

ASSEMBLY, No. 2844

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Permits up to 10 children to be cared for by a registered family day care provider.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/20/2020)

1 AN ACT concerning family day care providers, amending P.L.1983,
2 c.492 and P.L.1987, c.27, and supplementing Title 30 of the
3 Revised Statutes.

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

7
8 1. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to read
9 as follows:

10 3. As used in **this act** P.L.1983, c.492 (C.30:5B-1 et seq.):

11 a. "Child" means any person under the age of 13.

12 b. "Child care center" or "center" means any facility which is
13 maintained for the care, development, or supervision of six or more
14 children who attend the facility for less than 24 hours a day. In the
15 case of a center operating in a sponsor's home, children who reside
16 in the home shall not be included when counting the number of
17 children being served. This term shall include, but shall not be
18 limited to, day care centers, drop-in centers, nighttime centers,
19 recreation centers sponsored and operated by a county or municipal
20 government recreation or park department or agency, day nurseries,
21 nursery and play schools, cooperative child centers, centers for
22 children with special needs, centers serving sick children, infant-
23 toddler programs, school age child care programs, employer
24 supported centers, centers that had been licensed by the Department
25 of Human Services prior to the enactment of the "Child Care Center
26 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.), and
27 kindergartens that are not an integral part of a private educational
28 institution or system offering elementary education in grades
29 kindergarten through sixth, seventh or eighth. This term shall not
30 include:

31 (1) (Deleted by amendment, P.L.1992, c.95).

32 (2) A program operated by a private school which is run solely
33 for educational purposes. This exclusion shall include
34 kindergartens, prekindergarten programs, or child care centers that
35 are an integral part of a private educational institution or system
36 offering elementary education in grades kindergarten through sixth,
37 seventh, or eighth;

38 (3) Centers or special classes operated primarily for religious
39 instruction or for the temporary care of children while persons
40 responsible for such children are attending religious services;

41 (4) A program of specialized activity or instruction for children
42 that is not designed or intended for child care purposes, including,
43 but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior
44 Achievement, and single activity programs such as athletics,
45 gymnastics, hobbies, art, music, and dance and craft instruction,
46 which are supervised by an adult, agency, or institution;

EXPLANATION – Matter enclosed in bold-faced brackets **this** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

(5) Youth camps required to be licensed under the "New Jersey Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To qualify for an exemption from licensing under this provision, a program must have a valid and current license as a youth camp issued by the Department of Health and Senior Services. A youth camp sponsor who also operates a child care center shall secure a license from the Department of Children and Families for the center;

(6) Day training centers operated by or under contract with the Division of Developmental Disabilities within the Department of Human Services;

(7) Programs operated by the board of education of the local public school district that is responsible for their implementation and management;

(8) A program such as that located in a bowling alley, health spa or other facility in which each child attends for a limited time period while the parent is present and using the facility;

(9) A child care program operating within a geographical area, enclave or facility that is owned or operated by the federal government;

(10) A family day care home providing child care services to no more than 10 children at any one time that is registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and

(11) Privately operated infant and preschool programs that are approved by the Department of Education to provide services exclusively to local school districts for handicapped children, pursuant to N.J.S.18A:46-1 et seq.

c. "Commissioner" means the Commissioner of Children and Families.

d. "Department" means the Department of Children and Families.

e. "Parent" means a natural or adoptive parent, guardian, or any other person having responsibility for, or custody of, a child.

f. "Person" means any individual, corporation, company, association, organization, society, firm, partnership, joint stock company, the State, or any political subdivision thereof.

g. "Sponsor" means any person owning or operating a child care center.

(cf: P.L.2006, c.47, s.161)

2. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to read as follows:

3. As used in **【this act】** P.L.1987, c.27 (C.30:5B-16 et seq.):

a. "Certificate of registration" means a certificate issued by the department to a family day care provider, acknowledging that the provider is registered pursuant to the provisions of **【this act】** P.L.1987, c.27.

1 b. "Department" means the Department of Children and
2 Families.

3 c. "Family day care home" means a private residence in which
4 child care services are provided for a fee to no less than three and
5 no more than **【five】 10** children at any one time for no less than 15
6 hours per week; except that the department shall not exclude a
7 family day care home with less than three children from voluntary
8 registration. A family day care home providing child care services
9 to more than five children shall meet all applicable health and
10 safety code requirements in addition to all of the provisions of the
11 "Family Day Care Provider Registration Act," P.L.1987, c.27
12 (C.30:5B-16 et seq.), and shall have at least one additional person
13 who has completed training required pursuant to section 6 of
14 P.L.1987, c.27 (C.30:5B-21) present at all times providing care to
15 the children. A child being cared for under the following
16 circumstances is not included in the total number of children
17 receiving child care services:

18 (1) The child being cared for is legally related to the provider;
19 or

20 (2) Care is being provided as part of an employment agreement
21 between the family day care provider and an assistant or substitute
22 provider where no payment for the care is being provided.

23 d. "Family day care provider" means a person at least 18 years
24 of age who is responsible for the operation and management of a
25 family day care home.

26 e. "Family day care sponsoring organization" means an agency
27 or organization which contracts with the department to assist in the
28 registration of family day care providers in a specific geographical
29 area.

30 f. "Monitor" means to visit a family day care provider to
31 review the provider's compliance with the standards established
32 pursuant to **【this act】 P.L.1987, c.27.**
33 (cf: P.L.2006, c.47, s.166)
34

35 3. Section 6 of P.L.1987, c.27 (C.30:5B-21) is amended to read
36 as follows:

37 6. a. The family day care sponsoring organization shall
38 evaluate a family day care provider prior to the issuance of a
39 certificate of registration. The evaluation shall include at least one
40 visit to the family day care home in addition to personal and health
41 references, and shall be made part of the family day care sponsoring
42 organization's permanent records for that provider. The certificate
43 of registration shall be renewed every three years. The family day
44 care provider is required to pay a registration fee of **【\$25.00】 \$25**
45 to the sponsoring organization each time a certificate is granted or
46 renewed.

47 b. The family day care sponsoring organization shall provide a
48 minimum of one preservice training or orientation session for each

1 applicant for a certificate of registration prior to the issuance of the
2 certificate of registration and shall provide appropriate training,
3 consultation, and technical assistance to the family day care
4 provider and any person employed by the provider or volunteering
5 to assist in the provision of child care services after the certificate
6 of registration has been issued.

7 c. The family day care sponsoring organization is authorized to
8 monitor and evaluate each registered family day care provider at
9 least once every two years. In addition, the sponsoring organization
10 shall annually monitor no less than 20% of the family day care
11 providers in its designated geographic area on a random basis to
12 insure compliance with the standards established under this act,
13 provide assistance and insure that corrective action is taken as
14 needed.

15 d. The family day care provider registered by a family day care
16 sponsoring organization shall post and display the certificate of
17 registration at all times in a prominent location within the home. A
18 certificate of registration issued pursuant to this act is not
19 transferable.

20 e. (Deleted by amendment, P.L.1992, c.13).

21 f. (Deleted by amendment, P.L.1992, c.13).

22 (cf: P.L.1992, c.13, s.3)

23
24 4. (New section) The Commissioner of Human Services shall
25 use federal block grant funds from the FFY2016 Child Care and
26 Development Block Grant, or any other federal funds available for
27 this purpose, to provide the additional family day care provider
28 training required pursuant to section 6 of P.L.1987, c.27 (C.30:5B-
29 21).

30
31 5. The Commissioner of Human Services and the
32 Commissioner of Community Affairs shall promulgate such
33 regulations as may be necessary to effectuate this act pursuant to
34 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.).

36
37 6. This act shall take effect immediately.

40 STATEMENT

41
42 This bill increases, from five to 10, the number of children that
43 may be cared for by a registered family day care provider. Under
44 current law, municipalities must permit a registered family day care
45 provider to operate such a business out of the provider's home, even
46 if located in a residential district. The bill requires a family day
47 care home providing child care services to more than five children
48 to meet all applicable health and safety code requirements, in

1 addition to all of the provisions of the "Family Day Care Provider
2 Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.). A family
3 day care home must also have at least one additional person who
4 has the required training present at all times providing care to the
5 children.

6 The bill also authorizes the family day care sponsoring
7 organization to provide appropriate training to any person employed
8 by the provider or volunteering to assist in the provision of child
9 care services.

10 The bill requires the Commissioner of Human Services to use
11 federal block grant funds from the FFY2016 Child Care and
12 Development Block Grant or any other available federal funds to
13 provide the additional family day care provider training required
14 pursuant to this bill.