

CHAPTER 126A**DYFS UTILIZATION OF FAMILY
DAY CARE PROVIDERS****Authority**

N.J.S.A. 30:4C-4.

Source and Effective DateR.1995 d.227, effective April 4, 1995.
See: 27 N.J.R. 432(a), 27 N.J.R. 1801(b).**Executive Order No. 66(1978) Expiration Date**

Chapter 126A, DYFS Utilization of Family Day Care Providers, expires on April 4, 2000.

Chapter Historical Note

Chapter 126A, DYFS Utilization of Family Day Care Providers, was adopted as R.1990 d.223, effective May 7, 1990. See: 22 N.J.R. 13(a), 22 N.J.R. 1377(b). Pursuant to Executive Order No. 66(1978), Chapter 126A was readopted as R.1995 d.277. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**10:126A-1.1 Purpose and scope**

This chapter outlines the standards under which the Division of Youth and Family Services will purchase family day care services, either directly or under a contract with a family day care provider. This chapter requires that any Division-purchased family day care services be provided by a family day care provider who meets and is registered in accordance with N.J.A.C. 10:126, Manual of Requirements for Family Day Care Registration. The standards set by this chapter are more stringent than those set by N.J.A.C. 10:126 for registered family day care providers in general because family day care is often utilized by the Division to relieve the effects of and prevent child abuse and neglect or to provide supervision or relief needed by the child's family.

10:126A-1.2 Definitions

The words and terms used in this chapter shall have the same meanings as defined in N.J.A.C. 126:1-2, Definitions, which definitions are hereby incorporated into this chapter by reference.

**SUBCHAPTER 2. DYFS FUNDED FAMILY DAY
CARE SERVICES PROGRAM
REQUIREMENTS****10:126A-2.1 Eligible providers of DYFS funded family day
care services**

The Division shall utilize the services of only those family day care providers who meet the requirements of and are registered in accordance with the provisions of N.J.A.C. 10:126, Manual of Requirements for Family Day Care Registration.

10:126A-2.2 Maximum number of children

In any family day care home which receives payment from the Division, either directly or through contract, for family day care services for one or more children, the maximum number of children in the family day care home shall not exceed five children at a time, regardless of fee-paying or non-fee-paying status. The total of five children shall include the provider's foster children and own children, only if the foster children or own children are age five or younger. No more than two of the total number of children in the family day care home shall be age 23 months or younger.

Recodified from N.J.A.C. 10:122B-1.3(a)4 (now expired).
See: 22 N.J.R. 13(a), 22 N.J.R. 1377(b).

10:126A-2.3 Exception to maximum number of children

(a) The regional administrator may approve, in writing, the presence of additional children in a family day care home which receives payment from the Division, provided all of the following conditions are met:

1. A provider assistant, as defined in N.J.A.C. 10:126-1.2, is present in the home;
2. The limits set by N.J.A.C. 10:126-6.1, Maximum number of children, have not been exceeded; and
3. The approval, in writing, of the regional administrator has been obtained prior to the expansion of any Division-funded family day care home beyond the limits set by this chapter.