

30:SB-1 to 30:SB-15

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:5B-1 to 30:5B-15 (Child Care Center Licensing Act)

LAWS OF: 1983

CHAPTER: 492

Bill No: S1674

Sponsor(s): Lipman

Date Introduced: September 16, 1982

Committee: Assembly: -----

Senate: Labor, Industry & Professions: Institutions, Health & Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: January 5, 1984

Senate: December 12, 1983

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

12-1-83 & 3-7-83

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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1-17-84

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**SENATE, No. 1674****STATE OF NEW JERSEY**

INTRODUCED SEPTEMBER 16, 1982

By Senators LIPMAN, ORECHIO, FELDMAN, DiFRANCESCO  
STOCKMAN, BORNMEIMER, McMANIMON, RAND, WEISS,  
FORAN and SAXTON

Referred to Committee on Labor, Industry and Professions

AN ACT concerning the regulation and licensing of child care centers serving children under the age of **\*[14]\*** **\*\*[eight]\*\*** **\*\*six\*\*** and providing nonresidential, less-than-24-hour care, repealing chapter 70 of Title 18A of the New Jersey Statutes and making an appropriation.

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 "Child Care  
2 Center Licensing Act."

1 2. The Legislature finds that it is in the public interest to license  
2 and regulate child care programs and facilities in order to insure  
3 the continuous growth and development of children. The Legis-  
4 lature further finds that comprehensive child care programs are  
5 of value to the health, safety, education, physical and intellectual  
6 growth and general well-being of the children served and that the  
7 programs strengthen and supplement the family unit. The Legis-  
8 lature further finds that child care programs provide places for  
9 preventive health measures, early detection of illnesses and handi-  
10 caps and development of special talents and interests. The Legis-  
11 lature further finds the State and parents have a responsibility in  
12 the education of children and that the role of the teacher is es-  
13 sential to the continuous development of children. The Legislature  
14 further finds that experience indicates that the development of  
15 child care centers should be encouraged, whether publicly or pri-

**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:**

**\*—Senate committee amendments adopted March 7, 1983.**

**\*\*—Senate committee amendments adopted December 8, 1983.**

16 vately supported, to provide a full range of services benefiting the  
 17 child, parent and community and that there is a great need for  
 18 expansion of existing centers and for the establishment of addi-  
 19 tional centers.

1 3. As used in this act:

2 a. "Child" means any person under the age of **\*[14]\***  
 2A **\*\*[\*eight]\*\*\* \*\*six\*\***.

3 b. "Child care center" or "center" means any facility**\*\*[**, other  
 4 than a private residence,**]\*\*** which is maintained for the care,  
 5 development or supervision of six or more children *\*who attend the*  
 6 *facility\** for less than 24 hours a day. This term shall include, but  
 7 shall not be limited to such programs as private nonsectarian child  
 8 care centers, day care centers, drop in centers, day nursery schools,  
 9 nighttime centers, infant-toddler programs, school age programs,  
 10 play schools, boarding schools, employment related centers, co-  
 11 operative child care centers, child care centers which have already  
 12 received approval by the Department of Human Services prior to  
 13 the enactment of this act into law, and kindergartens that are not  
 14 an integral part of **\*[a regular]\*** *\*an\** elementary educational  
 15 institution or system. This term shall not include:

16 (1) Foster homes, group homes and other types of in-home resi-  
 17 dential facilities, and children's institutions, whether public or  
 18 private, providing care on a 24-hour basis;

19 (2) All programs operated by a **\*\*[county, city, municipal or]\*\***  
 20 **\*\*public\*\*** school district**\*\*[**, both public**]\*** and private **\*[and]\***  
 21 schools which are run solely for educational purposes. This exclu-  
 22 sion shall apply to kindergartens, prekindergarten programs which  
 23 are an integral part of an elementary educational institution or  
 24 system, or a child care center which is an integral part of a private  
 25 educational institution or system offering elementary education in  
 26 grades kindergarten through sixth;

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

30 (4) Special activities programs for children, including athletics,  
 31 hobbies, art, music, dance, and craft instruction, which are super-  
 32 vised by an adult, agency or institution;

33 (5) Youth camps required to be licensed under the "New Jersey  
 34 Youth Camp Safety Act," P. L. 1973, c. 375 (C. 26:12-1 et seq.);  
 35 and

36 (6) Day training centers operated by the Division of Mental  
 37 Retardation within the Department of Human Services.

38 c. "Commissioner" means the Commissioner of the Department  
 39 of Human Services.

40 d. "Department" means the Department of Human Services.

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

43 f. "Person" means any individual, corporation, company, asso-  
44 ciation, organization, society, firm, partnership, joint stock com-  
45 pany, the State or any political subdivision thereof.

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

1 4. No person shall conduct, maintain or operate a child care  
2 center unless a license has been obtained from the department  
3 pursuant to the terms of this act. A separate license shall be  
4 obtained for each location. The license shall be posted and dis-  
5 played by the sponsor at all times in a prominent location within  
6 the center. No license issued pursuant to this act shall be trans-  
7 ferable. A change in the sponsor of a licensed child care center  
8 shall require notification to the department within 14 calendar days  
9 and reapplication for licensure.

1 5. a. The department shall have responsibility and authority to  
2 license and inspect child care centers. The commissioner shall  
3 promulgate rules and regulations for the operation and mainte-  
4 nance of child care centers which shall prescribe standards govern-  
5 ing the \***mainten**ance and operation of child care programs, in-  
6 cluding the**】**\* safety and adequacy of the physical plant or facili-  
7 ties; the education, health, safety, general well-being and physical  
8 and intellectual development of the children; the quality and quan-  
9 tity of food served; the number of staff and the qualifications of  
10 each staff member; the implementation of a developmental *\*\*or\*\**  
11 age-appropriate program; the maintenance and confidentiality of  
12 records and furnishing of required information; the transportation  
13 of children; and the administration of the center. The commissioner  
14 shall also promulgate rules and regulations for license application,  
15 issuance, renewal, expiration, denial, suspension and revocation. In  
16 developing, revising or amending such rules and regulations, the  
17 commissioner shall consult with the *\*\***】**Council on Child Care in*  
18 *New Jersey<sup>】</sup>\*\* *advisory council*\*\* created pursuant to section 14*  
19 *of this act, and with other appropriate administrative officers and*  
20 *agencies, including the Departments of Health, Education and*  
21 *Labor, the Division of Motor Vehicles and the State Fire Marshal*  
22 *giving due weight to their recommendations. The rules and regula-*  
23 *tions promulgated pursuant to this act shall be adopted and*  
24 *amended in accordance with the "Administrative Procedure Act,"*  
25 *P. L. 1968, c. 410 (C. 52:14B-1 et seq.).*

26 *\*b. The department shall conduct an on site facility inspection*

27 *and shall evaluate the program of the child care center to determine*  
 28 *whether the center complies with the provisions of this act.\**

29 \***[b.]**\* \*c.\* Any rule or regulation involving physical examina-  
 30 tion, immunization or medical treatment shall include an appro-  
 31 priate exemption for any child whose parent or parents object  
 32 thereto on the ground that it conflicts with the tenets and practice  
 33 of a recognized church or religious denomination of which the  
 34 parent or child is an adherent or member.

35 \***[c.]**\* \*d.\* The \***[department's officers or employees]**\* \*depart-  
 36 ment\* shall have the authority to inspect and examine the physical  
 37 \*plant or\* facilities of \***[the]**\* \*a\* child care \***[centers]**\* \*center\*  
 38 and to inspect all documents, records, files or other data maintained  
 39 pursuant to this act during normal operating hours and without  
 40 prior notice.

41 \***[d.]**\* \*e.\* The department shall request the appropriate State  
 42 and local fire, health and building officials to conduct examinations  
 43 and inspections to determine compliance with State and local  
 44 ordinances, codes and regulations by a child care center. The in-  
 45 spections shall be conducted and the results reported to the depart-  
 46 ment within 60 days after the request.

47 \*f. Nothing in this act shall be interpreted to permit the adop-  
 48 tion of any code or standard which exceeds the standards estab-  
 49 lished pursuant to the "State Uniform Construction Code Act,"  
 50 P. L. 1975, c. 217 (C. 52:27D-119 et seq).\*

1 6. a. Any person operating a child care center on the effective  
 2 date of this act or desiring to operate a child care center shall make  
 3 application in the manner and on the forms prescribed by the com-  
 4 missioner. The license application form shall include, but shall not  
 5 be limited to, the following information:  
 6 the name and address of the child care center, its sponsor, the  
 7 staff, the qualifications of the staff members, each member of the  
 8 board of directors of the corporation, the child care center operator  
 9 if different from the sponsor, a description of the center's prem-  
 10 ises, facilities and programs, the number and age of children to be  
 11 enrolled in the center and the hours of its operation.

12 b. If a child care center meets the requirements of this act and  
 13 of the rules and regulations promulgated hereunder, the depart-  
 14 ment shall issue a license to the center. A license shall be valid for  
 15 a period of \***[three]**\* \*\***[two]**\*\* \*\*three\*\* years and may be  
 16 renewed at the end of that period, subject to continued compliance  
 17 with the provisions of this act.

1 7. If the department determines that, although in substantial  
 2 compliance, a child care center does not meet all the applicable pro-

3 visions of this act and the rules and regulations promulgated here-  
 4 under, but that the extent of the center's deviation from legal  
 5 requirements is not deemed hazardous to the education, health,  
 6 safety, general well-being, and physical and intellectual develop-  
 7 ment of the children, the department may issue a temporary license  
 8 which may be issued for a period up to six months. **\*\*[If, upon the**  
 9 **expiration of the temporary license, the department determines**  
 10 **that because of extraordinary circumstances the sponsor is still**  
 11 **temporarily unable to conform to the provisions of this act, the]****\*\***  
 12 **\*\*The\*\*** department may renew the temporary license **\*\*as often as**  
 13 **it deems necessary\*\***; but no child care center may operate with a  
 14 temporary license for more than **\*\*[one year]****\*\* \*\*a total of 18**  
 15 **months\*\***.

1 8. The commissioner shall establish **\*\*[the]** **\*a minimum\*** fee  
 2 to be paid by each child care center at the time of application for  
 3 a license and at every renewal of a license. **\*\*[The fee shall be**  
 4 **related to the cost of processing the application and performing**  
 5 **the inspection of the center. The commissioner shall in addition**  
 6 **establish a minimum fee.]\*\***

1 9. The department may deny, suspend, revoke or refuse to renew  
 2 a license for good cause, including, but not limited to:

3 a. Failure of a child care center or its sponsor to comply with  
 4 the provisions of this act;

5 b. Violation of the terms and conditions of a license by a child  
 6 care center or its sponsor;

7 c. Use of fraud or misrepresentation by a child care center or  
 8 its sponsor in obtaining a license or in the subsequent operation  
 9 of the center;

10 d. Refusal by a center or its sponsor to furnish the department  
 11 with required files, reports or records;

12 e. Refusal by a center or its sponsor to permit an inspection by  
 13 an authorized representative of the department during normal  
 14 operating hours; **\*\*[or]\*\***

15 f. Any conduct, engaged in or permitted, which adversely affects  
 16 or presents a serious hazard to the education, health, safety and  
 17 general well-being and physical and intellectual development of a  
 18 child attending the child care center, or which otherwise demon-  
 19 strates unfitness to operate a child care center **\*\*[.]\*\*** **;** **or\*\***

20 g. Failure to provide a developmental **\*\*or\*\*** age-appropriate  
 21 program that meets the **\*\*[individual,]\*\*** physical, social, emo-  
 22 tional and cognitive needs of **\*\*[each child]\*\*** **\*\*the children in the**  
 23 **center as set forth by regulation\*\***.

1 10. **\*a.\*** The department, before denying, suspending, revoking

2 or refusing to renew a license, shall give notice to the sponsor per-  
 3 sonally, or by certified or registered mail to the last known address  
 4 of the sponsor with return receipt requested. The notice shall  
 5 afford the sponsor with an opportunity to be heard \***[at a time and**  
 6 **place specified in the notice]**\*. The hearing shall take place within  
 7 60 days from the issuance or mailing of the notice\***[**. The sponsor  
 8 shall have the right to be heard in person or through an attorney,  
 9 and to offer evidence pertinent to the subject of the hearing. The  
 10 hearing]**]\*** \*and\* shall be conducted in accordance with the "Ad-  
 11 ministrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1  
 12 et seq.).

13 \***[The parents of a child in a child care center shall receive**  
 14 notice, personally and in writing, of the center's suspension or  
 15 revocation of its license from the child care center's sponsor.]**]\***

16 *\*b. If the center's license is suspended or revoked, the parent*  
 17 *of a child in the center shall receive notice thereof personally and*  
 18 *in writing, by the center's sponsor or operator.\**

1 11. The commissioner is authorized to institute a civil action in  
 2 a court of competent jurisdiction for injunctive relief to enjoin  
 3 the operation of a child care center whenever the commissioner  
 4 determines that:

5 a. There is an imminent danger or hazard that threatens the  
 6 \***[education,]**\* health\***[,]**\* \*and\* safety\***[**, general well-being and  
 7 physical and intellectual development]**]\*** of children in the center;

8 b. The center or its sponsor has repeatedly violated the provi-  
 9 sions of this act; or

10 c. A child care center \***[opens]**\* \*has opened\* or \***[continues**  
 11 to operate]**]\*** \*is operating\* without a license or without complying  
 11a with the provisions of this act.

12 The commissioner may, in addition, request such other relief as  
 13 is deemed necessary. In any such action the court may proceed in  
 14 a summary manner.

1 12. Any person aggrieved by a final decision of the commissioner  
 2 is entitled to seek judicial review in the Appellate Division of the  
 3 Superior Court. All petitions for review shall be filed in accordance  
 4 with the rules of the court.

1 13. Any person who operates or assists in the operation of a  
 2 child care center which does not have a license or temporary license,  
 3 or who has used fraud or misrepresentation in obtaining a license  
 4 or in the subsequent operation of a center, or who offers, advertises  
 5 or provides any service not authorized by a valid license or who  
 6 violates any other provision of this act shall be guilty of a crime  
 7 of the fourth degree.

1   \*\*[14. a. There is created a Council on Child Care in New Jersey  
 2   \*[in the Division of Youth and Family Services in]\* *\*to be allo-*  
 3   *cated within\** the Department of Human Services, herein referred  
 4   to as the "council." *\*The council shall be independent of any*  
 5   *supervision or control of the department or any board or officer*  
 6   *thereof.\** The council shall consist of **\*[17]\*** *\*13\** members. The  
 7   Commissioners of Human Services, Health, Education and Labor  
 8   **\*[shall serve as members, or their designees,]\*** and the Director  
 9   of the Division on Women in the Department of Community Af-  
 10   fairs, or **\*[her designee]\*** *\*their designees, shall serve as ex officio*  
 11   *members\*.*

12   The Governor shall appoint without regard to political affiliation  
 13   two members who are sponsors of child care centers licensed under  
 14   the provisions of this act and who are representative of all child  
 15   care *\*center\** sponsors in the State, two members who are parents  
 16   of children served by licensed child care centers at the time of  
 17   their appointments and who are representative of all such parents  
 18   in the State **\*[and]\*** *\*,\* two members who are **\*[representatives]\****  
 19   *\*representative\** of employment related child care centers\*, *three*  
 20   *members who are professionals in the field of early childhood edu-*  
 21   *cation and development, three members who are child care advo-*  
 22   *cates and one licensed physician who specializes in the care and*  
 23   *treatment of children\*.* In appointing the initial two sponsor-  
 24   members of the council, the Governor shall appoint two sponsors  
 25   of centers which are eligible for licensure under this act. Receipt  
 26   of a license shall be a condition **\*[to]\*** *\*of\** continued membership  
 27   on the council. Likewise, it shall be sufficient if the two initial  
 28   parent-members have children who attend centers eligible for  
 29   licensure.

30   **\*[Three members who are professionals in the field of early**  
 31   childhood education and development shall be appointed by the  
 32   Commissioner of the Department of Education. Three members  
 33   shall be appointed by the Commissioner of the Department of  
 34   Human Services.]\*

35   Vacancies in the membership of the council shall be filled in the  
 36   same manner as the original appointments were made. Members  
 37   shall continue to serve until their successors are appointed. Mem-  
 38   bers shall serve without compensation but shall be reimbursed for  
 39   reasonable expenses incurred in the performance of their duties.

40   **\*[In the performance of its duties the council shall establish and**  
 41   maintain a professional staff.]\* *\*The council shall hire an execu-*  
 42   *tive director who shall also serve as chief financial officer for the*  
 43   *council.\** The council shall be entitled to call for assistance and



44 avail itself of the services of the employees of any State, county or  
 45 municipal department, board, bureau, commission or agency as it  
 46 may require and as may be available to it for that purpose, **\*[and**  
 47 **to]**\* employ **\*[counsel]**\* *professional staff and* stenographic  
 48 and clerical assistants and incur traveling and other miscellaneous  
 49 expenses as it may deem necessary, in order to perform its duties,  
 50 and as may be within the limits of funds appropriated or otherwise  
 51 made available to it for these purposes. The members shall elect  
 52 a chairperson from among their membership.

53 A simple majority of the members of the council shall constitute  
 54 a quorum, the presence of which at any meeting thereof duly called  
 55 by the chairperson of the council, or upon the request of any four  
 56 members of the council, shall have authority to act upon and resolve  
 57 in the name of the council any matter brought to its attention by  
 58 an interested individual or child care group in the State. The  
 59 council shall conduct at least two meetings annually. **.]\*\***

59A **\*\*14. a. The Director of the Division of Youth and Family**  
 59B **Services in the Department of Human Services and the Director of**  
 59C **the Division on Women in the Department of Community Affairs**  
 59D **shall establish and designate an advisory council which shall consist**  
 59E **of at least 15 individuals who have experience, training or other**  
 59F **interests in child care issues. To the extent possible, the directors**  
 59G **shall designate members of existing councils or task forces hereto-**  
 59H **fore established on child care in New Jersey as the advisory**  
 59I **council.\*\***

60 b. The **\*\*advisory\*\*** council shall:

61 (1) **\*[Propose]**\* *Review* rules and regulations or *proposed*  
 62 revisions to existing rules and regulations governing the licensing  
 63 of child care centers;

64 (2) Review proposed statutory amendment **\*[and proposed**  
 65 **rules and regulations]**\* governing the licensing of child care  
 66 centers and make recommendations to the commissioner;

67 (3) Advise the commissioner on the administration of the licens-  
 68 ing responsibilities under this act;

69 (4) Advise the commissioner on the needs, priorities, programs,  
 70 and policies relating to child care throughout the State;

71 (5) Study and recommend alternative resources for child care;  
 72 and

73 (6) Facilitate employment related child care through informa-  
 74 tion and technical assistance.

75 *\*c. The \*\*advisory\*\* council may accept from any governmental*  
 76 *department or agency, public or private body or any other source*  
 77 *grants or contributions to be used in carrying out its responsibilities*  
 78 *under this act.\**

1 15. The *\*\*advisory\*\** council shall prepare and submit to the  
 2 *\*\*[Legislature]\*\* \*Senate Institutions, Health and Welfare Com-  
 3 mittee and General Assembly Corrections, Health and Human  
 4 Services Committee\** an annual report of its findings and recom-  
 5 mendations. *\*\*[The Legislature through the Senate Institutions,  
 6 Health and Welfare Committee and the General Assembly Correc-  
 7 tions, Health and Human Services Committee shall periodically  
 8 review the development, administration and operation of the child  
 9 care center licensing activities, and a summary of council recom-  
 10 mendations concerning the provisions of this act or regulations  
 11 promulgated pursuant to the provisions of this act.]\*\**

1 16. There is appropriated from the General State Fund to the  
 2 department the sum of *\*\*[\$250,000.00]\*\* \*\*\$100,000.00\*\* \*  
 3 [or as much as is necessary to effectuate the purposes]\*\* \*to implement  
 4 the child care center licensing provisions\* of this act *\*and the sum  
 5 of **\*\*[\$50,000.00]\*\* \*\*\$25,000.00\*\* to the *\*\*advisory\*\** council to  
 6 implement its responsibilities under this act\*.****

1 17. Chapter 70 of Title 18A of the New Jersey Statutes is  
 2 repealed, except that:

3 a. Any child care center previously exempt from licensure under  
 4 N. J. S. 18A:70-1 et seq. and covered by the provisions of this act  
 5 shall be required to apply for a license within 90 days after the  
 6 effective date of this act; and

7 b. Any license issued pursuant to N. J. S. 18A:70-1 et seq. shall  
 8 remain in effect until its date of expiration, for purposes of which  
 9 N. J. S. 18A:70-1 et seq. and rules and regulations promulgated  
 10 thereunder shall remain in effect.

11 *\*c. A child care center operating on the effective date of this  
 12 act which is exempt from the licensing provisions of N. J. S.  
 13 18A:70-1 et seq. because it is operated by an aid society of a prop-  
 14 erly organized and accredited church shall be **\*\*[licensed as a child  
 15 care center under the provisions of this act notwithstanding the  
 16 center's noncompliance with any of the rules and regulations for  
 17 the operation and maintenance of child care centers promulgated  
 18 pursuant to section 5 of this act if (1) the center is in substantial  
 19 compliance with the department's physical plant or facilities stan-  
 20 dards for child care centers and (2) the department determines the  
 21 deviation from the physical plant or facilities standards is not  
 22 hazardous to the health and safety of the children attending the  
 23 center]\*\* \*\*required to comply with physical facility and life/  
 24 safety requirements of the department's regulations (N. J. A. C.  
 25 10:122-5.1 to 10:122-5.4). The department shall issue a certificate  
 26 of approval to those centers meeting those requirements\*\*.*** A

27 center so **\*\*[licensed]\*\*** **\*\*certified\*\*** hereafter shall be exempt  
28 from the other rules and regulations for the operation and mainte-  
29 nance of child care centers promulgated pursuant to section 5 of  
30 this act.\* **\*\*Nothing in this act shall prevent a center exempted**  
31 **under this subsection from securing a regular license on a voluntary**  
32 **basis.\*\***

1 18. This act shall take effect 120 days after the date of enact-  
2 ment.

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59 (5) Study and recommend alternative resources for child care;  
60 and

61 (6) Facilitate employment related child care through informa-  
62 tion and technical assistance.

1 15. The council shall prepare and submit to the Legislature an  
2 annual report of its findings and recommendations. The Legis-  
3 lature through the Senate Institutions, Health and Welfare Com-  
4 mittee and the General Assembly Corrections, Health and Human  
5 Services Committee shall periodically review the development,  
6 administration and operation of the child care center licensing  
7 activities, and a summary of council recommendations concerning  
8 the provisions of this act or regulations promulgated pursuant to  
9 the provisions of this act.

1 16. There is appropriated from the General State Fund to the  
2 department the sum of \$250,000.00 or as much as is necessary to  
3 effectuate the purposes of this act.

1 17. Chapter 70 of Title 18A of the New Jersey Statutes is  
2 repealed, except that:

3 a. Any child care center previously exempt from licensure under  
4 N. J. S. 18A:70-1 et seq. and covered by the provisions of this act  
5 shall be required to apply for a license within 90 days after the  
6 effective date of this act; and

7 b. Any license issued pursuant to N. J. S. 18A:70-1 et seq. shall  
8 remain in effect until its date of expiration, for purposes of which  
9 N. J. S. 18A:70-1 et seq. and rules and regulations promulgated  
10 thereunder shall remain in effect.

1 18. This act shall take effect 120 days after the date of enact-  
2 ment.

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#### STATEMENT

This bill revises the statutory procedures for the licensure of child care centers. It provides for the licensure of facilities serving six or more children between birth and 14 years of age. The child care centers must meet the standards governing the education, health, safety, general well-being and physical and intellectual development of the children being served. The quality and quantity of food served, the qualifications of staff and the implementation of a developmental age-appropriate program are also regulated.

This bill also provides for a Council on Child Care in New Jersey whose members shall include parents of children served by child care centers, professionals in the field of child education and development, sponsors of child care centers, representatives of employment related child care, the Commissioners of the Depart-

51674 (1983)

ments of Human Services, Health, Education and Labor and the Director of the Division on Women. The council will advise and consult with the Department of Human Services on the administration of this act as well as function as a clearing house on employment related child care.

The present statutory procedure for licensure of child care centers was enacted in 1946. There have been no major changes in the system since that time. The purpose of this bill is to modernize the system and establish comprehensive child care programs which protect the well-being and development of the child, and assist the child, parent and community by strengthening and supplementing the family unit.

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SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 1674**

[OFFICIAL COPY REPRINT]  
with committee amendments

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 1, 1983

Senate Bill No. 1674 OCR provides for the licensing and inspection of child care centers. The centers to be licensed are those that provide care to six or more children six years old or younger who attend the facility for less than twenty-four hours per day. The Commissioner of Human Services is directed to establish licensing and inspection fees.

The bill specifically exempts from licensing provisions of this act and the program standards to be promulgated pursuant to the act, any center operated by an aid society of an accredited church that was exempt from the licensing provisions of N. J. S. 18A:70-1, but the center must be in compliance with the facilities standards promulgated by the Department of Human Services.

An advisory council of at least 15 members is created in section 14 of the bill. The council is to be appointed by the Directors of the Division of Youth and Family Services and the Division on Women.

The bill appropriates \$125,000.00, of which \$100,000.00 is to the Department of Human Services to implement the act and \$25,000.00 to the council to implement its responsibilities.

The bill takes effect 120 days following enactment.

The committee amendments restore the licensing period from two to three years. They also provide that church sponsored child care centers are not required to be licensed pursuant to this act, but would be certified so long as facility and life safety standards were met. The age of the children was reduced from eight to six and the total appropriation was reduced from \$300,000.00 to \$125,000.00. The advisory council is to be appointed by the two division directors and is to include not less than 15 members.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO

**SENATE, No. 1674**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 7, 1983

With amendments proposed by the sponsor, this bill establishes new procedures and standards for the licensing of child care centers. The bill requires that all facilities which provide care to 6 or more children under the age of 8 for less than 24 hours a day shall be licensed and shall be required to meet State standards governing the education, health, safety, physical and intellectual development of the children served at the center.

The bill provides that any existing center operated by an aid society of an accredited church which was exempt from licensing requirements under N. J. S. 18A:70-1 et seq. shall be granted a license notwithstanding its noncompliance with child care center program standards if the center is in substantial compliance with the physical plant and facilities requirements of the department.

The bill also establishes an 11 member Council on Child Care in New Jersey which shall be allocated to the Department of Human Services but independent of the department in its administration. The council is directed to review legislation and rules and regulations concerning child care and advise the Commissioner of Human Services on issues concerning child care in this State. This bill appropriates \$250,000.00 to the Department of Human Services to carry out the licensing provisions of the bill and \$50,000.00 to the Council on Child Care to carry out its duties.

Committee amendments were recommended by the sponsor and several of the amendments make technical changes in the bill to clarify the sponsor's intent. Substantive amendments make the following changes: the definition of child is changed from a person 14 years or younger to a person eight years or younger; membership on the Council on Child Care shall be 13 voting members appointed by the Governor and five ex-officio members; the council shall be allocated within the Department of Human Services but independent of any supervision or control of the department; the council is authorized to accept funds or donations from any public or private source; an appropriation of \$50,000.00 is added for the council; and currently operating religious

aid society child care centers are exempt from the licensing regulations governing the operation and maintenance of centers if they substantially comply with the State's physical plant and facilities standards for child care centers. This last amendment will enable most of the aid society child care centers to continue to operate without incurring substantial new costs for additional facilities and staff.

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