

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:5B-16 to 30:5B-25

("Family Day
Care Provider
Registration
Act")

LAWS OF: 1987

CHAPTER: 27

Bill No: A343

Sponsor(s): Kern

Date Introduced: Pre-filed

Committee: Assembly: Appropriations; Health and Human Resources

Senate: -----

Amended during passage: Yes

Date of Passage: Assembly: December 13, 1986

Senate: December 15, 1986

Date of Approval: January 27, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 1-27-86 & 10-23-86

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

- 974.90
C536
1984g
- New Jersey. Legislature. Assembly. Corrections, Health and Human Services Committee. Public hearing on child care issues, held 10-15-84, Trenton, 1984.
- 974.90
C536
1985b
- New Jersey. Governor's Committee on Children's Services Planning. New Jersey action plan for children: recommendations...1985. Trenton, 1985.
(see especially pp. 107-110)
- 974.90
C536
1989b
- New Jersey. Division of Youth and Family Services. Report on the Family Day Care Provider Registration Act... April, 1989 Trenton, 1989.

27 87
1-27-87

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 343

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman KERN

AN ACT to provide for the protection of children through the
voluntary registration of family day care providers and
making an appropriation ****[therefore]**** ***therefor***.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Family
2 Day Care Provider Registration Act."

1 2. The Legislature finds ****[and declares]**** that it is in the
2 public interest to ****[provide for the mandatory]**** ***fund and*
3 *develop a system for the voluntary*** registration of family day
4 care providers ****[in order to promote the health, safety, welfare**
5 **and development of their enrolled children by assuring quality of**
6 **care, maintenance and supervision]**** ***to assure care, mainte-*
7 *nance and supervision for children which will be beneficial to their*
8 *health, safety, welfare and development***.

1 3. As used in this act:

2 a. "Certificate of registration" means a certificate issued by the
3 division to a family day care provider, acknowledging that the
4 provider is ****[a]**** registered ****[family day care provider, and**
5 **without which no person may operate as a family day care pro-**
6 **vider. The certificate shall be renewed every three years]**** ***pur-*
6A *suant to the provisions of this act***.

7 ****[b. "Contract" means a written agreement between the division**
8 **and a family day care sponsoring organization which authorizes**
9 **the sponsoring organization to assist the division in the registra-**

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendment adopted January 27, 1986.**

****—Assembly amendments adopted November 10, 1986.**

10 tion of family day care providers in a specific geographical area,
 11 for which purpose the sponsoring organization shall receive funds
 12 from the division based upon a fee for service, and to perform
 13 other functions with regard to family day care providers in ac-
 14 cordance with the provisions of this act and the regulations
 15 adopted thereunder.】**

16 **【c】** **b**. “Division” means the Division of Youth and
 17 Family Services in the State Department of Human Services.

18 **【d】** **c**. “Family day care home” means a private resi-
 19 dence in which child care services are provided for a fee to no less
 20 than three and no more than five children for no less than 15 hours
 21 per week**【. In determining whether a home shall register as a
 22 family day care home, a】** **; *except that the division shall not*
 23 *exclude a family day care home with less than three children from*
 24 *voluntary registration. A*** child being cared for under the follow-
 25 ing circumstances is not included in the total number of children
 26 receiving child care services:

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

29 (2) **【The child is being cared for】** *Care is being pro-*
 30 *vided*** as part of a cooperative agreement between parents *or*
 31 *guardians*** for the care of their children by one or more of the
 32 parents *or guardians***, where no payment for the care is being
 33 provided.

34 **【e】** **d**. “Family day care provider” means a person at
 35 least 18 years of age who is responsible for the operation and
 36 management of a family day care home **【and who has been issued
 37 a certificate of registration to operate as a family day care pro-
 38 vider】**.

39 **【f】** **e**. “Family day care sponsoring organization”
 40 means an agency or organization which contracts with the division
 41 to assist in the registration of family day care providers in a
 42 specific geographical area.

43 **【g】** **f**. “Monitor” means to visit a family day care
 44 **【sponsoring organization】** *provider*** to review **【its】**
 45 *the providers*** compliance with *the*** standards established
 46 **【by the division, and also to visit a family day care provider to
 47 review the provider’s compliance with standards and to provide
 48 technical assistance】** *pursuant to this act***.

49 **【h. “Registration” means a specific process by which a family
 50 day care provider is regulated to certify its compliance with the
 51 provisions of this act and regulations adopted thereunder.】**

1 4. a. The division **[shall]** *has the responsibility and*
 2 *authority to* contract with family day care sponsoring or-
 3 ganizations for the *voluntary* registration of family day care
 4 providers and shall adopt regulations for the operation and main-
 5 tenance of **[a]** family day care sponsoring **[organiza-**
 6 **tion]** *organizations*.

7 b. The division shall **[issue in writing a]** contract **[,** which
 8 is valid for a period of one year and is renewable, to **]** *in*
 9 *writing with* an agency or organization **[which authorizes]**
 10 *authorizing* the agency or organization to operate as a family
 11 day care sponsoring organization to assist in the *voluntary*
 12 registration of family day care providers *in a specific geograph-*
 13 *ical area* and to *perform other functions with regard to family*
 14 *day care providers in accordance with the provisions of this act*
 15 *and the regulations adopted thereunder for which purposes the*
 16 *organization shall* receive funds from the division **[for this**
 17 **purpose]** *based upon a fee for the service. The division shall*
 18 *contract with a family day care sponsoring organization for a*
 19 *period of one year*.

20 c. The division shall contract with one family day care sponsor-
 21 ing organization to serve each county; however, the division may,
 22 as it deems appropriate, contract with additional family day care
 23 sponsoring organizations in a county, except that the division
 24 shall make all necessary arrangements to avoid duplication of
 25 effort and to promote a cooperative working relationship among
 26 the sponsoring organizations. *Within one year following the*
 27 *effective date of this act there shall be a family day care sponsor-*
 28 *ing organization serving each county in this State.*

29 **[d. A family day care sponsoring organization shall be op-**
 30 **erational to serve each county in the State no later than one year**
 31 **following the date of enactment of this act. No later than two**
 32 **years following the date of enactment, no less than 50% of**
 33 **the total estimated family day care homes in the State shall be**
 34 **registered. No later than three years following the date of enact-**
 35 **ment, the remaining family day care homes in the State shall be**
 36 **registered.]**

1 5. a. A family day care sponsoring organization with which
 2 the division contracts is authorized to register family day care
 3 providers within its designated geographical area **[.** The spon-
 4 soring organization **]** *and* is responsible for providing
 5 administrative services, including, but not limited to, training,
 6 technical assistance, and consultation to family day care pro-

7 viders and inspection, supervision, monitoring and evaluation of
8 family day care providers.

9 b. The family day care sponsoring organization shall maintain
10 permanent records for each family day care provider ****[that]****
11 it registers ****[and]****. *The sponsoring organization* shall
12 also maintain its own staff ****[,]**** *and* administrative ****[,]****
13 and financial records. All records are open to inspection by an
14 authorized representative of the division for the purpose of deter-
15 mining compliance with this act.

16 ***c. The family day care sponsoring organization shall provide*
17 *a program of outreach and public relations to inform providers*
18 *of the provisions of this act.***

19 ****[c.]**** *6. a.* The family care sponsoring organization shall
20 evaluate a family day care provider prior to the issuance of a
21 certificate of registration. The evaluation shall include at least
22 one visit to the family day care home in addition to personal and
23 health references, and shall be made part of the family day care
24 sponsoring organization's permanent records for that provider.
25 ***The certificate of registration shall be renewed every three*
26 *years.*** The family day care provider ****[shall]**** *is required*
27 *to* pay a registration fee of \$25.00 to the sponsoring organiza-
28 tion ****[upon the issuance or renewal of]**** *each time* a
29 certificate *is granted or renewed*.

30 ****[d]**** *b.* The family day care sponsoring organization
31 shall provide ****[at least]**** *a minimum of* one preservice
32 training or orientation session for ****[a family day care pro-**
33 **vider]**** *each applicant for a certificate of registration* prior
34 to the issuance of ****[a]**** *the* certificate of registration and
35 shall ****[also]**** provide appropriate training, consultation and
36 technical assistance to the family day care provider after the
37 certificate of registration has been issued.

38 ****[e]**** *c.* The family day care sponsoring organization is
39 authorized to monitor and evaluate each registered family day
40 care provider at least once every two years. In addition, the
41 sponsoring organization shall annually monitor no less than 20%
42 of the family day care providers in its designated geographic
43 area on a random basis to insure compliance with *the* stan-
44 dards ****[and to]**** *established under this act,* provide assis-
45 tance and corrective action *is taken* as needed.

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

1 **[6]** **7**. a. **[A]** **Each** family day care provider
 2 registered by a family day care sponsoring organization shall be of
 3 good character with sufficient intelligence, stability, energy and
 4 maturity to care for children and shall guarantee that each child
 5 being cared for within the *provider's* home is under competent
 6 supervision at all times. The provider shall provide appropriate
 7 discipline **[as necessary]**, **[but]** excluding physical pun-
 8 ishment, *as necessary*.

9 b. **[A]** *Each* registered family day care home shall meet
 10 minimum life safety requirements, including adequate space, light,
 11 and ventilation, in addition to providing clean, nonhazardous faci-
 12 ties and furnishings.

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

9 b. **[The division shall notify in writing a]** *A* person
 10 operating as a *registered* family day care provider who vio-
 11 lates the provisions of this act by failing to **[register as a family**
 12 **day care provider or by failing to]** adhere to *the* standards
 13 established by the division pursuant to **[subsection a. of]** this
 14 **[section for the provisions of this]** act *shall be notified in*
 15 *writing of the violation of the provisions of this act* and **[shall**
 16 **provide the person]** *provided* with an opportunity to comply
 17 with **[the]** *those* provisions. For a subsequent violation,
 18 the person's certificate of registration **[as a family day care pro-**
 19 **vider]** may be **[subject to revocation]** *revoked*, or the
 20 person may be **[subject to a fine]** *fined* in an amount
 21 **[to be]** determined by the Commissioner of Human Services,
 22 or both.

23 c. The division, before denying, suspending, revoking or re-
 24 fusing to renew a certificate of registration, shall give notice
 25 *thereof* to the provider personally, or by certified or regis-
 26 tered mail to the last known address of the family day care home
 27 with return receipt requested. The notice shall afford the provider
 28 the opportunity to be heard. The hearing shall take place **[no**
 29 **later than]** *within* 60 days from the **[date of issuance**

30 or mailing] **** receipt**** of the notice and shall be conducted in
 31 accordance with the "Administrative Procedure Act," P. L. 1968,
 32 c. 410 (C. 52:14B-1 et seq.).

33 d. If the ****[division suspends or revokes a provider's]**** cer-
 34 tificate of registration ****is suspended or revoked or not renewed****,
 35 the provider shall so notify ****[in writing]**** the parent of each
 36 child attending the family day care home ****in writing within 10**
 37 **days of the action****.

1 ****9.** *The division shall prepare and submit to the Governor and*
 2 *the Legislature a report of its findings and recommendations no*
 3 *later than two years after the effective date of this act. The report*
 4 *shall include, but not be limited to, the following information: the*
 5 *number of family day care homes registered; the number of*
 6 *children served and their ages; the estimated number of family*
 7 *day care homes not registered; the number of inquires by parents*
 8 *or guardians to the family day care sponsoring organizations or*
 9 *to the State-operated child care clearinghouse; and an evaluation*
 10 *of the need for mandatory family day care registration.***

1 ****[8]** **10**.** *The Commissioner of Human Services shall*,
 2 pursuant to the "Administrative Procedure Act," P. L. 1968,
 3 c. 410 (C. 52:14B-1 et seq.), ****[shall]**** adopt ****[such rules**
 4 **and]**** regulations ****[as are]**** necessary to ****[effectuate]****
 5 ****implement**** the ****[purposes]**** ****provisions**** of this act.

1 ****[9]** **11**.** There is appropriated from the General Fund
 2 to the Department of Human Services the sum of ****[\$250,000.00]****
 3 ****[\$500,000.00]**** ****\$175,000.00**** to implement the provisions
 4 of this act.

1 ****[10]** **12**.** This act shall take effect ****[immediately]****
 2 ****on the 90th day following enactment****.

Designated the "Family Day Care Provider Registration Act;"
 appropriates \$175,000.

25 conducted in accordance with the "Administrative Procedure Act,"
 26 P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

27 d. If the division suspends or revokes a provider's certificate of
 28 registration, the provider shall so notify in writing the parent of
 29 each child attending the family day care home.

1 8. The Commissioner of Human Services, pursuant to the "Ad-
 2 ministrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et
 3 seq.), shall adopt such rules and regulations as are necessary to
 4 effectuate the purposes of this act.

1 9. There is appropriated from the General Fund to the Depart-
 2 ment of Human Services the sum of \$250,000.00 to implement the
 3 provisions of this act.

1 10. This act shall take effect immediately.

STATEMENT

This bill provides for the registration of all family day care homes operating in New Jersey and requires that they are certified to operate by the Division of Youth and Family Services (DYFS) in the Department of Human Services.

The bill defines a family day care home as a private residence in which child care services are provided for a fee to between three and five children for at least 15 hours per week, excluding children who are legally related to the provider and excluding any arrangement in which care is provided without payment for care provided.

The bill authorizes DYFS to contract with family day care sponsoring organizations to register family day care providers and to adopt regulations for the operation and maintenance of each sponsoring organization. A sponsoring organization, pursuant to its contract with DYFS, shall assist the division in the registration of family day care providers in a specific geographical area and receive funds from DYFS based upon a fee for service. The sponsoring organization shall also provide training, technical assistance and consultation to providers to assure their compliance with regulations. Each provider shall pay a registration fee to the sponsoring organization which in turn shall visit each provider in its area at least once every two years for the purpose of monitoring and evaluation.

A person operating as a family day care provider who fails to register in accordance with the requirements of this bill, or who fails to adhere to standards established by DYFS for the issuance, renewal, denial, suspension or revocation of a certificate of regis-

tration required of a family day care provider under this bill, shall be notified in writing of the provisions of the bill and provided with an opportunity to comply. For a subsequent violation, the provider's certificate of registration may be revoked or the provider may be subject to a fine in an amount to be determined by the Commissioner of Human Services, or both.

The bill provides a \$250,000.00 appropriation to the Department of Human Services and stipulates a phased-in implementation of the registration requirement for family day care homes Statewide over a three-year period.

ASSEMBLY HEALTH AND HUMAN RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 343

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 27, 1986

The Assembly Health and Human Resources Committee reports favorably Assembly Bill No. 343 with committee amendments.

This bill requires the registration of family day care homes, which shall be certified to operate by the Division of Youth and Family Services (DYFS) of the Department of Human Services.

New Jersey is one of a handful of states which currently does not require the licensure or registration of family day care homes, except for those few which receive public funding. State regulations governing child day care apply only to center-based care in which six or more children are enrolled. Nevertheless, family day care is now the predominant form of out-of-home, non-residential child day care, as well as the fastest growing child care option, in New Jersey.

The bill defines a family day care home as a private residence in which child care services are provided for a fee to between three and five children for at least 15 hours per week, excluding children who are legally related to the provider and excluding any arrangement in which care is provided as part of a cooperative agreement between parents without payment for the care provided.

DYFS is authorized to contract with family day care sponsoring organizations to register family day care providers and is directed to adopt regulations for the operation and maintenance of each sponsoring organization. A sponsoring organization, pursuant to its contract with DYFS, shall assist the division in the registration of family day care providers in a specific geographical area and receive funds from DYFS based upon a fee for service.

The sponsoring organization, in addition to registering family day care providers in its designated area, shall provide training, technical assistance and consultation to providers, as well as inspecting, supervising, monitoring and evaluating providers to assure their compliance with regulations. Each provider shall be required to pay a registration fee to the sponsoring organization which in turn shall be authorized by DYFS to visit each provider in its area at least once every two years for the purpose of monitoring and evaluation.

A person operating as a family day care provider who fails to register in accordance with the requirements of this bill, or who fails to adhere to standards established by DYFS for the issuance, renewal, denial, suspension or revocation of a certificate of registration required of a family day care provider under the provisions of this measure, shall be notified in writing of the provisions of this bill and provided with an opportunity to comply. For a subsequent violation, the provider's certificate of registration may be revoked or the provider may be subject to a fine in an amount to be determined by the Commissioner of Human Services, or both.

As amended by committee, the bill includes a \$500,000.00 appropriation to the Department of Human Services and provides for a phased-in implementation over a 3-year period. The committee amended the bill at the request of the sponsor to increase the appropriation from \$250,000.00 to \$500,000.00 in order to provide the department with more adequate funding to begin implementing the family day care home registration program.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 343

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STATE OF NEW JERSEY

DATED: OCTOBER 23, 1986

The Assembly Appropriations Committee reports without recommendation Assembly Bill No. 343 (OCR).

Assembly Bill No. 343 OCR requires the registration of family day-care homes and their certification by the Division of Youth and Family Services (DYFS) of the Department of Human Services.

DYFS is authorized to contract with family day-care sponsoring organizations to register family day-care providers. A sponsoring organization shall assist DYFS in the registration of family day-care providers in a specific geographical area and receive funds from the division based upon a fee for service. The sponsoring organization shall provide training, technical assistance and consultation to providers, as well as inspecting, supervising, monitoring and evaluating the providers to assure compliance with regulations. Each provider shall be required to pay a registration fee of \$25.00 to the sponsoring organization.

FISCAL IMPACT:

There is an appropriation in the amount of \$500,000.00 to the Department of Human Services to implement this act.