

40:55 D- 66.5b

LEGISLATIVE HISTORY CHECKLIST  
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(Family Day Care Homes--inspection)

NJSA: 40:55D-66.5b et al

LAWS OF: 1992 CHAPTER: 13

BILL NO: S110

SPONSOR(S): Cardinale

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Local Government  
SENATE: Commerce

AMENDED DURING PASSAGE: Yes Senate Committee substitute  
(IR) enacted

DATE OF PASSAGE: ASSEMBLY: April 30, 1992  
SENATE: March 23, 1992

DATE OF APPROVAL: May 28, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED: No

REPORTS: No

HEARINGS: No

KBG:pp

§4  
Note to 30:5B-23.1  
to 30:5B-23.7,  
53:1-20.9,  
30:5B-23

§5  
T&E and  
Note to 30:5B-23.1  
to 30:5B-23.7,  
53:1-20.9,  
30:5B-23

P.L.1992, CHAPTER 13, *approved May 28, 1992*  
Senate Committee Substitute (*First Reprint*) for  
1992 Senate No. 110

1 AN ACT concerning family day care homes, amending <sup>1</sup>and  
2 supplementing<sup>1</sup> P.L.1991, c.278 <sup>1</sup>[,] and<sup>1</sup> amending <sup>1</sup>[and  
3 supplementing]<sup>1</sup> P.L.1987, c.27 <sup>1</sup>[and repealing parts of the  
4 statutory law]<sup>1</sup>.

5

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

8 1. Section 2 of P.L.1991, c.278 (C.40:55D-66.5b) is amended to  
9 read as follows:

10 2. a. Family day care homes shall be a permitted use in all  
11 residential districts of a municipality. The requirements for  
12 family day care homes shall be the same as for single family  
13 dwelling units located within such residential districts. Any deed  
14 restriction that would prohibit the use of a single family dwelling  
15 unit as a family day care home shall not be enforceable unless  
16 that restriction is necessary for the preservation of the health,  
17 safety, and welfare of the other residents in the neighborhood.  
18 The burden of proof shall be on the party seeking to enforce the  
19 deed restriction to demonstrate, on a case-by-case basis, that  
20 the restriction is necessary for the preservation of the health,  
21 safety and welfare of the residents in the neighborhood who were  
22 meant to benefit from the restriction.

23 b. In condominiums, cooperatives and horizontal property  
24 regimes that represent themselves as being primarily for retirees  
25 or elderly persons, or which impose a minimum age limit tending  
26 to attract persons who are nearing retirement age, deed  
27 restrictions or bylaws may prohibit family day care homes from  
28 being a permitted use.

29 c. In condominiums, cooperatives and horizontal property  
30 regimes other than those permitted to prohibit family day care  
31 homes from being a permitted use under subsection b. of this  
32 section, deed restrictions or bylaws may prohibit family day care  
33 homes from being a permitted use; however, if such  
34 condominiums, cooperatives, or horizontal property regimes  
35 prohibit such use, the burden of proof shall be on the  
36 condominium association, cooperative association, or council of  
37 coowners to demonstrate, on a case-by-case basis, that the  
38 prohibition is reasonably related to the health, safety, and  
39 welfare of the residents. The burden of proof also shall be on the  
40 condominium association, cooperative association, or council of  
41 coowners to demonstrate, on a case-by-case basis, that any other  
42 restrictions imposed upon a family day care home, including but

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate floor amendments adopted February 24, 1992.

1 not limited to noise restrictions and restrictions on the use of  
2 interior common areas, are reasonably related to the health,  
3 safety and welfare of the residents.

4 d. For the purposes of this act:

5 "Family day care home" means [a] the private residence of a  
6 family day care provider which is registered as a family day care  
7 home pursuant to the "Family Day Care Provider Registration  
8 Act," P.L.1987, c.27 (C.30:5B-16 et seq.);

9 ["Applicant" means a person who applies for a certificate of  
10 registration pursuant to the "Family Day Care Provider  
11 Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.);

12 "Commissioner" means the Commissioner of Human Services;]

13 <sup>1</sup>"Applicant" means a person who applies for a certificate of  
14 registration pursuant to the "Family Day Care Provider  
15 Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.);

16 "Commissioner" means the Commissioner of Human Services;<sup>1</sup>

17 "Condominium" means a condominium formed under the  
18 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.);

19 "Cooperative" means a cooperative as defined under "The  
20 Cooperative Recording Act of New Jersey," P.L.1987, c.381  
21 (C.46:8D-1 et seq.); and

22 "Horizontal property regime" means a horizontal property  
23 regime formed under the "Horizontal Property Act," P.L.1963,  
24 c.168 (C.46:8A-1 et seq.).

25 (cf: P.L.1991, c.278, s.2)

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

28 3. As used in this act:

29 a. "Certificate of registration" means a certificate issued by  
30 the division to a family day care provider, acknowledging that the  
31 provider is registered pursuant to the provisions of this act.

32 b. "Division" means the Division of Youth and Family Services  
33 in the State Department of Human Services.

34 c. "Family day care home" means a private residence in which  
35 child care services are provided for a fee to no less than three  
36 and no more than five children at any one time for no less than 15  
37 hours per week; except that the division shall not exclude a  
38 family day care home with less than three children from  
39 voluntary registration. A child being cared for under the  
40 following circumstances is not included in the total number of  
41 children receiving child care services:

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

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

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

51 e. "Family day care sponsoring organization" means an agency  
52 or organization which contracts with the division to assist in the  
53 registration of family day care providers in a specific  
54 geographical area.

1 f. "Monitor" means to visit a family day care provider to  
2 review the provider's compliance with the standards established  
3 pursuant to this act.

4 (cf: P.L.1991, c.278, s.3)

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

7 6. a. The family day care sponsoring organization shall  
8 evaluate a family day care provider prior to the issuance of a  
9 certificate of registration. The evaluation shall include at least  
10 one visit to the family day care home [, in order to ensure that  
11 the family day care home is in compliance with the standards  
12 required in subsection e. of this section,] in addition to personal  
13 and health references, and shall be made part of the family day  
14 care sponsoring organization's permanent records for that  
15 provider. [The local code enforcement officer may evaluate the  
16 family day care home on an advisory basis. The local code  
17 enforcement officer shall notify the sponsoring organization and  
18 the family day care provider of the time of the inspection and  
19 shall advise the sponsoring organization concerning the correction  
20 of any code violations noted.] The certificate of registration  
21 shall be renewed every three years. The family day care provider  
22 is required to pay a registration fee of \$25.00 to the sponsoring  
23 organization each time a certificate is granted or renewed. [The  
24 sponsoring organization shall provide the municipality with a list  
25 of all family day care providers under its jurisdiction within the  
26 municipality and shall be responsible for keeping the list current.  
27 Each sponsoring organization shall provide its mailing address and  
28 telephone number to the police department in each municipality  
29 in which it has day care providers under its jurisdiction.  
30 Complaints received by local police concerning a family day care  
31 provider shall be forwarded to the appropriate sponsoring  
32 organization. The sponsoring organization shall keep a file of all  
33 such complaints.]

34 b. The family day care sponsoring organization shall provide a  
35 minimum of one preservice training or orientation session for  
36 each applicant for a certificate of registration prior to the  
37 issuance of the certificate of registration and shall provide  
38 appropriate training, consultation and technical assistance to the  
39 family day care provider after the certificate of registration has  
40 been issued.

41 c. The family day care sponsoring organization is authorized to  
42 monitor and evaluate each registered family day care provider at  
43 least once every two years. In addition, the sponsoring  
44 organization shall annually monitor no less than 20% of the  
45 family day care providers in its designated geographic area on a  
46 random basis to insure compliance with the standards established  
47 under this act, provide assistance and insure that corrective  
48 action is taken as needed.

49 d. The family day care provider registered by a family day  
50 care sponsoring organization shall post and display the certificate  
51 of registration at all times in a prominent location within the  
52 home. A certificate of registration issued pursuant to this act is  
53 not transferable.

54 e. [At the time of inspection the sponsoring organization shall

1 ensure, at a minimum, that the physical environment, general  
2 safety, fire safety, and outdoor space are in compliance with  
3 applicable regulations promulgated by the Division of Youth and  
4 Family Services in the Department of Human Services.] (Deleted  
5 by amendment, P.L. ...., c.....)

6 f. [The sponsoring organization may revoke or suspend the  
7 certificate of any provider who does not maintain the standards  
8 required in subsections e. of this section.] (Deleted by  
9 amendment, P.L. , c. )

10 (cf: P.L.1991, c.278, s.4)

11 <sup>1</sup>[4. (New section) a. The division shall also establish  
12 standards for the issuance, renewal, denial, suspension and  
13 revocation of a certificate of registration which the family day  
14 care sponsoring organization shall apply. In developing the  
15 standards, the division shall consult with the Advisory Council on  
16 Child Care established pursuant to the "Child Care Center  
17 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.).

18 b. A person operating as a registered family day care provider  
19 who violates the provisions of P.L. 1987, c.27 (C.30:5B-16 et seq.)  
20 by failing to adhere to the standards established by the division  
21 pursuant to that act shall be notified in writing of the violation of  
22 the provisions of that act and provided with an opportunity to  
23 comply with those provisions. For a subsequent violation, the  
24 person's certificate of registration may be revoked, or the person  
25 may be fined in an amount determined by the Commissioner of  
26 Human Services, or both.

27 c. The division, before denying, suspending, revoking or  
28 refusing to renew a certificate of registration, shall give notice  
29 thereof to the provider personally, or by certified or registered  
30 mail to the last known address of the family day care home with  
31 return receipt requested. The notice shall afford the provider the  
32 opportunity to be heard. The hearing shall take place within 60  
33 days from the receipt of the notice and shall be conducted in  
34 accordance with the "Administrative Procedure Act," P.L.1968,  
35 c.410 (C.52:14B-1 et seq.).

36 d. If the certificate of registration is suspended or revoked or  
37 not renewed, the provider shall so notify the parent of each child  
38 attending the family day care home in writing within 10 days of  
39 the action.]<sup>1</sup>

40 <sup>1</sup>[5. The following are repealed:

41 Sections 6 through 12, inclusive, of P.L.1991, c.278  
42 (C.30:5B-23.1 through 30:5B-23.7); section 13 of P.L.1991, c.278  
43 (C.53:1-20.9); and section 8 of P.L.1987, c.27 (C.30:5B-23).]<sup>1</sup>

44 <sup>1</sup>4. Section 14 of P.L. 1991, c. 278 is amended to read as  
45 follows:

46 14. This act shall take effect immediately, except that  
47 sections 6 through 12, inclusive, of P.L.1991, c.278 (C.30:5B-23.1  
48 through 30:5B-23.7); section 13 of P.L.1991, c.278 (C.53:1-20.9);  
49 and subsection e. of section 8 of P.L.1987, c.27 (C.30:5B-23) shall  
50 be inoperative from the date of enactment of P.L. , c. (now  
51 pending before the Legislature as this bill) until the first day of  
52 the 19th month following that enactment date.<sup>1</sup>

53 (cf: P.L.1991, c.278, s.14)

54 <sup>1</sup>5. (New section) Any actions pending or taken by the

1 Commissioner of Human Services, the Department of Human  
2 Services, the Division of Youth and Family Services or the  
3 Division of State Police pursuant to the provisions of sections 6  
4 through 12, inclusive, of P.L.1991, c.278 (C.30:5B-23.1 through  
5 30:5B-23.7); section 13 of P.L.1991, c.278 (C.53:1-20.9); and  
6 subsection e. of section 8 of P.L.1987, c.27 (C.30:5B-23) prior to  
7 the enactment of P.L. , c. (now pending before the  
8 Legislature as this bill) shall be void and of no effect.<sup>1</sup>

9 6. This act shall take effect immediately.

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14 Amends law concerning family day care homes.

SENATE, No. 110

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator CARDINALE

1 AN ACT concerning family day care homes, amending P.L.1987,  
2 c.27 and amending and repealing certain sections of P.L.1991,  
3 c.278.

4

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

7 1. Section 2 of P.L.1991, c.278 (C.40:55D-66.5b) is amended to  
8 read as follows:

9 2. a. Family day care homes shall be a permitted use in all  
10 residential districts of a municipality. The requirements for  
11 family day care homes shall be the same as for single family  
12 dwelling units located within such residential districts. Any deed  
13 restriction that would prohibit the use of a single family dwelling  
14 unit as a family day care home shall not be enforceable unless  
15 that restriction is necessary for the preservation of the health,  
16 safety, and welfare of the other residents in the neighborhood.  
17 The burden of proof shall be on the party seeking to enforce the  
18 deed restriction to demonstrate, on a case-by-case basis, that  
19 the restriction is necessary for the preservation of the health,  
20 safety and welfare of the residents in the neighborhood who were  
21 meant to benefit from the restriction.

22 b. In condominiums, cooperatives and horizontal property  
23 regimes that represent themselves as being primarily for retirees  
24 or elderly persons, or which impose a minimum age limit tending  
25 to attract persons who are nearing retirement age, deed  
26 restrictions or bylaws may prohibit family day care homes from  
27 being a permitted use.

28 c. In condominiums, cooperatives and horizontal property  
29 regimes other than those permitted to prohibit family day care  
30 homes from being a permitted use under subsection b. of this  
31 section, deed restrictions or bylaws may prohibit family day care  
32 homes from being a permitted use; however, if such  
33 condominiums, cooperatives, or horizontal property regimes  
34 prohibit such use, the burden of proof shall be on the  
35 condominium association, cooperative association, or council of  
36 coowners to demonstrate, on a case-by-case basis, that the  
37 prohibition is reasonably related to the health, safety, and  
38 welfare of the residents. The burden of proof also shall be on the  
39 condominium association, cooperative association, or council of  
40 coowners to demonstrate, on a case-by-case basis, that any other  
41 restrictions imposed upon a family day care home, including but  
42 not limited to noise restrictions and restrictions on the use of  
43 interior common areas, are reasonably related to the health,

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

Matter underlined thus is new matter.

1 safety and welfare of the residents.

2 d. For the purposes of this act:

3 "Family day care home" means a private residence which is  
4 registered as a family day care home pursuant to the "Family  
5 Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16  
6 et seq.);

7 ["Applicant" means a person who applies for a certificate of  
8 registration pursuant to the "Family Day Care Provider  
9 Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.);

10 "Commissioner" means the Commissioner of Human Services;]

11 "Condominium" means a condominium formed under the  
12 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.);

13 "Cooperative" means a cooperative as defined under "The  
14 Cooperative Recording Act of New Jersey," P.L.1987, c.381  
15 (C.46:8D-1 et seq.); and

16 "Horizontal property regime" means a horizontal property  
17 regime formed under the "Horizontal Property Act," P.L.1963,  
18 c.168 (C.46:8A-1 et seq.).

19 (cf: P.L.1991, c.278, s.2)

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

22 3. As used in this act:

23 a. "Certificate of registration" means a certificate issued by  
24 the division to a family day care provider, acknowledging that the  
25 provider is registered pursuant to the provisions of this act.

26 b. "Division" means the Division of Youth and Family Services  
27 in the State Department of Human Services.

28 c. "Family day care home" means a private residence in which  
29 child care services are provided for a fee to no less than three  
30 and no more than five children at any one time for no less than 15  
31 hours per week; except that the division shall not exclude a  
32 family day care home with less than three children from  
33 voluntary registration. A child being cared for under the  
34 following circumstances is not included in the total number of  
35 children receiving child care services:

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

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

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

45 e. "Family day care sponsoring organization" means an agency  
46 or organization which contracts with the division to assist in the  
47 registration of family day care providers in a specific  
48 geographical area.

49 f. "Monitor" means to visit a family day care provider to  
50 review the provider's compliance with the standards established  
51 pursuant to this act.

52 (cf: P.L.1991, c.278, s.3)

53 3. Section 8 of P.L.1987, c.27 (C.30:5B-23) is amended to read  
54 as follows:



1 8. a. The division shall also establish standards for the  
2 issuance, renewal, denial, suspension and revocation of a  
3 certificate of registration which the family day care sponsoring  
4 organization shall apply. In developing the standards, the division  
5 shall consult with the Advisory Council on Child Care established  
6 pursuant to the "Child Care Center Licensing Act," P.L.1983,  
7 c.492 (C.30:5B-1 et seq.).

8 b. A person operating as a registered family day care provider  
9 who violates the provisions of this act by failing to adhere to the  
10 standards established by the division pursuant to this act shall be  
11 notified in writing of the violation of the provisions of this act  
12 and provided with an opportunity to comply with those  
13 provisions. For a subsequent violation, the person's certificate  
14 of registration may be revoked, or the person may be fined in an  
15 amount determined by the Commissioner of Human Services, or  
16 both. [The receipt of excessive complaints by the municipal  
17 police or other local or State authorities concerning neglect of  
18 children, excessive noise, or property damage resulting from the  
19 operation of a family day care home may be considered by the  
20 division when renewing, suspending or revoking a certificate of  
21 registration.]

22 c. The division, before denying, suspending, revoking or  
23 refusing to renew a certificate of registration, shall give notice  
24 thereof to the provider personally, or by certified or registered  
25 mail to the last known address of the family day care home with  
26 return receipt requested. The notice shall afford the provider the  
27 opportunity to be heard. The hearing shall take place within 60  
28 days from the receipt of the notice and shall be conducted in  
29 accordance with the "Administrative Procedure Act," P.L.1968,  
30 c.410 (C.52:14B-1 et seq.).

31 d. If the certificate of registration is suspended or revoked or  
32 not renewed, the provider shall so notify the parent of each child  
33 attending the family day care home in writing within 10 days of  
34 the action.

35 [e. The division shall not issue a certificate of registration or  
36 renewal to a person unless the division has first determined that  
37 no criminal history record information exists on file in the  
38 Federal Bureau of Investigation, Identification Division, or in the  
39 State Bureau of Identification in the Division of State Police,  
40 which would disqualify the applicant, assistant provider,  
41 substitute provider or any member of the applicant's household  
42 who is 18 years of age or older, from operating a registered  
43 family day care home.]

44 (cf: P.L.1991, c.278, s.5)

45 4. The following are repealed:

46 Sections 6 through 12, inclusive, of P.L.1991, c.278  
47 (C.30:5B-23.1 through 23.7); and

48 Section 13 of P.L.1991, c.278 (C.53:1-20.9).

49 5. This act shall take effect immediately.

50  
51 STATEMENT

52  
53 This bill amends P.L.1987, c.27 (C.30:5B-16 et seq.), the  
54 "Family Day Care Provider Registration Act," to delete language

1 that had been added by the enactment of P.L.1991, c.278.  
2 Provisions that have been deleted include:

- 3 a. Permitting local code enforcement officers to evaluate  
4 family day care homes on an advisory basis and to contact the  
5 home's family day care sponsoring organization concerning the  
6 correction of any code violation;
- 7 b. Requiring the sponsoring organization to provide each  
8 municipality with a list of all registered family day care  
9 providers within its jurisdiction and to keep the lists current and  
10 to provide the local police department, in each municipality  
11 which has family day care providers under its jurisdiction, with  
12 its mailing address and telephone number;
- 13 c. Requiring local police departments to forward to the  
14 sponsoring organization, all complaints it receives concerning a  
15 family day care provider;
- 16 d. Requiring sponsoring organizations to ensure that the  
17 physical environment, general safety, fire safety and outdoor  
18 space of family day care homes are in compliance with the  
19 regulations of the Division of Youth and Family Services (DYFS);
- 20 e. Allowing the sponsoring organization to revoke or suspend  
21 the certificate of registration to any provider who does not  
22 maintain the standards set forth by DYFS;
- 23 f. Allowing the receipt of excessive complaints of noise or  
24 property damage by the municipal police or other State or local  
25 officials to be used against a family day care home when  
26 reviewing a certificate of registration; and
- 27 g. Requiring DYFS not to issue a certificate of registration or  
28 renewal to a family day care provider unless it has been  
29 determined that no criminal history record information exists on  
30 file with the Federal Bureau of Investigation (FBI) or the State  
31 Police that would disqualify that provider.

32 The bill also amends section 2 of P.L.1991, c.278  
33 (C.40:55D-66.5b) to delete definitions that are no longer  
34 necessary under the provisions of this bill.

35 The bill repeals sections of P.L.1991, c.278 that supplemented  
36 the "Family Day Care Provider Act" mandating the Division of  
37 Youth and Family Services (DYFS) to require a criminal history  
38 background record check of an applicant for a certificate of  
39 registration as a family day care provider. The repealed sections  
40 provided that an applicant would be disqualified if a criminal  
41 history background record check of the applicant, assistant  
42 provider, substitute provider or any person residing in the  
43 applicant's household who is 18 years of age or older, reveals a  
44 record of conviction for any offense that has been determined, by  
45 the department, to render a person unfit to be a family day care  
46 provider. The repealed sections also required the commissioner  
47 to report to the Governor and the Legislature on the  
48 effectiveness of the background checks and to include in the  
49 report, any recommendations to modify the provisions of the law.

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54 Amends law concerning family day care homes.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 110**

**STATE OF NEW JERSEY**

DATED: APRIL 6, 1992

The Assembly Local Government Committee favorably reports Senate Bill No. 110 SCS (1R).

This bill amends the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.), to delete language that had been added by the enactment of P.L.1991, c.278. Provisions that have been deleted include: permitting local code enforcement officers to evaluate family day care homes on an advisory basis and to contact the home's family day care sponsoring organization concerning the correction of any code violation; requiring the sponsoring organization to provide each municipality with a list of all registered family day care providers within its jurisdiction and to keep the lists current, and to provide the local police department, in each municipality which has family day care providers under its jurisdiction, with its mailing address and telephone number; requiring local police departments to forward to the sponsoring organization all complaints it receives concerning a family day care provider; requiring sponsoring organizations to ensure that the physical environment, general safety, fire safety and outdoor space of family day care homes are in compliance with the regulations of the Division of Youth and Family Services (DYFS); and allowing the sponsoring organization to revoke or suspend the certificate of registration to any provider who does not maintain the standards set forth by DYFS.

The bill also amends section 2 of P.L.1991, c.278 (C.40:55D-66.5b) to provide that a family day care home under that act means the private residence of a family day care provider and not another's private residence used by a family day care provider.

The bill re-enacts a portion of a provision deleted from section 3 of P.L.1987, c.27 (C.30:5B-18) by P.L.1991, c.278. Under this bill the provision provides that a child that is legally related to the provider of day care and a child cared for as part of an employment agreement between a provider and an assistant or substitute provider of day care for no fee would not be included in determining the number of children being cared for in a family day care home.

Lastly, the bill renders inoperative certain other administrative procedures in regard to family day care homes until the first day of the 19th month following the enactment of this bill. These include: the provision preventing the Division of Youth and Family Services from issuing a certificate of registration or renewal to a family day care provider unless it has been determined that no criminal history record information exists on file with the Federal Bureau of Investigation (FBI) or the State Police that would disqualify that provider; and sections 6 through 13, inclusive, of P.L.1991, c.278 (C.30:5B-23.1 through 30:5B-23.7 and 53:1-20.9), mandating the

Division of Youth and Family Services to require a criminal history background record check of an applicant for a certificate of registration as a family day care provider. Those sections provide that an applicant would be disqualified if a criminal history background record check of the applicant, assistant provider, substitute provider or any person residing in the applicant's household who is 18 years of age or older, reveals a record of conviction for any offense that has been determined by the Department of Human Services to render a person unfit to be a family day care provider. The sections also require the Commissioner of Human Services to report to the Governor and the Legislature on the effectiveness of the criminal history background checks and to include in the report any recommendations to modify the provisions of the law.

The various requirements of the "Family Day Care Provider Registration Act" affected by the bill have proven to be too restrictive and costly. Since their enactment, many family day care providers who previously registered pursuant to the act have refrained from doing so and have "gone underground," thus removing them from any government oversight and defeating the purpose of the original legislation. Elimination or postponement of these requirements will encourage family day care providers to register again, so that they may be properly monitored. Effective registration, review and oversight of family day care providers protects children enrolled in such programs most importantly, and is therefore in the best interests of the public as well.

This bill is identical to Assembly Bill No. 1057.

SENATE COMMERCE COMMITTEE  
STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 110**  
**STATE OF NEW JERSEY**

DATED: JANUARY 30, 1992

The Senate Commerce Committee reports favorably Senate Committee Substitute for Senate, No. 110.

This bill, a Senate Committee Substitute for Senate, No. 110, amends P.L.1987, c.27 (C.30:5B-16 et seq.), the "Family Day Care Provider Registration Act," to delete language that had been added by the enactment of P.L.1991, c.278. Provisions that have been deleted include: permitting local code enforcement officers to evaluate family day care homes on an advisory basis and to contact the home's family day care sponsoring organization concerning the correction of any code violation; requiring the sponsoring organization to provide each municipality with a list of all registered family day care providers within its jurisdiction and to keep the lists current and to provide the local police department, in each municipality which has family day care providers under its jurisdiction, with its mailing address and telephone number; requiring local police departments to forward to the sponsoring organization all complaints it receives concerning a family day care provider; requiring sponsoring organizations to ensure that the physical environment, general safety, fire safety and outdoor space of family day care homes are in compliance with the regulations of the Division of Youth and Family Services (DYFS); and allowing the sponsoring organization to revoke or suspend the certificate of registration to any provider who does not maintain the standards set forth by DYFS.

The bill also amends section 2 of P.L.1991, c.278 (C.40:55D-66.5b) to delete definitions that are no longer necessary under the provisions of this bill and to provide that a family day care home under that act means the private residence of a family day care provider and not just another's private residence used by a family day care provider.

The bill re-enacts a portion of a provision deleted from section 3 of P.L.1987, c.27 (C.30:5B-18) by P.L.1991, c.278. Under this bill the provision provides that a child that is legally related to the provider of day care and a child cared for as part of an employment agreement between a provider and an assistant or substitute provider of day care for no fee would not be included in determining the number of children being cared for in a family day care home.

Lastly, the bill repeals certain other administrative procedures in regard to family day care homes.