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"N.J. home-based day care providers must undergo background checks," The Times, June 12, 2017

RWH/JA

§§1-5, 7 -
C.30:5B-25.5 to
30:5B-25.10
§8 - Note

P.L.2017, CHAPTER 89, *approved June 9, 2017*
Senate, No. 651 (*Second Reprint*)

1 AN ACT concerning family day care homes ¹**[and]** ¹ supplementing
2 chapter 5B of Title 30 of the Revised Statutes ¹, and amending
3 P.L.2000, c.77¹.
4

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

8 1. ²(New section)² As used in this act:

9 "Certificate of registration" means a certificate of registration as
10 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

11 "Family day care home" means a family day care home as
12 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

13 "Family day care provider" means a family day care provider as
14 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

15 "Family day care sponsoring organization" means a family day
16 care sponsoring organization as defined in section 3 of
17 P.L.1987, c.27 (C.30:5B-18).

18 "Household member" means a person 18 years of age or older
19 who resides in a family day care home.
20

21 2. ²(New section)² a. ¹**[As]** By October 1, 2017, and as¹ a
22 condition of issuance or renewal of a certificate of registration
23 ¹thereafter¹, the Department of Children and Families shall
24 ¹**[ensure that]** require the following persons to undergo¹ a State and
25 federal criminal history record background check ¹**[is conducted on**
26 **a]**, in accordance with the provisions of section 3 of P.L. _____,
27 c. (C. _____) (pending before the Legislature as this bill): (1) any¹
28 person ¹**[registering as]** who is¹ a prospective or current family day
29 care provider ¹**[, an]**; any¹ assistant provider, substitute
30 provider, or alternate provider of the prospective or current family
31 day care provider ¹**[, or]**; and (3)¹ any household member of the
32 prospective or current family day care provider. The background
33 check shall be conducted by the Division of State Police in the
34 Department of Law and Public Safety ^{1,1} and shall include an

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:

¹Senate SHH committee amendments adopted November 3, 2016.

²Assembly AWC committee amendments adopted January 19, 2017.

1 examination of ¹["its own"] State¹ files and the obtaining of a similar
2 examination ¹of federal files¹ by federal authorities.

3 b. ¹["If a prospective or current family day care provider, an
4 assistant provider, substitute provider, or alternate provider of the
5 prospective or current family day care provider, or any household
6 member of the family day care provider refuses to consent to, or
7 cooperate in, the securing of a criminal history record background
8 check, a family day care sponsoring organization shall deny the
9 prospective or current family day care provider's application for a
10 certificate or renewal of registration

11 c.]¹ If ¹["a prospective or current family day care provider, an
12 assistant provider, substitute provider, or alternate provider of the
13 prospective or current family day care provider, or any household
14 member of the family day care provider"] a criminal history record
15 background check reveals that a person identified in subsection a.
16 of this section¹ has a record of ¹["criminal history"] disqualifying
17 convictions¹, the department shall advise the sponsoring
18 organization ¹, in accordance with the provisions of section 4 of
19 P.L. , c. (C.) (pending before the Legislature as this bill),¹
20 of the results of the criminal history record background check ¹,¹
21 within a time period to be determined by the department.

22
23 3. ²(New section)² a. The department shall not issue a
24 certificate or renewal of registration to a prospective or current
25 family day care provider ¹, and shall revoke the existing registration
26 held by a current family day care provider, as the case may be,¹ if
27 ¹["a criminal history record background check of a"] the provider, or
28 any other relevant¹ person ¹["registering as a prospective or current
29 family day care provider, an assistant provider, substitute provider,
30 or alternate provider of the prospective or current family day care
31 provider, or any household member of the prospective or current
32 family day care provider, reveals"] listed in subsection a. of section
33 2 of P.L. c. (C.) (pending before the Legislature as this bill:

34 (1) refuses to consent to, or cooperate in, the securing of a
35 criminal history record background check;

36 (2) knowingly makes a materially false statement in connection
37 with a criminal history record background check;

38 (3) is registered, or is required to be registered, on a State sex
39 offender registry or repository, or on the National Sex Offender
40 Registry established under the "Adam Walsh Child Protection and
41 Safety Act of 2006," 42 U.S.C. 16901 et seq.; or

42 (4) is found by a criminal history record background check to
43 have¹ a record of conviction for any of the following crimes and
44 offenses:

45 ¹["(1) In New Jersey, any crime or disorderly persons offense as
46 follows:"]¹

- 1 (a) a crime against a child, including endangering the welfare of
2 a child and child pornography pursuant to N.J.S.2C:24-4, and child
3 molestation as set forth in N.J.S.2C:14-1 et seq.;
- 4 (b) abuse, abandonment or neglect of a child pursuant to R.S.9:6-
5 3;
- 6 (c) endangering the welfare of an incompetent person pursuant to
7 N.J.S.2C:24-7;
- 8 (d) sexual assault, criminal sexual contact or lewdness pursuant
9 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- 10 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
11 to N.J.S.2C:11-4;
- 12 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
- 13 (g) kidnapping and related offenses including criminal restraint;
14 false imprisonment; interference with custody; criminal coercion; or
15 enticing a child into a motor vehicle, structure, or isolated area
16 pursuant to N.J.S.2C:13-1 through 2C:13-6;
- 17 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking
18 widespread injury or damage, which would constitute a crime of the
19 second degree pursuant to N.J.S.2C:17-2;
- 20 (i) terroristic threats pursuant to N.J.S.2C:12-3;
- 21 (j) aggravated assault, which would constitute a crime of the
22 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 23 (k) robbery, which would constitute a crime of the first degree
24 pursuant to N.J.S.2C:15-1;
- 25 (l) burglary, which would constitute a crime of the second degree
26 pursuant to N.J.S.2C:18-2;
- 27 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
28 et seq.); ¹**[or]**¹
- 29 (n) ¹any drug related offense committed within the preceding
30 five year period; or
- 31 (o)¹ an attempt or conspiracy to commit any of the crimes or
32 offenses listed in paragraphs (a) through ¹**[(m)]** (n)¹ of this
33 subsection.
- 34 ¹**[(2) In]** b. For the purposes of this section, a person shall be
35 deemed to have a disqualifying record of conviction if the person
36 has been convicted in New Jersey of any of the crimes listed in
37 subsection a. of this section, or if the person has been convicted in¹
38 any other state or jurisdiction, of conduct which, if committed in
39 New Jersey, would constitute any of the crimes or disorderly
40 persons offenses described in ¹**[paragraph (1) of this]** that¹
41 subsection.
- 42 ¹**[b.** Notwithstanding the provisions of subsection a. of this
43 section to the contrary, a certificate of registration or renewal of a
44 certificate of registration shall not be denied on the basis of any
45 conviction disclosed by a criminal history record check performed
46 pursuant to this act, if the individual has affirmatively demonstrated
47 to the Commissioner of Children and Families clear and convincing

1 evidence of rehabilitation. In determining whether an individual
2 has affirmatively demonstrated rehabilitation, the following factors
3 shall be considered:

- 4 (1) the nature and responsibility of the position which the
5 convicted individual would hold;
6 (2) the nature and seriousness of the offense;
7 (3) the circumstances under which the offense occurred;
8 (4) the date of the offense;
9 (5) the age of the individual when the offense was committed;
10 (6) whether the offense was an isolated or repeated incident;
11 (7) any social conditions which may have contributed to the
12 offense; and
13 (8) any evidence of rehabilitation, including good conduct in
14 prison or in the community, counseling or psychiatric treatment
15 received, acquisition of additional academic or vocational
16 schooling, successful participation in correctional work-release
17 programs, or the recommendation of those who have had the
18 individual under their supervision.】¹

19 c. Notwithstanding the provisions of this section to the contrary,
20 a prospective or current provider's application for a certificate or
21 renewal of registration shall not be denied under this act on the
22 basis of any conviction disclosed by a criminal history record
23 background check performed pursuant to this act without an
24 opportunity to challenge the accuracy of the disqualifying criminal
25 history record pursuant to ¹subsection c. of¹ section 5 of P.L. ,
26 c. (C.) (pending before the Legislature as this bill).
27

28 4. ²(New section)² The Commissioner of ²【Children and
29 Families】 Human Services² shall ¹【require that the】 pay the¹ cost
30 of the criminal history record background checks conducted
31 pursuant to ¹【this act shall be paid by】 P.L. , c. (C.)
32 (pending before the Legislature as this bill)¹ ²【from the federal
33 Child Care and Development Block Grant,】² ¹on behalf of¹ the
34 prospective or current family day care providers, as applicable.
35

36 5. ²(New section)² a. The Commissioner of Children and
37 Families is authorized to exchange fingerprint data with, and to
38 receive information from, the Division of State Police in the
39 Department of Law and Public Safety and the Federal Bureau of
40 Investigation.

41 ¹b.¹ Upon receipt of ¹【the】¹ criminal history record information
42 ¹【for a person registering as a prospective or current family day
43 care provider, an assistant provider, substitute provider, or alternate
44 provider of the family day care provider, or any household member
45 of the family day care provider】¹ from the Federal Bureau of
46 Investigation and the Division of State Police, ¹for each of the
47 parties identified in subsection a. of section 2 of P.L. ,

1 c. (C.) (pending before the Legislature as this bill),¹ the
2 Department of Children and Families shall notify the family day
3 care provider, in writing, of the department's decision to approve or
4 deny the family day care provider's application for a certificate or
5 renewal of registration ¹, or its decision to revoke the family day
6 care provider's existing registration, as the case may be. The
7 department shall also advise the family day care provider, the
8 family day care sponsoring organization, and any person, other than
9 the provider, who was the subject of the criminal history record
10 background check, within a reasonable timeframe, of the results of
11 any criminal history record background check that is conducted¹
12 under section 3 of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14 ¹c.¹ If the ¹department denies an¹ application for a certificate or
15 renewal of registration ¹【is denied】 , or revokes an existing
16 registration, because the family day care provider, or other relevant
17 party listed in subsection a. of section 2 of P.L. , c. (C.)
18 (pending before the Legislature as this bill), has been determined to
19 have a disqualifying record of convictions, as provided by section 3
20 of P.L. , c. (C.) (pending before the Legislature as this
21 bill)¹, the convictions that constitute the basis for ¹【the】 such¹
22 denial ¹or revocation¹ shall be identified in the written notice ¹【to
23 the family day care provider. The】 of disqualifying convictions
24 that is provided to all parties under subsection b. of this section. In
25 such a case, the¹ family day care provider ¹or other person who was
26 the subject of the criminal history record background check¹ shall
27 have 14 days from the date of the written notice ¹【of denial】¹ to
28 challenge the accuracy of the criminal history record information
29 ¹upon which the denial or revocation was based¹. If no challenge is
30 filed ¹,¹ or if ¹【the determination of the accuracy of the criminal
31 history record information upholds】 a challenge is filed, but¹ the
32 denial ¹or revocation is upheld¹, the department shall notify the
33 family day care sponsoring organization that the family day care
34 ¹【provider has been denied a certificate or renewal of】 provider's¹
35 registration ¹has been denied or revoked on the basis of
36 disqualifying criminal history record information¹ .

37 ¹【b.】 d.¹ The Division of State Police shall promptly notify the
38 department ¹【in the event a prospective or current family day care
39 provider, an assistant provider, substitute provider, or alternate
40 provider of the prospective or current family day care provider, or
41 any household member of the family day care provider,】 whenever
42 a person¹ who was the subject of a criminal history record
43 background check ¹【conducted pursuant to subsection a. of this
44 section】 under section 3 of P.L. , c. (C.) (pending before
45 the Legislature as this bill)¹, is convicted of a crime or offense in

1 this State after the date on which¹ the background check was
 2 performed. Upon receipt of such notification, the department shall
 3 **make a determination regarding** determine whether to revoke¹
 4 the family day care provider's certificate of registration.

5

6 6. Section 5 of P.L.2000, c.77 (C.30:5B-6.14) is amended to
 7 read as follows:

8 5. a.¹ A current staff member and an individual seeking
 9 employment shall be permanently disqualified from employment at,
 10 or ownership or sponsorship of, a child care center if **the criminal**
 11 **history record background check of**¹ the staff member or
 12 individual **reveals** :

13 (1) refuses to consent to, or cooperate in, the securing of a
 14 criminal history record background check;

15 (2) knowingly makes a materially false statement in connection
 16 with a criminal history record background check;

17 (3) is registered, or is required to be registered, on a State sex
 18 offender registry or repository, or in the National Sex Offender
 19 Registry established under the "Adam Walsh Child Protection and
 20 Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or

21 (4) is found by a criminal history record background check to
 22 have¹ a record of conviction for any of the following crimes and
 23 offenses:

24 **a.** In New Jersey, any crime or disorderly persons offense as
 25 follows:

26 **(1)** (a)¹ a crime against a child, including endangering the
 27 welfare of a child and child pornography pursuant to N.J.S.2C:24-4
 28 **;** , and¹ child molestation as set forth in N.J.S. 2C:14-1 et seq.;

29 **(2)** (b)¹ abuse, abandonment ,¹ or neglect of a child
 30 pursuant to R.S.9:6-3;

31 **(3)** (c)¹ endangering the welfare of an incompetent person
 32 pursuant to N.J.S.2C:24-7;

33 **(4)** (d)¹ sexual assault, criminal sexual contact ,¹ or
 34 lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

35 **(5)** (e)¹ murder pursuant to N.J.S.2C:11-3 or manslaughter
 36 pursuant to N.J.S.2C:11-4;

37 **(6)** (f)¹ stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

38 **(7)** (g)¹ kidnapping and related offenses including criminal
 39 restraint; false imprisonment; interference with custody; criminal
 40 coercion; or enticing a child into a motor vehicle, structure ,¹ or
 41 isolated area pursuant to N.J.S.2C:13-1 through 2C:13-6;

42 **(8)** (h)¹ arson pursuant to N.J.S.2C:17-1, or causing or
 43 risking widespread injury or damage which would constitute a
 44 crime of the second degree pursuant to N.J.S.2C:17-2;

45 **(9)** (i)¹ terroristic threats pursuant to N.J.S.2C:12-3; **and**

- 1 (10) (j) aggravated assault, which would constitute a crime of
 2 the second or third degree pursuant to subsection b. of N.J.S.2C:12-
 3 1;
- 4 (k) robbery, which would constitute a crime of the first degree
 5 pursuant to N.J.S.2C:15-1;
- 6 (l) burglary, which would constitute a crime of the second
 7 degree pursuant to N.J.S.2C:18-2;
- 8 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
 9 et seq.);
- 10 (n) any drug related offense committed within the preceding five
 11 year period; or
- 12 (o)¹ an attempt or conspiracy to commit any of the crimes or
 13 offenses listed in ¹**【paragraphs (1)】** subparagraphs (a)¹ through
 14 ¹**【(9)】** (n)¹ of this subsection.
- 15 b. ¹**【In】** For the purposes of this section, a person shall be
 16 deemed to have a disqualifying record of conviction if the person
 17 has been convicted in New Jersey of any of the crimes listed in
 18 subsection a. of this section, or if the person has been convicted in¹
 19 any other state or jurisdiction, of conduct which, if committed in
 20 New Jersey, would constitute any of the crimes or disorderly
 21 persons offenses described in ¹that¹ subsection ¹**【a. of this**
 22 section】¹.
- 23 c. Notwithstanding the provisions of this section to the
 24 contrary, an individual shall not be disqualified from employment
 25 or ownership or sponsorship under P.L.2000, c.77 (C.30:5B-6.10 et
 26 al.) on the basis of any conviction disclosed by a criminal history
 27 record background check performed pursuant to P.L.2000, c.77
 28 (C.30:5B-6.10 et al.) without an opportunity to challenge the
 29 accuracy of the disqualifying criminal history record pursuant to the
 30 provisions of section 8 of P.L.2000, c.77 (C.53:1-20.9b).
 31 (cf: P.L.2000, c.77, s.5)
- 32
- 33 ^{17.1} ²(New section)² ¹**【6. The Commissioner of Children and**
 34 **Families shall, in accordance with】** Notwithstanding the provisions
 35 of¹ the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
 36 1 et seq.), ¹the Commissioner of Children and Families shall,
 37 immediately upon filing proper notice with the Office of
 38 Administrative Law,¹ adopt ¹**【any】¹ rules and regulations as the**
 39 commissioner deems necessary to ¹**【carry out】** implement¹ the
 40 provisions of ¹**【this act】** P.L. , c. (C.) (pending before the
 41 Legislature as this bill). Such rules and regulations shall remain in
 42 effect for a period not to exceed 12 months, and shall, thereafter, be
 43 amended, adopted, or readopted by the commissioner in accordance
 44 with the requirements of the "Administrative Procedure Act,"
 45 P.L.1968, c.410 (C.52:14B-1 et seq.)¹.

1 ¹~~7.~~ 8.¹ This act shall take effect on ¹~~the first day of the~~
2 seventh month next following enactment] July 1, 2017¹, except the
3 Commissioner of Children and Families may take such anticipatory
4 administrative action in advance thereof as shall be necessary for
5 the implementation of this act.

6

7

8

9

10 Requires family day care providers and certain household
11 members to undergo criminal history record background checks.

SENATE, No. 651

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Senators A.R.Bucco, Van Drew and Addiego

SYNOPSIS

Requires family day care providers and certain household members to undergo criminal history record background checks.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning family day care homes and supplementing
2 chapter 5B of Title 30 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "Certificate of registration" means a certificate of registration as
9 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

10 "Family day care home" means a family day care home as
11 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

12 "Family day care provider" means a family day care provider as
13 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

14 "Family day care sponsoring organization" means a family day
15 care sponsoring organization as defined in section 3 of
16 P.L.1987, c.27 (C.30:5B-18).

17 "Household member" means a person 18 years of age or older
18 who resides in a family day care home.

19

20 2. a. As a condition of issuance or renewal of a certificate of
21 registration, the Department of Children and Families shall ensure
22 that a State and federal criminal history record background check is
23 conducted on a person registering as a prospective or current family
24 day care provider, an assistant provider, substitute provider, or
25 alternate provider of the prospective or current family day care
26 provider, or any household member of the prospective or current
27 family day care provider. The background check shall be
28 conducted by the Division of State Police in the Department of Law
29 and Public Safety and shall include an examination of its own files
30 and the obtaining of a similar examination by federal authorities.

31 b. If a prospective or current family day care provider, an
32 assistant provider, substitute provider, or alternate provider of the
33 prospective or current family day care provider, or any household
34 member of the family day care provider, refuses to consent to, or
35 cooperate in, the securing of a criminal history record background
36 check, a family day care sponsoring organization shall deny the
37 prospective or current family day care provider's application for a
38 certificate or renewal of registration.

39 c. If a prospective or current family day care provider, an
40 assistant provider, substitute provider, or alternate provider of the
41 prospective or current family day care provider, or any household
42 member of the family day care provider has a record of criminal
43 history, the department shall advise the sponsoring organization of
44 the results of the criminal history record background check within a
45 time period to be determined by the department.

46

47 3. a. The department shall not issue a certificate or renewal of
48 registration to a prospective or current family day care provider if a

1 criminal history record background check of a person registering as
2 a prospective or current family day care provider, an assistant
3 provider, substitute provider, or alternate provider of the
4 prospective or current family day care provider, or any household
5 member of the prospective or current family day care provider,
6 reveals a record of conviction for any of the following crimes and
7 offenses:

8 (1) In New Jersey, any crime or disorderly persons offense as
9 follows:

10 (a) a crime against a child, including endangering the welfare of
11 a child and child pornography pursuant to N.J.S.2C:24-4, and child
12 molestation as set forth in N.J.S.2C:14-1 et seq.;

13 (b) abuse, abandonment or neglect of a child pursuant to
14 R.S.9:6-3;

15 (c) endangering the welfare of an incompetent person pursuant
16 to N.J.S.2C:24-7;

17 (d) sexual assault, criminal sexual contact or lewdness pursuant
18 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

19 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
20 to N.J.S.2C:11-4;

21 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

22 (g) kidnapping and related offenses including criminal restraint;
23 false imprisonment; interference with custody; criminal coercion; or
24 enticing a child into a motor vehicle, structure, or isolated area
25 pursuant to N.J.S.2C:13-1 through 2C:13-6;

26 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking
27 widespread injury or damage, which would constitute a crime of the
28 second degree pursuant to N.J.S.2C:17-2;

29 (i) terroristic threats pursuant to N.J.S.2C:12-3;

30 (j) aggravated assault, which would constitute a crime of the
31 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

32 (k) robbery, which would constitute a crime of the first degree
33 pursuant to N.J.S.2C:15-1;

34 (l) burglary, which would constitute a crime of the second
35 degree pursuant to N.J.S.2C:18-2;

36 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
37 et seq.); or

38 (n) an attempt or conspiracy to commit any of the crimes or
39 offenses listed in paragraphs (a) through (m) of this subsection.

40 (2) In any other state or jurisdiction, of conduct which, if
41 committed in New Jersey, would constitute any of the crimes or
42 disorderly persons offenses described in paragraph (1) of this
43 subsection.

44 b. Notwithstanding the provisions of subsection a. of this
45 section to the contrary, a certificate of registration or renewal of a
46 certificate of registration shall not be denied on the basis of any
47 conviction disclosed by a criminal history record check performed
48 pursuant to this act, if the individual has affirmatively demonstrated

1 to the Commissioner of Children and Families clear and convincing
2 evidence of rehabilitation. In determining whether an individual
3 has affirmatively demonstrated rehabilitation, the following factors
4 shall be considered:

- 5 (1) the nature and responsibility of the position which the
6 convicted individual would hold;
- 7 (2) the nature and seriousness of the offense;
- 8 (3) the circumstances under which the offense occurred;
- 9 (4) the date of the offense;
- 10 (5) the age of the individual when the offense was committed;
- 11 (6) whether the offense was an isolated or repeated incident;
- 12 (7) any social conditions which may have contributed to the
13 offense; and
- 14 (8) any evidence of rehabilitation, including good conduct in
15 prison or in the community, counseling or psychiatric treatment
16 received, acquisition of additional academic or vocational
17 schooling, successful participation in correctional work-release
18 programs, or the recommendation of those who have had the
19 individual under their supervision.

20 c. Notwithstanding the provisions of this section to the
21 contrary, a prospective or current provider's application for a
22 certificate or renewal of registration shall not be denied under this
23 act on the basis of any conviction disclosed by a criminal history
24 record background check performed pursuant to this act without an
25 opportunity to challenge the accuracy of the disqualifying criminal
26 history record pursuant to section 5 of P.L. , c. (C.)(pending
27 before the Legislature as this bill).

28
29 4. The Commissioner of Children and Families shall require
30 that the cost of the criminal history record background checks
31 conducted pursuant to this act shall be paid by the prospective or
32 current family day care providers, as applicable.

33
34 5. a. The Commissioner of Children and Families is authorized
35 to exchange fingerprint data with, and to receive information from,
36 the Division of State Police in the Department of Law and Public
37 Safety and the Federal Bureau of Investigation.

38 Upon receipt of the criminal history record information for a
39 person registering as a prospective or current family day care
40 provider, an assistant provider, substitute provider, or alternate
41 provider of the family day care provider, or any household member
42 of the family day care provider from the Federal Bureau of
43 Investigation and the Division of State Police, the Department of
44 Children and Families shall notify the family day care provider, in
45 writing, of the department's decision to approve or deny the family
46 day care provider's application for a certificate or renewal of
47 registration under section 3 of P.L. , c. (C.)(pending before
48 the Legislature as this bill). If the application for a certificate or

1 renewal of registration is denied, the convictions that constitute the
2 basis for the denial shall be identified in the written notice to the
3 family day care provider. The family day care provider shall have
4 14 days from the date of the written notice of denial to challenge
5 the accuracy of the criminal history record information. If no
6 challenge is filed or if the determination of the accuracy of the
7 criminal history record information upholds the denial, the
8 department shall notify the family day care sponsoring organization
9 that the family day care provider has been denied a certificate or
10 renewal of registration.

11 b. The Division of State Police shall promptly notify the
12 department in the event a prospective or current family day care
13 provider, an assistant provider, substitute provider, or alternate
14 provider of the prospective or current family day care provider, or
15 any household member of the family day care provider, who was
16 the subject of a criminal history record background check
17 conducted pursuant to subsection a. of this section, is convicted of a
18 crime or offense in this State after the date the background check
19 was performed. Upon receipt of such notification, the department
20 shall make a determination regarding the family day care provider's
21 certificate of registration.

22
23 6. The Commissioner of Children and Families shall, in
24 accordance with the "Administrative Procedure Act," P.L.1968,
25 c.410 (C.52:14B-1 et seq.), adopt any rules and regulations as the
26 commissioner deems necessary to carry out the provisions of this
27 act.

28
29 7. This act shall take effect on the first day of the seventh
30 month next following enactment, except the Commissioner of
31 Children and Families may take such anticipatory administrative
32 action in advance thereof as shall be necessary for the
33 implementation of this act.

34

35

36

STATEMENT

37

38 This bill provides that as a condition of issuance or renewal of a
39 certificate of registration as a family day care provider, the Department
40 of Children and Families (DCF) is to ensure that a State and federal
41 criminal history record background check is conducted on a person
42 registering as a prospective or current family day care provider, an
43 assistant provider, substitute provider, or alternate provider of the
44 prospective or current family day care provider, or any household
45 member 18 years of age or older of the prospective or current family
46 day care provider. Currently, family day care providers submit to
47 DCF child abuse registry checks pursuant to P.L.1993, c.350
48 (C.30:5B-25.1 et seq.).

1 Specifically, the bill provides that DCF is not to issue a certificate
2 or renewal of registration to a prospective or current family day care
3 provider if the criminal history record background checks required
4 under the bill reveal a record of conviction for any of the 14 crimes
5 and offenses enumerated in the bill.

6 Additionally, refusal to consent to, or cooperate in, the securing of
7 a criminal history record background check would result in denial of a
8 certificate of registration as a family day care provider.

9 The costs of the criminal history record background checks are to
10 be paid by the prospective or current family day care providers.

11 The bill also provides for the Division of State Police to notify
12 DCF in the event a person who was the subject of a criminal history
13 record background check under the bill is convicted of a crime or
14 offense in this State after the date the background check was
15 performed.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 651

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 19, 2017

The Assembly Women and Children Committee reports favorably and with committee amendments Senate Bill No. 651 (1R).

As amended by the committee, this bill would amend the law pertaining to child care centers, and would supplement the law pertaining to family day care providers, in order to clarify existing requirements, and impose new requirements, related to criminal history record background checks.

The amended bill would provide that, by October 1, 2017, and as a condition of the issuance or renewal of a family day care provider certificate of registration thereafter, the Department of Children and Families (DCF) is to require the following persons to undergo a State and federal criminal history record background check, in accordance with the bill's provisions: (1) each prospective or current family day care provider; (2) any assistant provider, substitute provider, or alternate provider of the prospective or current family day care provider; and (3) any household member of the prospective or current family day care provider, who is 18 years of age or older. Under existing law, family day care providers are required to submit to DCF child abuse registry checks pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.).

The bill would specify that DCF may not issue a certificate or renewal of registration to a prospective or current family day care provider, and is to revoke the existing registration held by a current family day care provider, as the case may be, if the provider, or any other person, identified above: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or on the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The cost of the criminal history record backgrounds checks required under the bill would be paid by the Commissioner of Human Services.

Upon the receipt of criminal background information indicating a disqualifying conviction, the DCF would be required to provide written notice to the family day care provider, the family day care sponsoring organization, and the person who was the subject of the criminal background check (if the person is someone other than the provider). The family day care provider, or other person with disqualifying convictions, would have 14 days after the date of such written notice to challenge the accuracy of the criminal history record information. If no challenge is filed, or if a challenge is denied, the commissioner would be required to notify the family day care sponsoring organization that the family day care provider's registration has been denied or revoked on the basis of disqualifying criminal history record information.

The Division of State Police would be required to notify DCF if any person who was the subject of a criminal history record background check under the bill's provisions is subsequently convicted of a crime or offense in this State.

The bill would also amend the law requiring criminal background checks for prospective or current employees, owners, or sponsors, of a child care center, in order to ensure that such persons will be subject to the same criminal background check requirements, and disqualified from service on the basis of the same disqualifying offenses, as are applicable to family day care providers. As is true of the provisions related to family day care providers, the amendments to the child care center law would specify, in particular, that a person is to be disqualified from employment, ownership, or sponsorship of a child care center if the person: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or in the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The bill would authorize the Commissioner of Children and Families to adopt rules and regulations, immediately upon filing with the Office of Administrative Law, to implement the bill's provisions. Such rules and regulations would remain in effect for a period not to exceed 12 months, and would, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- specifically enumerate, in section 2 of the bill, the three groups of persons who will be subject to criminal background history record checks for the purposes of family day care provider registration, and truncate other provisions of the bill that reference these three distinct groups by name, in order to eliminate such specific and redundant references and instead cite back to the enumerated list in section 2;
- specify a date certain (October 1, 2017) by which the DCF is to require initial criminal history record background checks for family day care providers;
- specify that a certificate of family day care registration shall not be issued or renewed, or shall be revoked, as the case may be, if the family day care provider, or other relevant person listed in section 2 of the bill, refuses to consent to, or cooperate in, the securing of a criminal history record background check; knowingly makes a materially false statement in connection with a criminal history record background check; is registered, or is required to be registered, on a State sex offender registry or repository, or on the National Sex Offender Registry; or has a disqualifying conviction as indicated by a criminal history record background check;
- include in the list of disqualifying offenses, for the purposes of family day care registration, any drug related offense committed within the preceding five year period;
- eliminate the provisions of the bill, related to family day care providers, which would have allowed a person to affirmatively demonstrate evidence of rehabilitation following disclosure of a disqualifying conviction;
- delete the provisions of the bill that would have required prospective or current family day care providers to pay the cost of criminal history record background checks, and instead provide that the costs would be paid by the Commissioner of Human Services;
- specify that, when the DCF obtains criminal history information indicating that a family day care provider or other relevant person listed in section 2 has a history of disqualifying convictions, the DCF is to provide notice of the disqualifying convictions to the prospective or current family day care provider, as well as to the family day care sponsoring organization, and the person who is the subject of the criminal background check (if that person is not the prospective or current family day care provider);
- amend section 5 of P.L.2000, c.77 (C.30:5B-6.14) to ensure that the criminal history record background check requirements therein, which are applicable to employees, owners, and sponsors of child care centers, are identical to the new provisions of section 3 of the bill, which are applicable to family day care providers;
- specify that the Commissioner of Children and Families may immediately adopt rules and regulations to implement the bill's

provisions, upon the filing of proper notice with the Office of Administrative Law; and further specify that such rules and regulations will remain in effect for no more than 12 months, and must thereafter be amended, adopted, or readopted in accordance with the “Administrative Procedure Act”; and

– specify that the bill will take effect on July 1, 2017 (as opposed to taking effect on the first day of the seventh month next following enactment).

As reported by the committee, Senate Bill No.651 (1R) is identical to Assembly Bill No. 4262 which was also amended and reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 651

STATE OF NEW JERSEY

DATED: MARCH 20, 2017

The Assembly Appropriations Committee reports favorably Senate Bill No. 651 (2R).

This bill amends the law pertaining to child care centers and supplements the law pertaining to family day care providers in order to clarify existing requirements, and imposes new requirements related to criminal history record background checks.

The bill provides that by October 1, 2017, as a condition of the issuance or renewal of a family day care provider certificate of registration thereafter, the Department of Children and Families (DCF) is to require the following persons to undergo a State and federal criminal history record background check: (1) each prospective or current family day care provider; (2) any assistant provider, substitute provider, or alternate provider of the prospective or current family day care provider; and (3) any household member of the prospective or current family day care provider, who is 18 years of age or older. Under existing law, family day care providers are required to submit to DCF child abuse registry checks pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.).

The bill specifies that DCF may not issue a certificate or renewal of registration to a prospective or current family day care provider, and is to revoke the existing registration held by a current family day care provider, as the case may be, if the provider, or any other person, identified above: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or on the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The cost of the criminal history record backgrounds checks required under the bill would be paid by the Commissioner of Human Services.

Upon the receipt of criminal background information indicating a disqualifying conviction, the bill requires DCF to provide written notice to the family day care provider, the family day care sponsoring organization, and the person who was the subject of the criminal background check (if the person is someone other than the provider). The family day care provider, or other person with disqualifying convictions, would have 14 days after the date of such written notice to challenge the accuracy of the criminal history record information. If no challenge is filed, or if a challenge is denied, the commissioner would be required to notify the family day care sponsoring organization that the family day care provider's registration has been denied or revoked on the basis of disqualifying criminal history record information.

The bill requires the Division of State Police to notify DCF if any person who was the subject of a criminal history record background check under the bill's provisions is subsequently convicted of a crime or offense in this State.

The bill amends the law requiring criminal background checks for prospective or current employees, owners, or sponsors, of a child care center, in order to ensure that such persons will be subject to the same criminal background check requirements, and disqualified from service on the basis of the same disqualifying offenses, as are applicable to family day care providers. As is true of the provisions related to family day care providers, the amendments to the child care center law would specify, in particular, that a person is to be disqualified from employment, ownership, or sponsorship of a child care center if the person: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or in the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The bill authorizes the Commissioner of Children and Families to adopt rules and regulations, immediately upon filing with the Office of Administrative Law, to implement the bill's provisions. Such rules and regulations would remain in effect for a period not to exceed 12 months, and would, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

As reported, this bill is identical to Assembly Bill No. 4262 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the legislation may increase State expenditures to cover the costs associated with criminal history record background checks required by the bill. Many, if not all, of the background checks required by the bill would be required even in the bill's absence, as they are necessary for the State to receive funding from the federal Child Care and Development Block Grant (CCDBG).

The current Appropriations Act includes funding required criminal history record background checks for employees of licensed child care providers that receive State subsidies to provide child care. It also includes \$3.7 million that was intended to cover costs for background checks for newly required background checks under the CCDBG. The OLS cannot confirm if this \$3.7 million will be adequate to cover costs in subsequent years.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 651

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 2016

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 651.

As amended by the committee, this bill would amend the law pertaining to child care centers, and would supplement the law pertaining to family day care providers, in order to clarify existing requirements, and impose new requirements, related to criminal history record background checks.

The amended bill would provide, in particular, that, by October 1, 2017, and as a condition of the issuance or renewal of a family day care provider certificate of registration thereafter, the Department of Children and Families (DCF) is to require the following persons to undergo a State and federal criminal history record background check, in accordance with the bill's provisions: (1) each prospective or current family day care provider; (2) any assistant provider, substitute provider, or alternate provider of the prospective or current family day care provider; and (3) any household member of the prospective or current family day care provider, who is 18 years of age or older. Under existing law, family day care providers are required to submit to DCF child abuse registry checks pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.).

The bill would specify that DCF may not issue a certificate or renewal of registration to a prospective or current family day care provider, and is to revoke the existing registration held by a current family day care provider, as the case may be, if the provider, or any other person, identified above: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or on the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to

have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The cost of the criminal history background checks required under the bill would be paid from the federal Child Care and Development Block Grant.

Upon the receipt of criminal background information indicating a disqualifying conviction, the DCF would be required to provide written notice to the family day care provider, the family day care sponsoring organization, and the person who was the subject of the criminal background check (if the person is someone other than the provider). The family day care provider, or other person with disqualifying convictions, would have 14 days after the date of such written notice to challenge the accuracy of the criminal history record information. If no challenge is filed, or if a challenge is denied, the commissioner would be required to notify the family day care sponsoring organization that the family day care provider's registration has been denied or revoked on the basis of disqualifying criminal history record information.

The Division of State Police would be required to notify DCF if any person who was the subject of a criminal history record background check under the bill's provisions is subsequently convicted of a crime or offense in this State.

The bill would also amend the law requiring criminal background checks for prospective or current employees, owners, or sponsors, of a child care center, in order to ensure that such persons will be subject to the same criminal background check requirements, and disqualified from service on the basis of the same disqualifying offenses, as are applicable to family day care providers. As is true of the provisions related to family day care providers, the amendments to the child care center law would specify, in particular, that a person is to be disqualified from employment, ownership, or sponsorship of a child care center if the person: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or in the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The bill would authorize the Commissioner of Children and Families to adopt rules and regulations, immediately upon filing with the Office of Administrative Law, to implement the bill's provisions. Such rules and regulations would remain in effect for a period not to exceed 12 months, and would, thereafter, be amended, adopted, or

readopted in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

The committee amended the bill to:

- specifically enumerate, in section 2 of the bill, the three groups of persons who will be subject to criminal background history record checks for the purposes of family day care provider registration, and truncate other provisions of the bill that reference these three distinct groups by name, in order to eliminate such specific and redundant references and instead cite back to the enumerated list in section 2;
- specify a date certain (October 1, 2017) by which the DCF is to require initial criminal history record background checks for family day care providers;
- specify that a certificate of family day care registration shall not be issued or renewed, or shall be revoked, as the case may be, if the family day care provider, or other relevant person listed in section 2 of the bill, refuses to consent to, or cooperate in, the securing of a criminal history record background check; knowingly makes a materially false statement in connection with a criminal history record background check; is registered, or is required to be registered, on a State sex offender registry or repository, or on the National Sex Offender Registry; or has a disqualifying conviction as indicated by a criminal history record background check;
- include in the list of disqualifying offenses, for the purposes of family day care registration, any drug related offense committed within the preceding five year period;
- eliminate the provisions of the bill, related to family day care providers, which would have allowed a person to affirmatively demonstrate evidence of rehabilitation following disclosure of a disqualifying conviction;
- delete the provisions of the bill that would have required prospective or current family day care providers to pay the cost of criminal history record background checks, and instead provide that the costs would be paid from the federal Child Care and Development Block Grant;
- specify that, when the DCF obtains criminal history information indicating that a family day care provider or other relevant person listed in section 2 has a history of disqualifying convictions, the DCF is to provide notice of the disqualifying convictions to the prospective or current family day care provider, as well as to the family day care sponsoring organization, and the person who is the subject of the criminal background check (if that person is not the prospective or current family day care provider);
- amend section 5 of P.L.2000, c.77 (C.30:5B-6.14) to ensure that the criminal history record background check requirements therein, which are applicable to employees, owners, and sponsors of child care centers, are identical to the new provisions of section 3 of the bill, which are applicable to family day care providers;

- specify that the Commissioner of Children and Families may immediately adopt rules and regulations to implement the bill’s provisions, upon the filing of proper notice with the Office of Administrative Law; and further specify that such rules and regulations will remain in effect for no more than 12 months, and must thereafter be amended, adopted, or readopted in accordance with the “Administrative Procedure Act”; and

- specify that the bill will take effect on July 1, 2017 (as opposed to taking effect on the first day of the seventh month next following enactment).

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 651

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: MARCH 30, 2017

SUMMARY

- Synopsis:** Requires family day care providers and certain household members to undergo criminal history record background checks.
- Type of Impact:** Possible expenditure increase from the General Fund.
- Agencies Affected:** Department of Children and Families; Department of Human Services

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual increase</u>
State Cost	Indeterminate possible increase

- The Office of Legislative Services (OLS) finds that the legislation may increase State expenditures to cover the costs associated with criminal history record background checks required by the bill. Many, if not all, of the background checks required by the bill would be required even in the bill's absence, as they are necessary in order for the State to receive funding from the federal Child Care and Development Block Grant (CCDBG).
- The current Appropriations Act includes funding required criminal history record background checks for employees of licensed child care providers that receive State subsidies to provide child care. It also includes \$3.7 million that was intended to cover costs for background checks for newly required background checks under the CCDBG. The OLS cannot confirm if this \$3.7 million will be adequate to cover costs in subsequent years.

BILL DESCRIPTION

Senate Bill No. 651 (2R) of 2016 would change the laws pertaining to child care centers and family day care providers in order to clarify existing requirements, and impose new requirements under State law, related to criminal history record background checks.

The bill provides that, by October 1, 2017, and as a condition of the issuance or renewal of a family day care provider certificate of registration thereafter, the Department of Children and Families (DCF) is to require the following persons to undergo a State and federal criminal history record background check, in accordance with the bill's provisions: (1) each prospective or current family day care provider; (2) any assistant provider, substitute provider, or alternate

provider of the prospective or current family day care provider; and (3) any household member of the prospective or current family day care provider, who is 18 years of age or older. Under existing law, family day care providers are required to submit to DCF child abuse registry checks pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.). The bill would also amend the law requiring criminal background checks for prospective or current employees, owners, or sponsors, of a child care center, in order to ensure that such persons will be subject to the same criminal background check requirements, and disqualified from service on the basis of the same disqualifying offenses, as are applicable to family day care providers.

These requirements would implement conditions of the federal Child Care and Development Block Grant, which are scheduled to come into effect at the same time as the requirements under the bill. The cost of the criminal history record backgrounds checks required under the bill would be paid by the Commissioner of Human Services.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received. However, information provided by the Department of Human Services during the Legislature's consideration of the Fiscal Year 2017 State Budget informs this analysis.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the legislation may increase State expenditures to cover the costs associated with criminal history record background checks required by the bill.

The legislation is designed to comply with the requirements of the federal Child Care and Development Block Grant, one of the major sources of federal funds supporting New Jersey's subsidized child care programs. Federal law requires providers receiving CCDBG funding to submit to criminal record history background checks, beginning September 30, 2017. The State has already committed to meeting this goal through its CCDBG State Plan for Fiscal Years 2016 through 2018.

The State currently pays for criminal history record background checks for employees of licensed child care providers that receive State subsidies to provide child care, which have been required for many years. According to information provided by the Department of Human Services during the Legislature's consideration of the Fiscal Year 2017 State Budget, the budget also includes \$3.7 million intended to pay for the costs of background checks newly required under the CCDBG. The OLS cannot confirm if this \$3.7 million will be adequate to cover costs in subsequent years, but believes this to be a reasonable estimate of costs. In the event that funding already allocated is inadequate, then additional expenditures from the General Fund would be necessary.

Section: Human Services

Analyst: David Drescher
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4262

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED OCTOBER 20, 2016

Sponsored by:

Assemblywoman ELIZABETH MAHER MUOIO

District 15 (Hunterdon and Mercer)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANGELICA M. JIMENEZ

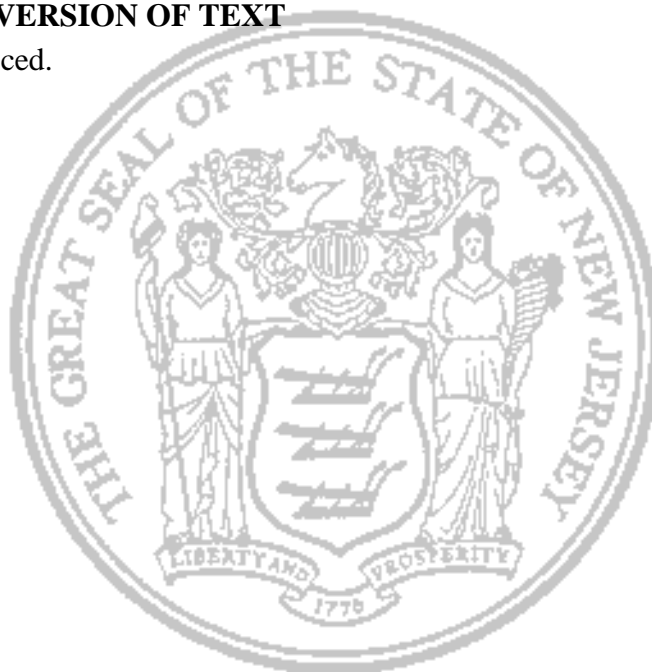
District 32 (Bergen and Hudson)

SYNOPSIS

Requires family day care providers and certain household members to undergo criminal history record background checks.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/20/2017)

1 AN ACT concerning family day care homes and supplementing
2 chapter 5B of Title 30 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "Certificate of registration" means a certificate of registration as
9 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

10 "Family day care home" means a family day care home as
11 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

12 "Family day care provider" means a family day care provider as
13 defined in section 3 of P.L.1987, c.27 (C.30:5B-18).

14 "Family day care sponsoring organization" means a family day
15 care sponsoring organization as defined in section 3 of
16 P.L.1987, c.27 (C.30:5B-18).

17 "Household member" means a person 18 years of age or older
18 who resides in a family day care home.

19

20 2. a. As a condition of issuance or renewal of a certificate of
21 registration, the Department of Children and Families shall ensure
22 that a State and federal criminal history record background check is
23 conducted on a person registering as a prospective or current family
24 day care provider, an assistant provider, substitute provider, or
25 alternate provider of the prospective or current family day care
26 provider, or any household member of the prospective or current
27 family day care provider. The background check shall be
28 conducted by the Division of State Police in the Department of Law
29 and Public Safety and shall include an examination of its own files
30 and the obtaining of a similar examination by federal authorities.

31 b. If a prospective or current family day care provider, an
32 assistant provider, substitute provider, or alternate provider of the
33 prospective or current family day care provider, or any household
34 member of the family day care provider, refuses to consent to, or
35 cooperate in, the securing of a criminal history record background
36 check, a family day care sponsoring organization shall deny the
37 prospective or current family day care provider's application for a
38 certificate or renewal of registration.

39 c. If a prospective or current family day care provider, an
40 assistant provider, substitute provider, or alternate provider of the
41 prospective or current family day care provider, or any household
42 member of the family day care provider has a record of criminal
43 history, the department shall advise the sponsoring organization of
44 the results of the criminal history record background check within a
45 time period to be determined by the department.

46

47 3. a. The department shall not issue a certificate or renewal of
48 registration to a prospective or current family day care provider if a

1 criminal history record background check of a person registering as
2 a prospective or current family day care provider, an assistant
3 provider, substitute provider, or alternate provider of the
4 prospective or current family day care provider, or any household
5 member of the prospective or current family day care provider,
6 reveals a record of conviction for any of the following crimes and
7 offenses:

8 (1) In New Jersey, any crime or disorderly persons offense as
9 follows:

10 (a) a crime against a child, including endangering the welfare of
11 a child and child pornography pursuant to N.J.S.2C:24-4, and child
12 molestation as set forth in N.J.S.2C:14-1 et seq.;

13 (b) abuse, abandonment or neglect of a child pursuant to
14 R.S.9:6-3;

15 (c) endangering the welfare of an incompetent person pursuant
16 to N.J.S.2C:24-7.1;

17 (d) sexual assault, criminal sexual contact or lewdness pursuant
18 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

19 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
20 to N.J.S.2C:11-4;

21 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

22 (g) kidnapping and related offenses including criminal restraint;
23 false imprisonment; interference with custody; criminal coercion; or
24 enticing a child into a motor vehicle, structure, or isolated area
25 pursuant to N.J.S.2C:13-1 through 2C:13-6;

26 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking
27 widespread injury or damage, which would constitute a crime of the
28 second degree pursuant to N.J.S.2C:17-2;

29 (i) terroristic threats pursuant to N.J.S.2C:12-3;

30 (j) aggravated assault, which would constitute a crime of the
31 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

32 (k) robbery, which would constitute a crime of the first degree
33 pursuant to N.J.S.2C:15-1;

34 (l) burglary, which would constitute a crime of the second
35 degree pursuant to N.J.S.2C:18-2;

36 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
37 et seq.); or

38 (n) an attempt or conspiracy to commit any of the crimes or
39 offenses listed in paragraphs (a) through (m) of this subsection.

40 (2) In any other state or jurisdiction, of conduct which, if
41 committed in New Jersey, would constitute any of the crimes or
42 disorderly persons offenses described in paragraph (1) of this
43 subsection.

44 b. Notwithstanding the provisions of subsection a. of this
45 section to the contrary, a certificate of registration or renewal of a
46 certificate of registration shall not be denied on the basis of any
47 conviction disclosed by a criminal history record check performed
48 pursuant to this act, if the individual has affirmatively demonstrated

1 to the Commissioner of Children and Families clear and convincing
2 evidence of rehabilitation. In determining whether an individual
3 has affirmatively demonstrated rehabilitation, the following factors
4 shall be considered:

- 5 (1) the nature and responsibility of the position which the
6 convicted individual would hold;
- 7 (2) the nature and seriousness of the offense;
- 8 (3) the circumstances under which the offense occurred;
- 9 (4) the date of the offense;
- 10 (5) the age of the individual when the offense was committed;
- 11 (6) whether the offense was an isolated or repeated incident;
- 12 (7) any social conditions which may have contributed to the
13 offense; and
- 14 (8) any evidence of rehabilitation, including good conduct in
15 prison or in the community, counseling or psychiatric treatment
16 received, acquisition of additional academic or vocational
17 schooling, successful participation in correctional work-release
18 programs, or the recommendation of those who have had the
19 individual under their supervision.

20 c. Notwithstanding the provisions of this section to the
21 contrary, a prospective or current provider's application for a
22 certificate or renewal of registration shall not be denied under this
23 act on the basis of any conviction disclosed by a criminal history
24 record background check performed pursuant to this act without an
25 opportunity to challenge the accuracy of the disqualifying criminal
26 history record pursuant to section 5 of P.L. , c. (C.)(pending
27 before the Legislature as this bill).

28

29 4. The Commissioner of Children and Families shall require
30 that the cost of the criminal history record background checks
31 conducted pursuant to this act shall be paid by the prospective or
32 current family day care providers, as applicable.

33

34 5. a. The Commissioner of Children and Families is authorized
35 to exchange fingerprint data with, and to receive information from,
36 the Division of State Police in the Department of Law and Public
37 Safety and the Federal Bureau of Investigation.

38 Upon receipt of the criminal history record information for a
39 person registering as a prospective or current family day care
40 provider, an assistant provider, substitute provider, or alternate
41 provider of the family day care provider, or any household member
42 of the family day care provider from the Federal Bureau of
43 Investigation and the Division of State Police, the Department of
44 Children and Families shall notify the family day care provider, in
45 writing, of the department's decision to approve or deny the family
46 day care provider's application for a certificate or renewal of
47 registration under section 3 of P.L. , c. (C.)(pending before
48 the Legislature as this bill). If the application for a certificate or

1 renewal of registration is denied, the convictions that constitute the
2 basis for the denial shall be identified in the written notice to the
3 family day care provider. The family day care provider shall have
4 14 days from the date of the written notice of denial to challenge
5 the accuracy of the criminal history record information. If no
6 challenge is filed or if the determination of the accuracy of the
7 criminal history record information upholds the denial, the
8 department shall notify the family day care sponsoring organization
9 that the family day care provider has been denied a certificate or
10 renewal of registration.

11 b. The Division of State Police shall promptly notify the
12 department in the event a prospective or current family day care
13 provider, an assistant provider, substitute provider, or alternate
14 provider of the prospective or current family day care provider, or
15 any household member of the family day care provider, who was
16 the subject of a criminal history record background check
17 conducted pursuant to subsection a. of this section, is convicted of a
18 crime or offense in this State after the date the background check
19 was performed. Upon receipt of such notification, the department
20 shall make a determination regarding the family day care provider's
21 certificate of registration.

22
23 6. The Commissioner of Children and Families shall, in
24 accordance with the "Administrative Procedure Act," P.L.1968,
25 c.410 (C.52:14B-1 et seq.), adopt any rules and regulations as the
26 commissioner deems necessary to carry out the provisions of this
27 act.

28
29 7. This act shall take effect on the first day of the seventh
30 month next following enactment, except the Commissioner of
31 Children and Families may take such anticipatory administrative
32 action in advance thereof as shall be necessary for the
33 implementation of this act.

34

35

36

STATEMENT

37

38 This bill provides that as a condition of issuance or renewal of a
39 certificate of registration as a family day care provider, the Department
40 of Children and Families (DCF) is to ensure that a State and federal
41 criminal history record background check is conducted on a person
42 registering as a prospective or current family day care provider, an
43 assistant provider, substitute provider, or alternate provider of the
44 prospective or current family day care provider, or any household
45 member 18 years of age or older of the prospective or current family
46 day care provider. Currently, family day care providers submit to
47 DCF child abuse registry checks pursuant to P.L.1993, c.350
48 (C.30:5B-25.1 et seq.).

1 Specifically, the bill provides that DCF is not to issue a certificate
2 or renewal of registration to a prospective or current family day care
3 provider if the criminal history record background checks required
4 under the bill reveal a record of conviction for any of the 14 crimes
5 and offenses enumerated in the bill.

6 Additionally, refusal to consent to, or cooperate in, the securing of
7 a criminal history record background check would result in denial of a
8 certificate of registration as a family day care provider.

9 The costs of the criminal history record background checks are to
10 be paid by the prospective or current family day care providers.

11 The bill also provides for the Division of State Police to notify
12 DCF in the event a person who was the subject of a criminal history
13 record background check under the bill is convicted of a crime or
14 offense in this State after the date the background check was
15 performed.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4262

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 19, 2017

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 4262.

As amended by the committee, this bill would amend the law pertaining to child care centers, and would supplement the law pertaining to family day care providers, in order to clarify existing requirements, and impose new requirements, related to criminal history record background checks.

The amended bill would provide that, by October 1, 2017, and as a condition of the issuance or renewal of a family day care provider certificate of registration thereafter, the Department of Children and Families (DCF) is to require the following persons to undergo a State and federal criminal history record background check, in accordance with the bill's provisions: (1) each prospective or current family day care provider; (2) any assistant provider, substitute provider, or alternate provider of the prospective or current family day care provider; and (3) any household member of the prospective or current family day care provider, who is 18 years of age or older. Under existing law, family day care providers are required to submit to DCF child abuse registry checks pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.).

The bill would specify that DCF may not issue a certificate or renewal of registration to a prospective or current family day care provider, and is to revoke the existing registration held by a current family day care provider, as the case may be, if the provider, or any other person, identified above: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or on the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The cost of the criminal history record backgrounds checks required under the bill would be paid by the Commissioner of Human Services.

Upon the receipt of criminal background information indicating a disqualifying conviction, the DCF would be required to provide written notice to the family day care provider, the family day care sponsoring organization, and the person who was the subject of the criminal background check (if the person is someone other than the provider). The family day care provider, or other person with disqualifying convictions, would have 14 days after the date of such written notice to challenge the accuracy of the criminal history record information. If no challenge is filed, or if a challenge is denied, the commissioner would be required to notify the family day care sponsoring organization that the family day care provider's registration has been denied or revoked on the basis of disqualifying criminal history record information.

The Division of State Police would be required to notify DCF if any person who was the subject of a criminal history record background check under the bill's provisions is subsequently convicted of a crime or offense in this State.

The bill would also amend the law requiring criminal background checks for prospective or current employees, owners, or sponsors, of a child care center, in order to ensure that such persons will be subject to the same criminal background check requirements, and disqualified from service on the basis of the same disqualifying offenses, as are applicable to family day care providers. As is true of the provisions related to family day care providers, the amendments to the child care center law would specify, in particular, that a person is to be disqualified from employment, ownership, or sponsorship of a child care center if the person: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or in the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The bill would authorize the Commissioner of Children and Families to adopt rules and regulations, immediately upon filing with the Office of Administrative Law, to implement the bill's provisions. Such rules and regulations would remain in effect for a period not to exceed 12 months, and would, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- specifically enumerate, in section 2 of the bill, the three groups of persons who will be subject to criminal background history record checks for the purposes of family day care provider registration, and truncate other provisions of the bill that reference these three distinct groups by name, in order to eliminate such specific and redundant references and instead cite back to the enumerated list in section 2;
- specify a date certain (October 1, 2017) by which the DCF is to require initial criminal history record background checks for family day care providers;
- specify that a certificate of family day care registration shall not be issued or renewed, or shall be revoked, as the case may be, if the family day care provider, or other relevant person listed in section 2 of the bill, refuses to consent to, or cooperate in, the securing of a criminal history record background check; knowingly makes a materially false statement in connection with a criminal history record background check; is registered, or is required to be registered, on a State sex offender registry or repository, or on the National Sex Offender Registry; or has a disqualifying conviction as indicated by a criminal history record background check;
- include in the list of disqualifying offenses, for the purposes of family day care registration, any drug related offense committed within the preceding five year period;
- eliminate the provisions of the bill, related to family day care providers, which would have allowed a person to affirmatively demonstrate evidence of rehabilitation following disclosure of a disqualifying conviction;
- delete the provisions of the bill that would have required prospective or current family day care providers to pay the cost of criminal history record background checks, and instead provide that the costs would be paid by the Commissioner of Human Services;
- specify that, when the DCF obtains criminal history information indicating that a family day care provider or other relevant person listed in section 2 has a history of disqualifying convictions, the DCF is to provide notice of the disqualifying convictions to the prospective or current family day care provider, as well as to the family day care sponsoring organization, and the person who is the subject of the criminal background check (if that person is not the prospective or current family day care provider);
- amend section 5 of P.L.2000, c.77 (C.30:5B-6.14) to ensure that the criminal history record background check requirements therein, which are applicable to employees, owners, and sponsors of child care centers, are identical to the new provisions of section 3 of the bill, which are applicable to family day care providers;
- specify that the Commissioner of Children and Families may immediately adopt rules and regulations to implement the bill's

provisions, upon the filing of proper notice with the Office of Administrative Law; and further specify that such rules and regulations will remain in effect for no more than 12 months, and must thereafter be amended, adopted, or readopted in accordance with the “Administrative Procedure Act”; and

– specify that the bill will take effect on July 1, 2017 (as opposed to taking effect on the first day of the seventh month next following enactment).

As reported by the committee, Assembly Bill No. 4262 is identical to Senate Bill No.651 (1R) which was also amended and reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4262

STATE OF NEW JERSEY

DATED: MARCH 20, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4262 (1R).

This bill amends the law pertaining to child care centers and supplements the law pertaining to family day care providers in order to clarify existing requirements, and imposes new requirements related to criminal history record background checks.

The bill provides that by October 1, 2017, as a condition of the issuance or renewal of a family day care provider certificate of registration thereafter, the Department of Children and Families (DCF) is to require the following persons to undergo a State and federal criminal history record background check: (1) each prospective or current family day care provider; (2) any assistant provider, substitute provider, or alternate provider of the prospective or current family day care provider; and (3) any household member of the prospective or current family day care provider, who is 18 years of age or older. Under existing law, family day care providers are required to submit to DCF child abuse registry checks pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.).

The bill specifies that DCF may not issue a certificate or renewal of registration to a prospective or current family day care provider, and is to revoke the existing registration held by a current family day care provider, as the case may be, if the provider, or any other person, identified above: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or on the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The cost of the criminal history record backgrounds checks required under the bill would be paid by the Commissioner of Human Services.

Upon the receipt of criminal background information indicating a disqualifying conviction, the bill requires DCF to provide written notice to the family day care provider, the family day care sponsoring

organization, and the person who was the subject of the criminal background check (if the person is someone other than the provider). The family day care provider, or other person with disqualifying convictions, would have 14 days after the date of such written notice to challenge the accuracy of the criminal history record information. If no challenge is filed, or if a challenge is denied, the commissioner would be required to notify the family day care sponsoring organization that the family day care provider's registration has been denied or revoked on the basis of disqualifying criminal history record information.

The bill requires the Division of State Police to notify DCF if any person who was the subject of a criminal history record background check under the bill's provisions is subsequently convicted of a crime or offense in this State.

The bill amends the law requiring criminal background checks for prospective or current employees, owners, or sponsors, of a child care center, in order to ensure that such persons will be subject to the same criminal background check requirements, and disqualified from service on the basis of the same disqualifying offenses, as are applicable to family day care providers. As is true of the provisions related to family day care providers, the amendments to the child care center law would specify, in particular, that a person is to be disqualified from employment, ownership, or sponsorship of a child care center if the person: (1) refuses to consent to, or cooperate in, the securing of a criminal history record background check; (2) knowingly makes a materially false statement in connection with a criminal history record background check; (3) is registered, or is required to be registered, on a State sex offender registry or repository, or in the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or (4) is found by a criminal history record background check to have a record of conviction, either in New Jersey or in another state, for any of the crimes and offenses enumerated in the bill.

The bill authorizes the Commissioner of Children and Families to adopt rules and regulations, immediately upon filing with the Office of Administrative Law, to implement the bill's provisions. Such rules and regulations would remain in effect for a period not to exceed 12 months, and would, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

As reported, this bill is identical to Senate Bill No. 651 (2R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the legislation may increase State expenditures to cover the costs associated with criminal history record background checks required by the bill. Many, if not all, of the background checks required by the bill would be required even in the bill's absence, as they are necessary for the State

to receive funding from the federal Child Care and Development Block Grant (CCDBG).

The current Appropriations Act includes funding required criminal history record background checks for employees of licensed child care providers that receive State subsidies to provide child care. It also includes \$3.7 million that was intended to cover costs for background checks for newly required background checks under the CCDBG. The OLS cannot confirm if this \$3.7 million will be adequate to cover costs in subsequent years.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4262

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: MARCH 30, 2017

SUMMARY

- Synopsis:** Requires family day care providers and certain household members to undergo criminal history record background checks.
- Type of Impact:** Possible expenditure increase from the General Fund.
- Agencies Affected:** Department of Children and Families; Department of Human Services

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual increase</u>
State Cost	Indeterminate possible increase

- The Office of Legislative Services (OLS) finds that the legislation may increase State expenditures to cover the costs associated with criminal history record background checks required by the bill. Many, if not all, of the background checks required by the bill would be required even in the bill's absence, as they are necessary in order for the State to receive funding from the federal Child Care and Development Block Grant (CCDBG).
- The current Appropriations Act includes funding required criminal history record background checks for employees of licensed child care providers that receive State subsidies to provide child care. It also includes \$3.7 million that was intended to cover costs for background checks for newly required background checks under the CCDBG. The OLS cannot confirm if this \$3.7 million will be adequate to cover costs in subsequent years.

BILL DESCRIPTION

Assembly Bill No. 4262 (1R) of 2016 would change the laws pertaining to child care centers and family day care providers in order to clarify existing requirements, and impose new requirements under State law, related to criminal history record background checks.

The bill provides that, by October 1, 2017, and as a condition of the issuance or renewal of a family day care provider certificate of registration thereafter, the Department of Children and Families (DCF) is to require the following persons to undergo a State and federal criminal history record background check, in accordance with the bill's provisions: (1) each prospective

or current family day care provider; (2) any assistant provider, substitute provider, or alternate provider of the prospective or current family day care provider; and (3) any household member of the prospective or current family day care provider, who is 18 years of age or older. Under existing law, family day care providers are required to submit to DCF child abuse registry checks pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.). The bill would also amend the law requiring criminal background checks for prospective or current employees, owners, or sponsors, of a child care center, in order to ensure that such persons will be subject to the same criminal background check requirements, and disqualified from service on the basis of the same disqualifying offenses, as are applicable to family day care providers.

These requirements would implement conditions of the federal Child Care and Development Block Grant, which are scheduled to come into effect at the same time as the requirements under the bill. The cost of the criminal history record backgrounds checks required under the bill would be paid by the Commissioner of Human Services.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received. However, information provided by the Department of Human Services during the Legislature's consideration of the Fiscal Year 2017 State Budget informs this analysis.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the legislation may increase State expenditures to cover the costs associated with criminal history record background checks required by the bill.

The legislation is designed to comply with the requirements of the federal Child Care and Development Block Grant, one of the major sources of federal funds supporting New Jersey's subsidized child care programs. Federal law requires providers receiving CCDBG funding to submit to criminal record history background checks, beginning September 30, 2017. The State has already committed to meeting this goal through its CCDBG State Plan for Fiscal Years 2016 through 2018.

The State currently pays for criminal history record background checks for employees of licensed child care providers that receive State subsidies to provide child care, which have been required for many years. According to information provided by the Department of Human Services during the Legislature's consideration of the Fiscal Year 2017 State Budget, the budget also includes \$3.7 million intended to pay for the costs of background checks newly required under the CCDBG. The OLS cannot confirm if this \$3.7 million will be adequate to cover costs in subsequent years, but believes this to be a reasonable estimate of costs. In the event that funding already allocated is inadequate, then additional expenditures from the General Fund would be necessary.

Section: Human Services

Analyst: David Drescher
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Christie Takes Action On Pending Legislation

Friday, June 9, 2017 Tags: [Bill Action](#)



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Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

BILL SIGNINGS:

S-295/A-2334 (Vitale, Sarlo/Benson, Vainieri Huttle, Mazzeo, Mukherji, Downey, Wimberly) - Requires DOH to issue standing order authorizing pharmacists to dispense opioid antidotes to patients without individual prescriptions

S-651/A-4262 (Turner, Pennacchio/Muoio, Lampitt, Chiaravalloti, Mukherji, Jimenez) - Requires family day care providers and certain household members to undergo criminal history record background checks

S-972wGR/A-1788 (Sweeney, O'Toole, Ruiz/Burzichelli, Giblin, Pintor Marin) – Establishes Child Advocacy Center-Multidisciplinary Team Advisory Board and certification program for child advocacy centers and multidisciplinary teams; appropriates \$10 million

S-2564/A-4115 (Weinberg, A.R. Bucco/Johnson, Vainieri Huttle, A.M. Bucco, Quijano, Holley, Mukherji) - Provides that driver's license and identification cards expire every four years on licensee or cardholder's birthday

AJR-91/SJR-71 (Tucker, Johnson, Holley, Downey/Beach, Van Drew) - Designates June 27 of each year as "Post-Traumatic Stress Disorder Awareness Day"

BILL VETOED:

A-4352/S-2843 (Burzichelli, Taliaferro/Sweeney) – CONDITIONAL - Provides for elimination of newly formed non-operating school districts; establishes procedures for eliminating deficit that existed prior to merger; authorizes renting of school building for 10 years

###



"I'm so pleased to serve once again as a Scholastic Reading Ambassador to help reinforce the important role that summer reading plays in learning," said First Lady Mary Pat Christie. "Reading is such a powerful mechanism that can inspire, motivate and encourage children to be successful in school and in life. I am excited that the students of Red Bank Primary School will have an additional opportunity to experience the joy of reading through this wonderful initiative."

The Scholastic Summer Reading Challenge is a free program that encourages children to continue to read during the summer months in order to avoid the "summer slide" — learning losses which can occur when school is not in session. Ensuring that children

have access to books during these months is critical to enhancing reading achievement.

"Summer slide" accounts for as much as 85 percent of the reading achievement gap between lower income students and their middle-and upper-income peers, according to Scholastic. Having children stick to a reading routine during the

summer break is crucial to strengthening reading proficiency. For every minute a child reads, he or she is enhancing those reading skills.



Red Bank Primary School covers students in Pre-K to Grade 3 and serves more than 600 students with nearly 100 staff members.

"We are beyond ecstatic to have been selected by our First Lady, Mary Pat Christie, to receive these special books for Summer Reading," said Luigi Laugelli, Principal of the Red Bank Primary School. "Our students, families and staff are grateful for access to quality literature, especially throughout the summer. As educators, we hope to instill the love of reading in our children and strive to ensure this love continues well beyond their time in school."

In 2016, Newell Elementary

School in Allentown logged 2,606,028 reading minutes, making them the number one school in New Jersey last year.

Nearly 250,000 children from 5,154 schools in all 50 states as well as 25 countries read and logged more than 204 million minutes during the 2016 summer campaign.

For more information about the 2017 Scholastic Summer Challenge, visit

<http://www.scholastic.com/ups/campaigns/src-2017/>

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