

CHAPTER 126A
DYFS UTILIZATION OF FAMILY
DAY CARE PROVIDERS

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

Source and Effective Date
R.2000 d.316, effective August 7, 2000.
See: 32 N.J.R. 985(a), 32 N.J.R. 2906(a).

Executive Order No. 66(1978) Expiration Date
Chapter 126A, DYFS Utilization of Family Day Care Providers,
expires on August 7, 2005.

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, DYFS
Utilization of Family Day Care Providers, was readopted as R.1995
d.277, effective April 4, 1995. See: 27 N.J.R. 432(a), 27 N.J.R.
1801(b). Pursuant to Executive Order No. 66(1978), Chapter 126A
expired on April 4, 2000.

Chapter 126A, DYFS Utilization of Family Day Care Providers, was
adopted as new rules by R.2000 d.316, effective August 7, 2000. See:
Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10:126A-1.1 Purpose and scope
10:126A-1.2 Definitions

**SUBCHAPTER 2. DYFS FUNDED FAMILY DAY CARE
SERVICES PROGRAM REQUIREMENTS**

- 10:126A-2.1 Eligible providers of DYFS funded family day care
services
10:126A-2.2 Maximum number of children
10:126A-2.3 Exception to maximum number of children
10:126A-2.4 Use of family day care provider when child abuse is
substantiated

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 the standards of and is registered in accordance with N.J.A.C. 10:126, Manual of Requirements for Family Day Care Registration. The stan-

dards 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. 10:126-1.2, 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

For any family day care provider who 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 cared for by the family day care provider 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 cared for by the family day care provider 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 care of additional children over the maximum, by the family day care provider who 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 beyond the limits set by this chapter, of the number of children receiving family day care who are funded by the Division.

10:126A-2.4 Use of family day care provider when child abuse is substantiated

(a) The Division shall stop using and paying a family day care provider for each child under the Division's supervision when the Division:

1. Completes a child protective service investigation of the provider or a family member; and

2. Makes a finding of substantiated in accordance with N.J.A.C. 10:129A.

(b) When a family day care provider appeals the finding of substantiated, the Division shall not authorize use of the family day care provider for any child supervised by the Division until:

1. All appeals are completed; and
2. The finding of substantiated has been overturned.