

# ASSEMBLY, No. 1372

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

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**SYNOPSIS**

Requires mandatory registration of family day care providers.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A1372 TUCKER, SPENCER

2

1 AN ACT concerning family day care providers and amending  
2 P.L.1987, c.27 and P.L.1993, c.350.

3

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

6

7 1. Section 2 of P.L.1987, c.27 (C.30:5B-17) is amended to read  
8 as follows:

9 2. The Legislature finds that it is in the public interest to fund  
10 and develop a system for the **[voluntary]** mandatory registration of  
11 family day care providers to assure care, maintenance and  
12 supervision for children which will be beneficial to their health,  
13 safety, welfare and development.

14 (cf: P.L. 1987, c. 27, s. 2)

15

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

18 3. As used in this act:

19 a. "Certificate of registration" means a certificate issued by the  
20 department to a family day care provider, acknowledging that the  
21 provider is registered pursuant to the provisions of this act.

22 b. "Department" means the Department of Children and  
23 Families.

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

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

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

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

39 e. "Family day care sponsoring organization" means an agency  
40 or organization which contracts with the department to assist in the  
41 registration of family day care providers in a specific geographical  
42 area.

43 f. "Monitor" means to visit a family day care provider to review

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

**Matter underlined thus is new matter.**

1 the provider's compliance with the standards established pursuant to  
2 this act.

3 (cf: P.L.2006, c.47, s.166)

4

5 3. Section 4 of P.L.1987, c.27 (C.30:5B-19) is amended to read  
6 as follows:

7 4. a. The department [has the responsibility and authority to]  
8 shall contract with family day care sponsoring organizations for the  
9 [voluntary] mandatory registration of family day care providers  
10 and shall adopt regulations for the operation and maintenance of  
11 family day care sponsoring organizations.

12 b. The department shall contract in writing with an agency or  
13 organization authorizing the agency or organization to operate as a  
14 family day care sponsoring organization to assist in the [voluntary]  
15 mandatory registration of family day care providers in a specific  
16 geographical area and to perform other functions with regard to  
17 family day care providers in accordance with the provisions of this  
18 act and the regulations adopted thereunder for which purposes the  
19 organization shall receive funds from the department based upon a  
20 fee for the service. The department shall contract with a family day  
21 care sponsoring organization for a period of one year.

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

31 (cf: P.L. 2004, c.130, s.104)

32

33 4. Section 5 of P.L.1987, c.27 (C.30:5B-20) is amended to read  
34 as follows:

35 5. a. A family day care sponsoring organization with which the  
36 department contracts [is authorized to] shall register family day  
37 care providers within its designated geographical area and [is] shall  
38 be responsible for providing administrative services, including, but  
39 not limited to, training, technical assistance, and consultation to  
40 family day care providers and inspection, supervision, monitoring  
41 and evaluation of family day care providers.

42 b. The family day care sponsoring organization shall maintain  
43 permanent records for each family day care provider it registers,  
44 and copies of such records shall be made available to parents of  
45 children attending the family day care home, upon request. The  
46 sponsoring organization shall also maintain its own staff and  
47 administrative and financial records. All records are open to

A1372 TUCKER, SPENCER

4

1 inspection by an authorized representative of the department for the  
2 purpose of determining compliance with this act.

3 c. The family day care sponsoring organization shall provide a  
4 program of outreach and public relations to inform providers and  
5 parents of the provisions of this act.

6 (cf: P.L.2004, c.130, s.105)

7

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

10 6. a. The family day care sponsoring organization shall evaluate  
11 a family day care provider prior to the issuance of a certificate of  
12 registration. The evaluation shall include at least one visit to the  
13 family day care home in addition to personal and health references,  
14 and shall be made part of the family day care sponsoring  
15 organization's permanent records for that provider. The certificate  
16 of registration shall be renewed every three years. The family day  
17 care provider is required to pay a registration fee of ~~[\$25.00]~~ \$25  
18 to the sponsoring organization each time a certificate is granted or  
19 renewed.

20 b. The family day care sponsoring organization shall provide a  
21 minimum of one preservice training or orientation session for each  
22 applicant for a certificate of registration prior to the issuance of the  
23 certificate of registration and shall provide appropriate training,  
24 consultation and technical assistance to the family day care provider  
25 after the certificate of registration has been issued.

26 c. The family day care sponsoring organization ~~[is authorized~~  
27 ~~to]~~ shall monitor and evaluate each registered family day care  
28 provider ~~[at least once every two years]~~ once a year. In addition,  
29 the sponsoring organization ~~[shall annually]~~ may monitor ~~[no less~~  
30 ~~than 20% of the]~~ family day care providers in its designated  
31 geographic area on a random basis to insure compliance with the  
32 standards established under this act, provide assistance and insure  
33 that corrective action is taken as needed.

34 d. The family day care provider registered by a family day care  
35 sponsoring organization shall post and display the certificate of  
36 registration at all times in a prominent location within the home. A  
37 certificate of registration issued pursuant to this act is not  
38 transferable.

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

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

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

42

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

45 8. a. The department shall also establish standards for the  
46 issuance, renewal, denial, suspension and revocation of a certificate  
47 of registration which the family day care sponsoring organization

1 shall apply. In developing the standards, the department shall  
2 consult with the Advisory Council on Child Care established  
3 pursuant to the "Child Care Center Licensing Act," P.L.1983, c.492  
4 (C.30:5B-1 et seq.).

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

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

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

31 e. (Deleted by amendment, P.L.1993, c.350).  
32 (cf: P.L.2004, c.130, s.106)

33

34 7. Section 9 of P.L.1987, c.27 (C. 30:5B-24) is amended to read  
35 as follows:

36 9. The **【division shall prepare and submit to the Governor and**  
37 **the Legislature a report of its findings and recommendations no**  
38 **later than two years after the effective date of this act. The report**  
39 **shall include, but not be limited to, the following information: the**  
40 **number of family day care homes registered; the number of children**  
41 **served and their ages; the estimated number of family day care**  
42 **homes not registered; the number of inquiries by parents or**  
43 **guardians to the family day care sponsoring organizations or to the**  
44 **State-operated child care clearinghouse; and an evaluation of the**  
45 **need for mandatory family day care registration】 department shall**  
46 **prepare and submit an annual report to the Governor, and to the**  
47 **Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).**

1 The report shall include, but not be limited to, the following  
2 information: the number of registered family day care homes; the  
3 number of children served and their ages; the number of requests by  
4 parents for copies of the permanent records of registered family day  
5 care providers received by the family day care sponsoring  
6 organizations; and the number of inquiries by parents or guardians  
7 to the family day care sponsoring organizations or to the State-  
8 operated child care clearinghouse. A summary of the report shall  
9 be made available on the department's official Internet site or in  
10 writing to the public, upon request.

11 (cf: P.L. 1987, c. 27, s. 9)

12

13 8. Section 1 of P.L.1993, c.350 (C.30:5B-25.1) is amended to  
14 read as follows:

15 1. The Legislature finds and declares that:

16 a. The need for a variety of child care options for families with  
17 children between birth and 13 years of age has grown significantly  
18 in the past 20 years. As a result, family day care has become one of  
19 the most used forms of child care in the State.

20 b. In 1987, New Jersey implemented a voluntary registration  
21 system through the "Family Day Care Provider Registration Act,"  
22 P.L.1987, c.27 (C.30:5B-16 et seq.). The purpose of the act was to  
23 provide Statewide health and safety standards to protect children in  
24 family day care homes. Through this voluntary system, providers  
25 **[are]** were able to qualify for the purchase of insurance, enroll in  
26 the Child Care Food Program, list their homes with Statewide child  
27 care resource and referral agencies, and provide care for children  
28 through State-funded programs. Parents were assured that  
29 minimum safety standards were met and the training of providers  
30 and the monitoring of homes was taking place.

31 c. When the 1987 law was amended in 1991 to require criminal  
32 history record background checks for all adults in the home of a  
33 family day care provider, both registrations and renewals dropped  
34 significantly. This was due to the cost of criminal history record  
35 background checks. Since the family day care registration system  
36 **[is]** was voluntary, providers chose to continue to operate without  
37 State supervision. In 1992, the State established an 18 month  
38 moratorium on background checks during which time~~[.]~~ an  
39 alternative procedure for checking the background of prospective  
40 family day care providers could be developed.

41 d. It is therefore in the best interests of the State to find a system  
42 of background checks which balances the rights of family day care  
43 providers with the State's duty to protect the safety of its youngest  
44 citizens.

45 (cf: P.L.1993, c.350 , s.1)

1       9. This act shall take effect on the 180th day after the date of  
2 enactment, but the Commissioner of Children and Families may  
3 take such anticipatory administrative action in advance thereof as  
4 shall be necessary for the implementation of this act.

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STATEMENT

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9       This bill makes various statutory changes to the "Family Day  
10 Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et  
11 seq.). Specifically, the bill requires the Department of Children and  
12 Families (DCF) to contract with family day care sponsoring  
13 organizations for the mandatory registration of family day care  
14 providers. Currently, family day care providers are registered on a  
15 voluntary basis.

16       The bill also stipulates that a family day care sponsoring  
17 organization shall monitor and evaluate a registered family day care  
18 provider once every year, instead of every two years as the law  
19 allows.

20       Under the provisions of the bill, a family day care sponsoring  
21 organization shall make available to parents copies of the  
22 permanent records it maintains for each registered family day care  
23 provider, upon request. The sponsoring organization shall also  
24 provide a program of outreach and public relations to inform  
25 parents of the provisions of the bill.

26       The bill requires DCF to prepare and submit an annual report to  
27 the Governor and the Legislature which includes, but is not limited  
28 to:

- 29       ● the number of registered family day care homes;
- 30       ● the number of children served and their ages;
- 31       ● the number of requests by parents for copies of the  
32 permanent records of registered family day care providers  
33 received by family day care sponsoring organizations; and
- 34       ● the number of inquiries by parents or guardians to the family  
35 day care sponsoring organizations or to the State-operated  
36 child care clearinghouse.

37       Finally, the bill stipulates that a summary of the report be made  
38 available on the DCF Internet site or in writing to the public, upon  
39 request.