

CHAPTER 15
CHILD CARE SERVICES

Authority

N.J.S.A. 30:1-12; 45 CFR, Parts 98 and 257, and the Americans with Disabilities Act (P.L. 101-336).

Source and Effective Date

R.1994 d.628, effective November 23, 1994.
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Executive Order No. 66(1978) Expiration Date

Chapter 15, Child Care Services, expires on November 23, 1999.

Chapter Historical Note

This Chapter formerly contained rules governing an emergency housing program. The provisions of this Chapter 15 were adopted by the Commissioner, Department of Economic Development, pursuant to authority delegated at L.1944 c.126 as amended and supplemented by L.1945 c.185, and L.1946 c.121 (the Veterans Loan Act (1944)) and were filed and became effective prior to September 1, 1969. The Chapter was repealed as R.1983 d.523, effective November 21, 1983. See: 15 N.J.R. 1430(a), 15 N.J.R. 1944(a).

Chapter 15 was adopted as a new rule, Child Care Services by R.1991 d.600, effective December 16, 1991, operative January 1, 1992. See: 23 N.J.R. 2960(a), 23 N.J.R. 3771(a).

Pursuant to Executive Order No. 66(1978), Chapter 15 was readopted as R.1994 d.628. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:15-1.1 Purpose and scope

(a) The purpose of this manual is to set forth the policies and procedures on a Statewide basis for the efficient and

equitable provisions of child care services, through the supervision of the New Jersey Department of Human Services (DHS). The Department has been designated the lead State agency responsible for the development and implementation of a Statewide comprehensive child care system that supports the needs of eligible families in the State as a priority initiative of the Governor. Eventually, child care resources available in the State will be accessed through this single comprehensive system.

(b) The child care service programs, described herein, were made available originally through block grant monies of the Omnibus Budget Reconciliation Act (OBRA) of 1990, Public Law 101-508. The block grant child care service programs are: The Aid to Families with Dependent Children (AFDC) At-Risk Child Care (ARCC) Program as implemented originally by Section 5081 of OBRA 1990; and the Child Care and Development Block Grant (CCDBG) Act of 1990 as implemented originally by Section 5082 of OBRA 1990. Through the original and subsequent allocations, funds are offered by the Administration of Children and Families (ACF), U.S. Department of Health and Human Services, to states with approved State Plans to increase the availability, affordability, and quality of child care.

(c) The AFDC At-Risk Program (also known as IV-A At-Risk Program) and the CCDBG eligibility requirements, specific for each of those funding streams, are described at N.J.A.C. 15B-1 and 10:15B-2 respectively. DHS shall operate these child care service programs through the coordination efforts of its Divisions of Youth and Family Services (DYFS) and Family Development (DFD), as described in rules set forth at N.J.A.C. 10:81 and 10:82. The policy provisions and terms in this chapter are general provisions which are applicable throughout all chapters N.J.A.C. 10:15A, 10:15B and 10:15C on child care services through the Department of Human Services.

1. The policies and procedures set forth in this manual are binding on those agencies contracting with the Department to provide services through these child care programs, and are enforceable through the Divisions of the Department that are jointly responsible for overseeing the programs, the Divisions of Youth and Family Services and Family Development. Questions of interpretation shall be resolved by the aforementioned Divisions.

2. The child care programs shall be administered within the framework of Federal and State law and regulations. Requirements, other than those established pursuant to Federal and State law and these regulations, shall not be imposed as a condition of receiving child care services.

(d) New Jersey has the opportunity to expand, improve and develop child care services for the families of this State.

A primary objective of the New Jersey Department of Human Services (NJ DHS) is to offer families comprehensive child care services that will enable them to secure or maintain employment and thus become self-sufficient from public assistance benefit programs. Additionally, both the IV-A "At-Risk" and the CCDBG programs emphasize the availability of child care services for families under DYFS' Child Protective Services (CPS) supervision. For families serving as substitute care settings for protective services children (foster care) identified by DYFS, the CCDBG program emphasizes the availability of child care services. Such families must satisfy the eligibility criteria for those programs. Based on its extensive experience in child care and early education programs, the Department of Human Services sets forth the following principles for a comprehensive delivery system of child care services in the State.

1. New Jersey supports programs that encourage family stability and self-sufficiency. As such, the Department supports child care services addressing the needs and concerns of working families, employers and government.

2. The Department believes that consumers of child care should have the maximum choice possible among types of child care options available (including center-based care, family child care, in-home care, and care by relatives) under contracts between providers and the DHS for the provision of child care services, or through the child care certificate process.

3. The Department encourages the development of diverse types of child care by type of sponsorship (employers, public schools, religious institutions, community organizations, and recreation programs), and by types of corporate status (both for profit and non-profit).

4. The Department believes that mechanisms should exist for improving child care program quality, including, but not limited to, supports for the improvement of curriculum development and administration, a comprehensive training initiative for child care staff members, and monies for building repairs to child care sites.

5. The Department believes that child care should be provided in settings that meet basic health and life/safety guidelines. To this end, the Department authorizes payments for child care in programs in compliance with laws, and regulations pertaining to health and life/safety.

6. The Department incorporates into its ongoing child care planning process recommendations received from interdepartmental agencies of the State; child care organizations within the State, including, but not limited to, the New Jersey Child Care Advisory Council; the human services community; the State Human Services Advisory Council; units of local government; child care resource and referral agencies; providers of child care services; employers; and the general public. That input is used by the Department to support local child care needs.

7. The Department supports unlimited access by parents to their children and to the providers caring for their children during the normal hours of operations, or whenever such children are in the care of such providers.

8. The Department believes that an informed consumer of child care services is that individual who has available to him or her information on child care concerns, such as licensing and regulatory requirements, compliant procedures, and policies and practices relative to child care services available in the State. The Department shall make available consumer materials for that purpose.

9. The Department ensures that child care service programs shall be established in the respective counties of the State in accordance with Federal provisions as agreed upon in State Plan submittals to the Federal ACF on specific Federally-funded programs. DHS shall ensure compliance of the designated agencies within State Plan provisions. The State Plan(s) shall be updated by DHS routinely, as changes are made to program requirements by Federal and/or State government.

10. The Department, to the best of its ability within annual State Legislative appropriations, shall ensure that payment rates for services through the child care service programs are sufficient to ensure equal access for eligible children under these subsidized programs to comparable child care services in the State that are provided to children whose parents are not eligible to receive assistance under these programs.

11. The Department promotes the development of employer-supported child care. DYFS provides technical assistance and consultation services to public/private/volunteer advocacy organizations seeking to promote employer-supported child care services throughout the State.

(e) Nothing in these rules shall be construed as conferring on a parent/applicant receiving child care services an entitlement to those services. If the fiscal or other resources necessary for child care service provision to a parent/applicant are unavailable, that individual shall not be deemed to have a right to such services and the individual and the designated child care entity shall be released from all obligations for those services under these rules.

(f) Financial assistance provided through the Department's child care service programs shall not be authorized when, during the same period, such needs are actually being provided by any other source, including child care resources under the various funding streams through the Department sponsored programs described at N.J.A.C. 10:81-14 and 10:82.

(g) Each designated child care entity shall coordinate child care service programs with units of local government; existing child care resource and referral agencies; with early childhood education programs in the county, including Head Start programs; preschool programs funded under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35); school and nonprofit child care programs (including community-designated organizations receiving funds designated for preschool programs for disabled children); with organizations sponsoring before-and-after school activities; with the Work First New Jersey (WFNJ) program, DYFS contracted centers; private providers; sectarian providers; and with Federal and/or State demonstration programs, such as the Goodstarts program, the REACH/JOBS Capital Expansion Program, and the Mini-Child Care Center program.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

In (a), substituted "designated child care entity" for "county designated agency"; and in (g), substituted "designated child care entity" for "county" and "Work First New Jersey (WFNJ)" for "REACH/JOBS/FDP".

10:15-1.2 Definitions

The following words and terms, when used in this chapter and N.J.A.C. 10:15A, 10:15B and 10:15C, shall have the following meanings, unless the context clearly indicates otherwise.

"Approved home" means a family day care provider not registered pursuant to the Family Day Care Provider Registration Act (see N.J.A.C. 10:126), whose home has been evaluated and authorized for payment through the Department's child care service programs, using the Self-Arranged Care Inspection and Interview Checklist (see N.J.A.C. 10:15A, Appendix B). Such providers may receive payment for a maximum of two nonsibling children, or all the sibling children of one family so long as the total number of children in the provider's care does not exceed five children under 13 years of age at one time.

"ARCC" means the IV-A "At-Risk" Child Care Program.

"At-Risk" means working low-income families whose income upon entry into the program is at or below 200 percent of the Federal Poverty Income Guidelines, which are published annually in the Federal Register. Such families must be in need of child care assistance in order to remain employed (or to accept employment) and to avoid dependency on public assistance (that is, AFDC).

"Care by a relative" means a child care provider who is 18 years of age or older who provides child care services to children who are by blood relationship, marriage or court decree, the grandchild, niece or nephew of such provider.

"Caregiver" means an individual who is at least 18 years of age who provides child care services directly to an eligible child on a person-to-person basis and whose home has been evaluated for health and safety purposes.

"Caretaker family" means the family providing the substitute care setting for a protective services child(ren) identified by DYFS.

"CCDBG" means Child Care and Development Block Grant.

"Center-based child care provider" means any person owning or legally responsible for operating a licensed child care center.

"Certificate" means an authorization that is issued by the designated child care entity to a parent, legal guardian or caretaker who may use such a certificate as assistance to obtain child care services from a provider of such service.

"Child care center" means any home or facility, by whatever name known, which is maintained for the care, development or supervision of six or more children under 13 years of age who attend for less than 24 hours a day.

"Child Care Development Block Grant" means the Child Care and Development Block Grant Act of 1990, Section 5082 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508.

"Child care services" means child care services pursuant to N.J.A.C. 10:15, 15A, 15B and 15C.

"Child Protective Services (CPS)," formerly known as Protective Services, means services on behalf of any child, under age 18, considered at risk of abuse, neglect, or exploitation; or found to be abused, neglected, exploited or abandoned, as identified by DYFS. The term, unless otherwise specified, includes services provided to children in out-of-home settings, such as foster care.

"Co-payment" means a portion of the family income that is paid by the eligible family toward the cost of child care. The amount of the required co-payment is based on the family's annual gross income level, family size, hours of care needed, and number of children in care.

"DFD" means the Division of Family Development in the New Jersey Department of Human Services.

"Department" means the New Jersey Department of Human Services.

"Designated child care entity" means the administrative agency selected by DHS and under contract to administer DHS subsidized child care service programs and other identified child care service components.

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

“Early Childhood Development Program” means a program of services that are intended to provide an environment that enhances the educational, social, cultural, emotional, and recreational development of children, and which is not intended to serve as a substitute for compulsory academic programs.

“Eligible child” means a child who:

1. Is under 13 years of age;
2. Is under 19 years of age and is physically or mentally incapable of caring for himself or herself (that is, a “special needs” child);
3. Resides with a family that meets income eligibility guidelines; or
4. Is under the supervision of DYFS (that is, child in protective service).

“Family day care provider” means a person who provides child care services for fewer than 24 hours per day per child, as a sole caregiver, and in a private residence other than the child’s residence. Payment for DHS child care services rendered may not exceed payment for more than five children.

“Foster care” means DYFS approved out of home placement services designed to provide a substitute family for a child who needs care outside his or her home for a temporary or extended period of time, as part of a child protective services (CPS) case management plan. The DYFS foster care program also includes services provided to CPS children in para-foster care, children under the guardianship of DYFS and children surrendered to DYFS.

“Incapacitated parent” means a parent/applicant who has a permanent physical or mental defect, illness or impairment which is supported by medical evidence and/or recorded testimony of a licensed medical health care professional, and which must be of such a debilitating nature as to reduce substantially or eliminate his or her ability to care for the eligible child(ren).

“In-home child care provider” means an individual who provides child care services in the child’s own home for fewer than 24 hours per day.

“IV-A At-Risk” means the Aid to Families with Dependent Children (IV-A) “At-Risk” Program, Section 5081 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508.

“Low income” for IV-A At-Risk means families with gross annual incomes at or below 200 percent of the Federal Poverty Income Guidelines, as determined by family size, which are published annually in the Federal Register.

“Low income for CCDBG” means families with annual gross incomes for the family size at or below 250 percent of the Federal Poverty Level Income Guidelines as published in the Federal Register for a family of the same size; however, low income for application purposes for CCDBG means families with annual gross incomes for the family size at or below 200 percent of the Federal Poverty Level Income Guidelines for a family of the same size.

“Manual” means the New Jersey Department of Human Services Child Care Services Manual which covers eligibility for child care services through OBRA 1990 grant funds (that is, ARCC and CCDBG programs) and consists of N.J.A.C. 10:15, 10:15A, 10:15B, and 10:15C.

“New Jersey Cares for Kids (NJCK) Child Care Certificate Program” means the child care certificate program funded primarily by the IV-A “At-Risk” and the CCDBG grants. Also known as the NJCK Program or the Certificate Program.

“Parent” means a parent by blood, marriage or adoption and also means a legal guardian, or any other person having responsibility for, or custody of, a child or standing in “loco parentis”.

“Parent/applicant” means an individual who has applied for and/or receives assistance with child care services, on behalf of an eligible child, from the Title IV-A “At-Risk” program or the Child Care Development and Block Grant Program.

“Protective services” (see Child Protective Services and/or Foster Care).

“Provider” means the entity providing child care services.

“Provider register” means a listing of providers who have contacted the county designated agency expressing an interest in participating as a provider to families in need of child care services through DHS child care service programs.

“Registered home” means a family day care provider registered pursuant to the Family Day Care Provider Registration Act (see N.J.A.C. 10:126). Providers who serve three or more nonsibling children (but less than six) must be registered pursuant to the Act to receive payment through DHS child care service programs.

“Sectarian organization or sectarian child care provider” means religious organizations or providers generally, not merely those of a specific religious character or that are affiliated with a church or synagogue who can provide proof that the organization is sectarian, such as incorporation as a non-profit religious organization or tax-exempt status as a religious organization.

“Service eligibility period” means up to a 12 consecutive month period of child care services from the date child care services commence based on satisfying ongoing child care program eligibility criteria. Resources are allocated to the child care service programs for a State fiscal year (SFY) beginning July 1 of a calendar year and ending June 30 of the following calendar year.

“SMI” means State Median Income.

“Special circumstances child” means a child that is not under Division of Youth and Family Services CPS supervision who has been identified through a written referral from a county welfare agency, DYFS, legal, medical, social service agency, emergency shelter, public school or School Based Youth Services Program which indicates that the child is from a family experiencing medical or social problems or adverse living conditions and child care arrangements are required to help ameliorate the situation and/or prevent the placement of the child or other family member(s) outside the home. Children of teen parents are also considered a special circumstance.

“Special needs child” means a child age 19 or younger who is physically or mentally incapable of self-care; or, for CCDBG and IV-A At-Risk eligibility, a child who has been identified through a written referral from a county welfare agency, legal, medical, social service agency, emergency shelter, or public school which indicates that the child has a serious physical, emotional or mental, or cognitive condition and child care services are required as part of a treatment plan designed to stabilize or ameliorate the situation.

“Substitute care setting” means a situation wherein a child is a protective services child identified by DYFS and living in an arrangement under custody of DYFS.

“Types of providers” means the different classes of providers under each category of care. Types of providers include non-profit providers, for-profit providers, sectarian providers and relatives who provide care.

“Voucher” means the child care voucher form developed and produced by DHS that the designated child care entity issues to participating providers in the CCDBG and ARCC programs for vendor payments.

Amended by R.1993 d.396, effective August 16, 1993.

See: 25 N.J.R. 1692(a), 25 N.J.R. 3772(b).

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Changed “County designated agency” to “Designated child care agency” and amended; and amended “Certificate”, “Low income for CCDBG”, and “Voucher”.

10:15-1.3 Opportunity and decision to apply for child care service programs

(a) Any parent and his or her child(ren), or the child(ren) of a legal guardian, or the caretaker of a protective services child(ren) under the custody of DYFS shall be given the opportunity to apply without delay for child care service programs.

(b) Applicants shall be informed about the eligibility requirements and of their rights and obligations in applying for and receiving child care services through the Department’s child care service programs.

(c) The decision to apply rests with the applicant.

(d) The applicant has the right to withdraw the application before eligibility or ineligibility has been determined.

10:15-1.4 Atmosphere of mutual respect

(a) Assistance and services through the child care service programs shall be rendered to all parents/applicants in an atmosphere of mutual respect between designated child care entity employees and the families they serve.

(b) The designated child care entity shall ensure that assistance and services are:

1. Extended in a manner and environment which increases a person’s sense of importance, dignity and self-esteem;
2. Administered in a manner which respects the human and civil rights of persons applying for or receiving child care services; and
3. Provided in the least restrictive, most appropriate setting to ensure privacy and confidentiality.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Substituted references to designated child care entity for references to county designated agency.

10:15-1.5 Nondiscrimination

There shall be no discrimination on grounds of race; color; religious affiliation; sex; national origin; ethnic background; marital, parental or birth status; or disability by the Department, its Divisions or the designated child care entity in the administration of the child care service programs.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Substituted “designated child care entity” for “county designated agency”.

10:15-1.6 Confidential nature of information

(a) Information about parents/applicants for child care service programs shall be used and disclosed only for the purposes directly connected with the administration of child care service programs, or for CPS children as permitted by N.J.S.A. 9:6-8.10a.

(b) The information requested by the Department and the designated child care entity shall be information that is required:

1. To determine eligibility for child care service benefits without which child care services could not be provided; and
2. For Federal reporting purposes.

(c) The information required to establish eligibility is in accordance with this manual.

Amended by R.1994 d.628, effective December 19, 1994.
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).
Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).
See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).
In (b), substituted "designated child care entity" for "county designated agency".

10:15-1.7 Primary source of information

(a) Parents/applicants of child care service program benefits are in all instances the primary source of information about themselves and their families.

(b) It is the responsibility of the designated child care entity to determine eligibility based on the information provided by the parent/applicant and, as necessary, to secure verification from secondary sources. Such verification shall be limited to those facts which are essential to establish eligibility and shall be obtained only with the known consent of the parent/applicant.

(c) The designated child care entity worker shall explain to the parent/applicant that verification is necessary and that lack of consent on behalf of the parent/applicant to obtain the necessary verification shall make processing of the application/reapplication impossible.

Amended by R.1994 d.628, effective December 19, 1994.
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).
Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).
See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).
In (b) and (c), substituted "designated child care entity" for "county designated agency".

10:15-1.8 Financial eligibility determination

The designated child care entity worker shall determine financial eligibility (need) of the applicant family in accordance with N.J.A.C. 10:15B-1 or 10:15B-2 to determine the appropriate eligibility funding stream (IV-A At-Risk or Child Care and Development Block Grant).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Substituted "designated child care entity" for "county designated agency".

10:15-1.9 Issuance and availability of manual

(a) The Department of Human Services Division of Family Development (DFD) shall issue the manual and amendments to the manual, as necessary. It is the responsibility of each holder of the manual to maintain its accuracy by inserting new material as it is issued and by removing obsolete pages promptly.

(b) Copies of the manual shall be provided to Department and Divisional administrative and other appropriate staff associated with the child care service programs. Those individuals are expected to be thoroughly familiar with its contents in order that policy and procedures may be consistently applied.

(c) DFD shall ensure that each designated child care entity is provided with the number of copies of the manual as requested for initial use by its staff. Additional copies shall be available from DFD through written request, at the cost of printing and mailing.

(d) The director of the designated child care entity shall make available copies of this manual to all staff members working with parents/applicants of child care service programs. Likewise, all updates to manuals shall also be issued to staff. The designated child care entity has the responsibility and shall ensure that each staff member working with these service programs is thoroughly familiar with the manual's contents, and applies the required policy and procedures consistently.

(e) One administrative copy of obsolete material related to this manual shall be kept by the contracting entity. Such material reflects time frames of changes in policies and serves as a historical reference for the agency.

(f) This manual is a public document. It is important that all copies in use be up-to-date. It is available as follows:

1. Copies are available for examination or review during regular office hours on regular work days in the Department of Human Services; in the Divisions of Family Development and Youth and Family Services; and in each county, at the office of the designated child care entity.

- i. Specific policy material necessary for a parent/applicant or his or her representative to determine the basis for a case or administrative review request, or to prepare for a review, shall be provided to such persons without charge.

2. Public and university libraries which have agreed with the Department request to keep the manual up-to-date will have a copy available in accordance with the library reference procedures.

3. Each county legal services office shall be furnished with a copy of this manual.

4. County boards of social services shall be provided copies of this manual.

5. Other welfare, social service and nonprofit organizations shall be furnished with a copy of this manual (at no cost) through written request to DFD.

6. Employment, education and training organizations (that is vocational/technical school, community colleges, JTPA offices) shall be furnished with a copy of this manual through written request to DFD.

7. A current up-to-date copy of the manual, or any portion of the manual, is available from DFD through a written request by the interested person, at the cost of printing and mailing.

8. All supplementary updates will routinely be sent to those who have been supplied with the manual. A mailing list shall be maintained and updated by DFD.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Substituted "designated child care entity" for "county designated agency" throughout.

(c) DHS shall adhere to Federal laws and regulations pertaining to the administration of CCDBG and ARCC programs in these rules and shall establish program operational and fiscal procedures for the effective Statewide administration of these programs.

1. The fiscal procedures shall delineate the State's expenditure of CCDBG and ARCC funds.

2. The operational and fiscal procedures used by DHS to monitor, report and contract for services with other agencies and units of State and local government in the operation of the child care programs shall be established and made available to interested parties.

(d) DHS shall contract with designated child care entities to administer both the CCDBG and ARCC child care certificate programs at the county level. DHS shall require assurances from the designated child care entity that no conflict of interest exists in the agency's provision of Departmental child care programs with existing contracts and/or agreements held by that agency in administering child care services, and that the agency institutes a conflict of interest policy that is in compliance with DHS policy and procedures.

(e) DHS shall provide child care services for children through contracts with providers, or through designated child care entities through the Statewide child care certificate process.

(f) DHS shall make available to the general public educational information concerning licensing and regulatory requirements, complaint procedures, and policies relative to child care service programs.

(g) DHS shall have an appeals process through the respective Divisions (DFD and DYFS), in place to resolve issues concerning both the CCDBG and ARCC programs which are not satisfied at the level of the designated child care entity as delineated at N.J.A.C. 10:15A-1.1(f).

(h) DHS shall monitor the designated child care entities for compliance with child care program policies.

(i) DHS shall work through the State appropriations process to ensure that payment rates for child care services under DHS child care programs are sufficient to provide equal access for eligible children under its programs to comparable child care services in the State that are provided to children whose parents are not eligible to receive assistance under these programs.

(j) DHS shall ensure that through its child care services' planning process, services are coordinated with existing Federal, State and local child care and early childhood development programs. Written agreements which delineate responsibilities and duties shall be executed by DHS for interagency coordination with other State departments.

SUBCHAPTER 2. ADMINISTRATIVE RESPONSIBILITIES

10:15-2.1 Department of Human Services responsibilities in child care service programs

(a) The Department of Human Services (DHS) is the lead State agency responsible for child care service program delivery in the State. DHS, through its Divisions of Family Development and Youth and Family Services, shall coordinate and supervise the administration of the Child Care and Development Block Grant (CCDBG) and IV-A "At Risk" (ARCC) programs.

(b) DHS shall submit and update required State Plans and amendments for both the CCDBG and ARCC programs to the Federal Administration for Children and Families.

1. The CCDBG and ARCC programs in effect in the State shall comply with the provisions in the approved State Plans.

(k) For activities to improve the quality of child care, DHS shall enter into purchase of service contracts and/or grants with eligible entities through the competitive State process (request for proposal) or continuation funding. DHS invests in:

1. Grants for renovation and start-up of child care sites;
2. Expanded monitoring activities by State staff in conjunction with local governments and child care resource and referral agencies to ensure that programs meet standards;
3. Training and technical assistance to child care providers in areas such as, but not limited to, parental choice, management and early childhood development;
4. To increase the availability of early childhood development programs and to increase the availability of before- and after-school care services;
5. To increase the availability of child care resources for teen parents; and
6. To provide consultation and referral services to parents.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Substituted references to designated child care entity for references to county designated agency throughout.

10:15-2.2 Divisional responsibilities

(a) The Division of Family Development shall be responsible for the following activities in the administration of DHS child care service programs.

1. The development and issuance of eligibility forms and letters used in the child care service programs;
2. The contract, programmatic and fiscal supervision of the certificate system with the designated child care entities under contract to administer the certificate program at the county level;
3. Collaboration with the Division of Youth and Family Services in the development of policies and procedures for the child care service programs;
4. Providing for a case/administrative review appeals process through Divisional proceedings when situations concerning certificate parents/applicants are not resolved at the level of the local county designated agency;
5. Submission of required reports to the Federal Administration for Children and Families on the IV-A "At-Risk" and CCDBG child care programs;
6. Issuance of and updates to the manual, and maintenance of a current mailing list for dissemination of manual revisions; and

7. Periodically conducting a local market survey of child care costs for the various types of child care arrangements for full or part-time care.

(b) The Division of Youth and Family Services has responsibility for the following types of activities in the child care service programs:

1. The monitoring of licensed child care center providers and registered family care homes for regulatory compliance by the DYFS Bureau of Licensing to ensure compliance with all applicable State or local health and safety requirements. DYFS gives assistance to providers in meeting State and local standards, including routinely providing information on health and safety training;
2. Collaboration with the Division of Family Development in the development of policies and procedures for the child care service programs;
3. The administration and supervision of the ARCC related purchase of service contracts with child care providers; and
4. The administration and supervision of contracts which are established with CCDBG funds set aside to establish, expand or conduct early childhood development and/or school-age child care programs and to improve the quality and availability of child care.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

In (a)2, substituted "designated child care entities under contract to" for "21 community based organizations or county government offices which will".

10:15-2.3 Designated child care entity responsibilities

(a) Each designated child care entity shall:

1. Inform families requesting child care benefits of their rights and responsibilities;
2. Respond to a request for child care assistance within a period of time as defined in procedures issued by the Department of Human Services;
3. Assist the caretaker to explore the types of child care arrangements authorized for payment through the child care service programs (that is, licensed child care centers, registered family day care homes, in-home care, approved family day care homes, school-age child care programs and summer camps) and provide the caretaker relative the opportunity to choose his or her child care arrangement from those available options;
4. Ensure that providers of care permit parental access to children in care during the normal hours of a provider's operation, or whenever such children are in the care of the provider;

5. Ensure that each of its staff members working with these child care service programs be thoroughly familiar with the child care service program policies and procedures and apply those required policies and procedures consistently;
6. Maintain current up-to-date policy and procedure manuals for staff use;
7. Maintain a record of substantiated parental complaints and make information regarding such complaints available to the public on request. Any records concerning child abuse/neglect are not available to the public.
8. Make available to parents and the general public consumer education information on child care service concerns including, but not limited to, State/local licensing requirements and complaint procedures;
9. Maintain a waiting list of families requesting child care subsidies through the child care service programs;
10. Maintain a register of providers interested in participating in child care service programs and make referral to DYFS, Bureau of Licensing, for registration of the home in accordance with the Family Day Care Provider Registration Act (see N.J.A.C. 10:126) upon request of the provider;
11. Conduct home evaluations on providers of family day care not registered pursuant to the Family Day Care Provider Registration Act (see N.J.A.C. 10:126) using the "Family Day Care Home Approval Checklist" (see Appendix B, N.J.A.C. 10:81 incorporated herein by reference) renamed as the "Self-Arranged Care Inspection and Interview Checklist" for use in these child care programs (see Appendix B of these rules); and minimum life-safety evaluations of school-age child care programs;
12. Ensure that child care providers comply with applicable State or local health and safety requirements;
13. Determine eligibility and availability of child care service funds for the child care service programs (CCDBG and ARCC) and verify the eligibility factors;
14. Issue the appropriate forms and materials to eligible parents/applicants for receipt of provider services;
15. Maintain records on agency contracted activities;
16. Provide for due process for parent/applicant complaints and provider concerns. Issues not resolved at the local designated child care entity level may be taken to the Divisional level for a case/administrative review;
17. Establish written agreements for services among the designated child care entity, the parent/applicant, and the provider regarding agreed-upon arrangements, co-payment responsibilities and the submission of vouchers for payment of service;
18. Determine payment to provider(s) from the program and the amount of the co-payment paid by the parent/applicant;
19. Establish an agreement between the designated child care entity and the DYFS District Office in the county for children in child protective services under DYFS supervision including children in foster care under the supervision of DYFS;
20. Conduct redeterminations of eligibility for service programs at the beginning of each new service eligibility period as defined by DHS, or when reported changes necessitate such a redetermination;
21. Maintain and update the client database and case files in accordance with State and Federal standards and requirements;
22. Review the attendance forms and certify them for payment, for children in the care of providers participating in the child care service programs;
23. Provide information on the certificate program operation to parents/applicants and the community;
24. Maintain an audit trail of all financial and accounting reports and transactions associated with the child care service program;
25. Account for all funds, both administrative and direct subsidies to providers of service, in accordance with State and Federal requirements;
26. Provide for the timely processing of payments to eligible providers via the certificate system in accordance with State requirements;
27. Provide assistance to providers in child care voucher completion;
28. Submit monthly and quarterly reports as defined and required in DHS operational and fiscal procedures;
29. Maintain a Federally acceptable cost allocation plan for the distribution of all administrative costs in accordance with DHS procedures;
30. Provide notices to participants and providers when changes in circumstances may affect child care service benefits; and
31. Assure the Department, in writing, that no conflict of interest shall occur with existing contracts and/or agreements held by that agency for administering child care services due to the agency's provision of Departmental child care services.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Amended section name and substituted references to designated child care entity for references to county designated agency throughout section.

10:15-2.4 Provider responsibilities

(a) The provider shall comply with all applicable laws and regulations to ensure a safe environment for the children in care.

(b) The provider shall collect the parent co-payment and report the nonpayment of that co-payment to the designated child care entity to initiate the termination of the child care subsidy.

(c) The provider shall complete vouchers with child(ren)'s attendance data, obtain the parent's/applicant's signature and send the voucher to the designated child care entity within three business days of closing of reporting payment periods. To guard against the untimely submittal of vouchers and to ensure the issuance of payment for child care services rendered, child care providers shall submit completed voucher forms to the designated child care entity no later than 60 days from the end of the designated service period or 60 days from the date of issuance, whichever is later. Failure to submit completed voucher forms for receipt by the designated child care entity within the established timeframe shall result in loss of payment to the child care provider for services claimed on the voucher.

(d) The provider shall cooperate in the evaluation of the child care site in accordance with State and local regulations and requirements for health and safety checks.

(e) The provider shall ensure that no other public subsidy is received for the same period for the eligible children.

(f) The provider shall return all overpayments to the designated child care entity.

(g) The provider shall provide 10 day notice to parents/applicants and to the designated child care entity when a child will be terminated.

(h) The provider shall comply at all times with regulatory requirements for licensure of child care centers, registration of family day care homes or the authorization of approved homes as appropriate and as defined in N.J.A.C. 10:15-1.2.

Amended by R.1994 d.628, effective December 19, 1994.
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).
Amended by R.1995 d.446, effective August 21, 1995.
See: 27 N.J.R. 1928(a), 27 N.J.R. 3226(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Substituted "designated child care entity" for "county designated agency" throughout.

10:15-2.5 Parent/applicant responsibilities

(a) The parent/applicant shall:

1. Provide for the documentation and verification of eligibility requirements for child care service programs;

2. Take the lead in interviewing providers of care to determine that provider(s) meets his or her family's needs;

3. Sign agreements for the provision of child care services with the designated child care entity and the provider;

4. Sign provider vouchers to verify to the agency that the child(ren) in care attended care on those days for the hours indicated by the provider on the voucher;

5. Make timely payment of the co-payment amount determined by the designated child care entity to the provider(s); and

6. Report all changes in circumstances regarding eligibility such as, but not limited to, loss of job, changes in income, status change in participation in educational or work/training activities, provider changes, and changes in family size, to the child care entity within five working days of the change in circumstance.

7. Be responsible for all child care provider costs in excess of the maximum allowable payment for which the parent/applicant is eligible as indicated in N.J.A.C. 10:15A-1.2(c); and

8. Comply at all times with the program eligibility requirements, pertaining to employment, training, education or child protective service status, and income eligibility requirements while in receipt of services (see N.J.A.C. 10:15A, 15B, 15C).

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

In (a)3 and 5, substituted "designated child care entity" for "county designated agency".