

**CHAPTER 126****MANUAL OF REQUIREMENTS FOR FAMILY CHILD CARE REGISTRATION****Authority**

N.J.S.A. 30:5B-16 et seq.

**Source and Effective Date**R.2004 d.123, effective February 26, 2004.  
35 N.J.R. 4834(a), 36 N.J.R. 1778(b)**Chapter Expiration Date**

Chapter 126, Manual of Requirements for Family Day Care Registration, expires on February 26, 2009.

**Chapter Historical Note**

Chapter 126 formerly contained rules entitled "State Training Plan Under Title XX" which became effective October 6, 1975 as R.1975 d.298. See: 7 N.J.R. 506(b).

1983 Revisions: Chapter 126 was repealed effective December 19, 1983 by R.1983 d.587. See: 15 N.J.R. 208(a), 15 N.J.R. 2125(a).

Chapter 126, Manual of Requirements for Family Day Care Registration, was adopted as R.1988 d.507, effective November 7, 1988. See: 20 N.J.R. 1508(a), 20 N.J.R. 2774(b).

Pursuant to Executive Order No. 66(1978), Chapter 126, Manual of Requirements for Family Day Care Registration, was readopted as R.1993 d.533, effective October 5, 1993. See: 25 N.J.R. 3703(a), 25 N.J.R. 4932(b).

Pursuant to Executive Order No. 66(1978), Chapter 126, Manual of Requirements for Family Day Care Registration, was readopted as R.1998 d.513, effective September 25, 1998. See: 30 N.J.R. 2561(a), 30 N.J.R. 3963(a).

Chapter 126, Manual of Requirements for Family Day Care Registration, was readopted as R.2004 d.123, effective February 26, 2004. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS****10:126-1.1 Legal authority**

(a) This chapter is promulgated pursuant to the Family Day Care Provider Registration Act of 1987, N.J.S.A. 30:5B-16 et seq. (P.L. 1987, Chapter 27), which became effective April 27, 1987.

(b) Under N.J.S.A. 30:5B-16 et seq., the Division of Youth and Family Services has the authority to:

1. Adopt regulations for the:
  - i. Operation and maintenance of family child care sponsoring organizations; and
  - ii. Voluntary registration of family child care providers; and
2. Contract with certain agencies or organizations to serve as sponsoring organizations for the voluntary registration of family child care providers.

(c) Responsibility for ensuring that a sponsoring organization complies with all applicable provisions of N.J.S.A. 30:5B-16 et seq., and of this chapter is delegated by the Division to the Bureau of Licensing, which shall:

1. Inspect and monitor the sponsoring organization to determine compliance with applicable provisions of this chapter;
2. Conduct random inspections of family child care homes to ensure compliance with applicable provisions of this chapter; and
3. Provide technical assistance to the sponsoring organization.

(d) A sponsoring organization is authorized to:

1. Register family child care provider applicants within a specific geographic area. A geographic area may include:
  - i. A single county; or
  - ii. A group of several counties;
2. Issue new and renewal Certificates of Registration to family child care providers;
3. Provide administrative services, including but not limited to technical assistance, training and consultation to providers;
4. Evaluate and monitor providers at least once every two years;
5. Annually monitor no less than 20 percent of providers on a random basis;
6. Collect a \$25.00 registration fee payable to the sponsoring organization each time a Certificate of Registration is initially granted or renewed;
7. Maintain permanent records on each provider;
8. Ensure that each provider complies with all applicable requirements of N.J.A.C. 10:126, the Manual of Requirements for Family Child Care Registration; and
9. Provide a program of outreach and public relations to inform providers and potential providers of the provisions of this chapter.

Amended by R.2004 d.211, effective June 7, 2004.  
See: 36 N.J.R. 925(a), 36 N.J.R. 2884(a).

### 10:126-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

“Alternate provider” means a person who shares child care responsibilities with a registered provider at the provider’s residence and meets all applicable requirements, as specified in N.J.A.C. 10:126-5 and 6.

“Bureau” means the Bureau of Licensing, Division of Youth and Family Services, New Jersey Department of Human Services.

“Certificate of Registration” means a document issued by a sponsoring organization to a family child care provider, acknowledging that the provider is in compliance with all applicable provisions of this chapter.

“Chapter” means the rules contained in the Manual of Requirements for Family Child Care Registration, as specified in N.J.A.C. 10:126, which reflect provisions that constitute minimum baseline requirements below which no family child care sponsoring organization or registered family child care provider that is subject to the authority of N.J.S.A. 30:5B-16 et seq. is legally permitted to operate.

“Child” means any person under 13 years of age.

“Denial of a Certificate of Registration” means a refusal by the sponsoring organization to issue an initial Certificate of Registration.

“Department” means the New Jersey Department of Human Services.

“Division” means the Division of Youth and Family Services, New Jersey Department of Human Services.

“Evaluate” or “evaluation” means the review of a family child care provider by a sponsoring organization upon receipt of an application for a Certificate of Registration to determine the applicant’s compliance with the requirements of this chapter.

“Family child care home” means the private residence of the family child care provider in which child care services are provided to no fewer than three and no more than five children at any one time for no fewer than 15 hours per week, except that the Division shall not exclude a family child care home with fewer than three children from voluntary registration.

“Family child care provider applicant” or “provider applicant” or “applicant” means a person at least 18 years of age who has applied for a Certificate of Registration.

1. The home and its furnishings present no hazard to the health and safety of the children in care;
2. All items that may be hazardous to children, including medicines, poisonous plants, toxic substances, tobacco products, matches and sharp objects, are stored out of the reach of children;
3. Safety barriers are installed to prevent children from falling from stairs, ramps, balconies, porches, elevated play areas, and any areas that subject children to falls;
4. All electrical outlets that are accessible to the children have protective covers;
5. A working flashlight is available for emergency lighting; and
6. All firearms, other weapons and ammunition are stored in locked areas out of the reach of children.

Recodified from 10:126-6.4 and amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).  
 See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).  
 Amended by R.2004 d.211, effective June 7, 2004.  
 See: 36 N.J.R. 925(a), 36 N.J.R. 2884(a).  
 In (a)3, deleted "or" following "porches" and inserted ", and any areas that subject children to falls".

**10:126-6.6 Outdoor space**

- (a) The provider shall ensure that an adequate, safe outdoor play area is available either adjacent to or within walking distance of the home.
- (b) Swimming pools, wading pools, hot tubs, whirlpools and other containers and natural bodies of water at the family child care home shall be physically inaccessible to children except when they are supervised as specified in (c) below.
- (c) The following supervision requirements shall apply whenever enrolled children use a pool or other container or body of water at the family child care home or any other location:
  1. For pools and other bodies of water that are 24 inches or more in depth:
    - i. One person at least 14 years old shall directly supervise up to two children.
    - ii. Two people at least 14 years old shall directly supervise three or more children.
  2. For pools and other containers or bodies of water that are less than 24 inches in depth, one person at least 14 years old shall directly supervise all the children. When the number of children using the pool requires a second caregiver to be present, as specified in N.J.A.C. 10:126-6.1(b)2 or N.J.A.C. 10:126-6.2(b), both caregivers shall directly supervise the children.

(d) The provider shall obtain written consent from the parent(s) of each enrolled child before the child uses a pool or other body of water as specified in (c) above.

(e) The provider shall ensure that each child riding a bicycle wears a helmet, as specified in the State Bicycle Helmet Law, N.J.S.A. 39:4-10.1.

Recodified from 10:126-6.5 and amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).  
 See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).  
 Amended by R.2004 d.211, effective June 7, 2004.  
 See: 36 N.J.R. 925(a), 36 N.J.R. 2884(a).  
 In (b), inserted "other containers and" preceding "natural bodies"; in (c), inserted "container or" following "use a pool or other" in the introductory paragraph, and inserted "containers or" preceding "bodies of water" and amended the first N.J.A.C. reference in 2.

**10:126-6.7 Transportation and trips**

- (a) Whenever the provider transports enrolled children, the provider shall comply with all applicable State laws and/or regulations regarding:
  1. The use of infant seats, child passenger restraint systems, and seat belts pursuant to New Jersey Motor Vehicle Commission Law (N.J.S.A. 39:3-76.2a); and
  2. The possession of a valid automobile driver's license and valid vehicle inspection sticker.
- (b) The provider shall obtain the parent's written consent before transporting a child.
- (c) The provider shall ensure that the parents of all enrolled children are informed when their children are taken on walks or trips away from the home.

Recodified from 10:126-6.6 and amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).  
 See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).  
 Amended by R.2004 d.211, effective June 7, 2004.  
 See: 36 N.J.R. 925(a), 36 N.J.R. 2884(a).

**10:126-6.8 Health examinations for children**

- (a) Each child shall have had a health examination performed by a health care provider within:
  1. Six months prior to or within one month following admission to the home for children who are 2½ years of age or younger; or
  2. One year prior to or within one month following admission to the home for children who are above 2½ years of age.
- (b) A record of the health examination shall be provided by the child's parent to the provider upon or within one month following admission to the home. The record shall include:
  1. The name and address of the health care provider;
  2. A statement by the health care provider indicating, when applicable:

i. Information on any condition or handicap affecting the child; and

ii. Any recommendations for needed medical treatment or special requirements as to diet, rest, allergies, avoidance of certain activities and other care; and

3. An up-to-date immunization record appropriate to the child's age or documentation that the child is under a prescribed medical program to obtain immunizations and a timetable for doing so.

(c) If immunizations are not given to a child for medical reasons, the provider shall require the parent to submit a written statement from a health care provider attesting to:

1. The reason the immunization is medically contraindicated; and

2. The specific time period that the immunization is medically contraindicated.

(d) A child shall be exempted from a physical examination, immunization or medical treatment if the parent objects thereto in a written statement submitted to the provider, signed by the parent, explaining how the examination, immunization or medical treatment conflicts with the child's exercise of bona fide religious tenets or practices.

(e) The immunization exemption may be suspended during the existence of a health emergency, as determined by the Commissioner of the State Department of Health and Senior Services.

Recodified from 10:126-6.7 by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Amended by R.2004 d.211, effective June 7, 2004.

See: 36 N.J.R. 925(a), 36 N.J.R. 2884(a).

In (a), substituted "health care provider" for "licensed physician" in the introductory paragraph; in (b), substituted "health care provider" for "examining physician" in 1 and the introductory paragraph of 2; in (c), substituted "health care provider" for "licensed physician" rewrote (d); in (e), inserted "and Senior Services" following "Department of Health".

#### 10:126-6.9 Sick children

(a) The provider shall inform the sponsoring organization and the parents of enrolled children regarding the circumstances under which:

1. Sick children will be admitted to or excluded from the home; and

2. Medication will or will not be administered to children.

(b) The provider shall follow policies and procedures recommended by the sponsoring organization if the provider chooses to:

1. Care for sick children in the home; and/or

2. Administer medication to children.

(c) The provider shall inform the parents of all enrolled children when any person in the home has one of the communicable diseases listed in the chart below:

(c) The provider shall inform the parents of all enrolled children when any person in the home has one of the communicable diseases listed in the chart below:

#### COMMUNICABLE DISEASES THAT REQUIRE NOTIFICATION TO ALL PARENTS

Respiratory Illnesses	Gastro-intestinal Illnesses	Contact Illnesses
Chicken Pox	Campylobacter	Impetigo
German Measles	Escherichia coli	Lice
Hemophilus Influenzue	Giardia Lamblia	Scabies
Measles	Hepatitis A	
Meningococcus	Salmonella	
Mumps	Shigella	
Strep Throat		
Tuberculosis		
Whooping Cough		

Recodified from 10:126-6.8 by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Amended by R.2004 d.211, effective June 7, 2004.

See: 36 N.J.R. 925(a), 36 N.J.R. 2884(a).

In (c), added "Campylobacter" and "Escherichia coli" to the table.

#### 10:126-6.10 Injury to a child while in the provider's care

(a) When an incident resulting in injury to a child occurs while in the provider's care, the provider shall take the necessary action to protect the child from further harm and arrange for any necessary emergency medical attention. The provider shall notify the child's parent(s):

1. Immediately in the event of an injury that requires professional medical attention; or

2. By the end of the operating day, if the injury does not require professional medical attention.

(b) Basic first aid supplies shall be in the home, and shall be stored out of children's reach but readily accessible to the provider.

(c) Telephone numbers of the nearest police department, fire department, ambulance service or rescue squad, and poison control center, the provider's address, and the telephone number through which the provider can be reached shall be posted in a readily accessible area of the home.

(d) The provider shall maintain on file a record of injuries sustained by a child while under the provider's care that receive professional medical attention. The record shall include:

1. The name of the injured child;

2. The date, time and location of the incident;

3. A written description of the: