ITIN. CP&P shall not, under any circumstances, provide a subsidy to a person presenting a social security number or TIN assigned to a person other than the specified caretaker.

#### **E) Title IV-E Claiming**

DCF shall not be permitted to claim federal funds under Title IV-E of the Social Security Act for the placement of any undocumented immigrant child, nor shall DCF be permitted to claim such funds for the placement of a non citizen legal resident child who has resided in the country less than five years with undocumented immigrant caretakers. To avoid errant claiming, the Resource Family Support unit shall notify the Administrator of the Title IV-E unit upon making any such placement.

### **Procedures:**

#### **A) Evaluating Placement with Undocumented Immigrant Caretakers**

In all placements, the best interests of the child are the paramount concern. In addition to the evaluation undertaken for all other placements, workers must consider the unique challenges faced by undocumented immigrants when considering a placement in such a home. Undocumented immigrants typically face uncertainty in their housing and employment, and may be forced to change both jobs and residences frequently. More importantly, such immigrants are at risk of unanticipated expulsion from the United States at any time, and their ability to provide long term stability for children in their care is therefore inherently uncertain.

Workers must weigh these serious concerns against any compelling justification for placing a child with undocumented immigrant caretakers.

#### **B) Approval Process for Placement with Undocumented Immigrant Caretakers**

Before a child is placed with undocumented immigrant caretakers, approval must be obtained from the CP&P Director and the Office of Licensing.

Waiver procedures are outlined in [CP&P-IV-B-2-300](#).

### **C) Reporting of Ineligible Placements to the Title IV-E Unit**

When a non-citizen child who has resided in the country legally for less than five years is placed with undocumented immigrant caretakers, the Resource Family Unit must report that placement to the Title IV-E Unit by email within 72 hours.

Any change in the immigration status of such child or caretaker must subsequently be reported to the Title IV-E Unit.

### **D) Obtaining an Individual Taxpayer Identification Number**

An ITIN is obtained from the Internal Revenue Service using IRS Form W-7. Workers should direct potential applicants to the IRS at 1-800-829-1040 or [IRS.gov](https://www.irs.gov) for assistance completing and filing the form.

### **Key Terms (Definitions):**

**"Undocumented Immigrant"** means any person residing or remaining in the United States without the legal right to do so.

### **Forms and Attachments:**

- [IRS Form W-7](#), Application for IRS Individual Taxpayer Identification Number

### **Related Information:**

- None