

**CHAPTER 15**

**CHILD CARE SERVICES**

**Authority**

N.J.S.A. 44:10-58.

**Source and Effective Date**

R.1999 d.377, effective November 1, 1999.  
See: 31 N.J.R. 1850(a), 31 N.J.R. 3291(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 15, Child Care Services, expires on April 30, 2005. See: 36 N.J.R. 4882(a).

**Chapter Historical Note**

Chapter 15, Emergency Housing Program, was filed and became effective prior to September 1, 1969.

Chapter 15, Emergency Housing Program, was repealed by R.1983 d.523, effective November 21, 1983. See: 15 N.J.R. 1430(a), 15 N.J.R. 1944(a).

Chapter 15, Child Care Services, was adopted as new rules 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, Child Care Services, was readopted as R.1994 d.628, effective November 23, 1994. See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Chapter 15, Child Care Services, was repealed and Chapter 15, Child Care Services, was adopted as new rules by R.1999 d.377, effective November 1, 1999. See: Source and Effective Date.

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## SUBCHAPTER 1. GENERAL PROVISIONS

**10:15-1.1 Purpose and scope**

(a) The purpose of this chapter is to set forth the policies for a unified child care delivery system inclusive of all child care programs for which identified funding is received by the Department of Human Services (DHS) and administered through the Division of Family Development (DFD).

(b) The DHS, in fulfillment of its responsibility to develop and implement a Statewide comprehensive child care system and to comply with the most recent Federal welfare reform program under the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA), Public Law 104-193, has developed and implemented a unified child care delivery system. A unified child care agency (UCCA) is located in each county to ensure that all identified child care services are administered in a uniform method and provided to the public in an efficient and effective manner.

(c) Effective October 1, 1996, PRWORA was enacted. In addition to other provisions, PRWORA repealed existing Title IV-A child care programs and the program authorized by the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508 and consolidated the funds under these programs to form the Child Care Development Fund (CCDF) using Temporary Assistance for Needy Families (TANF), CCDF and State aid to fund the comprehensive system.

(d) The fund consists of discretionary funds authorized under section 658B of the amended Act, and Mandatory and Matching Funds appropriated under section 418 of the Social Security Act. (See P.L. 101-508, as codified at 42 U.S.C. § 9858 et seq.) These funds are also to be used to serve families who:

1. Are receiving assistance under a State program under part A of Title IV of the Social Security Act;
2. Are attempting through work activities to transition off such assistance programs; and
3. Are at risk of becoming dependent on such assistance programs.

(e) The CCDF was developed to ensure the delivery of Statewide child care services to:

1. Eligible families receiving cash assistance benefits through the TANF program and participating in Work First New Jersey (WFNJ);
2. Families at risk of TANF dependency;
3. Employed families who have transitioned off of TANF and are eligible for Transitional Child Care benefits (TCC);
4. Low and moderate income families who are employed or participating in an education/training program; and

5. Children in out of home placement under supervision of the Division of Youth and Family Services (DYFS).

(f) The CCDF also authorizes funds to be used for activities that:

1. Increase parental choice. When a parent elects to enroll the child with a provider that has a grant or contract for the provision of child care services, the child will be enrolled with the provider selected by the parent, to the maximum extent practicable;
2. Provide comprehensive consumer education to parents and the public. The UCCA shall certify that it will disseminate to parents and the general public consumer education information that will promote informed child care choices including, at a minimum, information about the full range of providers and health and safety requirements; and
3. Improve the quality and availability of child care, such as resource and referral services.

(g) The DHS shall operate these child care services programs through the coordination of efforts with the DFD and the DYFS which delineates subsidized child care services available through the DHS.

1. The policies and procedures set forth in this chapter shall be binding on those agencies contracting with the DHS to provide services through these child care service programs and are enforceable through the DYFS and the DFD, the divisions of the DHS jointly responsible for overseeing the child care service programs.
2. The child care programs shall be administered within the framework of Federal and State laws, rules and regulations. Requirements, other than those established pursuant to Federal and State law and this chapter, shall not be imposed as a condition of receiving child care services.

(h) The DHS shall streamline its subsidized child care service system by uniting its many categorical child care programs and functions into a seamless unified child care service delivery system. A primary objective of the DHS is to offer families comprehensive child care services that shall enable families to secure or maintain employment and thus become self-sufficient. The CCDF, in combination with State aid, provides services to low income employed persons and those low income employed persons engaged in a training or educational program. The New Jersey Cares for Kids program also provides child care services for protective services children and those in out of home placements who are identified by the DYFS. Additionally, the child care support services offered to families enrolled in WFNJ and TCC are provided to assist families participating in employment-directed activities and/or to secure and maintain employment. All families shall satisfy the eligibility criteria for the applicable program through which services are provided.

(i) The DHS 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 DHS supports child care services addressing the needs and concerns of working families and employers.

2. The DHS shall provide assurances that consumers of child care services shall have the maximum choice possible among types of child care options.

3. The DHS 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 nonprofit).

4. The DHS 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 renovations to child care sites.

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

6. The DHS 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; UCCAs; providers of child care services; employers; and the general public. That input is used by the DHS to assist in the overall planning for the provision of child care subsidies and services in New Jersey.

7. The DHS 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 DHS 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, complaint procedures, and policies and practices relative to child care services available in the State. The DHS shall make available consumer materials for that purpose.

9. The DHS ensures that child care service programs funded through the CCDF 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 Administration of Children and Families (ACF) on specific Federally-funded programs. The DHS

shall ensure that the UCCA complies with State Plan provisions. The State Plan shall be updated by the DHS routinely, as changes are made to program requirements by Federal and/or State government.

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

(j) Nothing in this chapter 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, the UCCA or contracted child care centers shall be released from all obligations for those services under this chapter.

(k) Financial assistance provided through the DHS' child care service programs shall not be authorized when, during the same period, such needs are actually being provided by any other source.

(l) Each UCCA shall coordinate child care delivery services with: units of local government; 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; 95 Stat. 463); school and nonprofit child care programs, including community-based organizations receiving funds for preschool programs for disabled children; organizations sponsoring before-and-after school activities; the WFNJ program; child care centers contracted with the DFD; DYFS District Offices; Adoption Resource Centers; Bureau of Licensing; Department of Labor One-Stop Career Centers; School-Based Youth Services Programs; Adolescent Pregnancy and Prevention Programs; Teen Parenting Programs; private providers; sectarian providers; Federal and/or State demonstration programs; and any other provider entities, agencies or resources as appropriate.

(m) Child care arrangements shall:

1. Be in the best interests of the child and shall consider the individual needs of the child, including the reasonable accessibility of the care to the child's home and school, and the appropriateness of the care to the age and special needs of the child;

2. Be agreeable to the participant and located within reasonable commuting distance from the participant's home, place of employment or site of employment-directed activity. The hours provided or claimed for reimbursement are reasonably related to the hours of participation or employment and shall be sufficient to accommodate the hours required by the employer or employment-directed activity;

3. Be accessible to parents at all hours of operation; and

4. Meet applicable standards of State and local law.

(n) The Statewide rates for child care payments are set forth at N.J.A.C. 10:15-10 and are made available to eligible providers from the Division of Family Development, Child Care Operations Unit, 6 Quakerbridge Plaza, PO Box 716, Trenton, NJ 08625-0716.

### 10:15-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Accessible" means the parent is able, by public or private transportation, to get to and from the child care provider, taking into consideration the age and any special needs of the child(ren).

"Administrative review" means a review by members of a panel appointed by the UCCA of a disputed matter initiated at the designated child care entity by a parent in receipt of non-entitlement child care services.

"Affordable child care arrangements" means those child care arrangements which do not exceed the DHS maximum child care reimbursement rates. In addition, parent co-payment fees shall not exceed the DHS co-payment schedule for subsidized child care services.

"Agency" means a designated entity in each county contracting with the DFD for the delivery of services to participants of subsidized employment directed activities.

"Appropriate child care" means the child care provider is open for the hours and days the parent would need child care in order to comply with work requirements and the provider is able and willing to provide child care services including addressing any special needs of the child(ren), and meets DHS requirements set forth at N.J.A.C. 10:122 and 10:126.

"Approved home" or "approved home provider" means a child 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 DHS' child care service programs, using the Self-Arranged Care Inspection and Interview Checklist (see N.J.A.C. 10:15-2.4(a)10).

"ARC" means the DYFS Adoption Resource Center.

"ARCC" means the At-Risk Child Care funding stream for the New Jersey Cares for Kids 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 Level (FPL), which are published annually in the Federal Register.

"BARA" means the Bureau of Administrative Review and Appeals in the DFD.

"Caregiver" means an individual who is at least 18 years of age who provides child care services in his or her home 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 person(s) providing the substitute care setting for a protective services child(ren) identified by the DYFS, including but not limited to foster care.

"Case manager (CM)" means the CWA staff responsible for coordinating services and monitoring the participation of individuals in WFNJ.

"Categories of care" means licensed child care centers, school-age child care programs, registered family day care, approved home care, in-home care, the DYFS in-home care, before and/or after-school care, and summer camp.

"CCDBG" means the Child Care Development Block Grant funding stream for the New Jersey Cares for Kids program.

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

"Child and Adult Care Food Program" means that program administered by the New Jersey Department of Agriculture which provides reimbursement to registered family day care home providers and licensed child care centers and school-age child care programs. The program is intended to improve nutritional intake in the diets of young children by serving healthy, well-balanced meals in child care settings.

"Child care agency" means the unified child care agency in each county which administers subsidized child care programs.

"Child care center" means any 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, and licensed by the DYFS Bureau of Licensing.

“Child Care Development Fund (CCDF)” means the funds which pay for the child care programs conducted under the provisions of the Child Care and Development Block Grant, as amended. (The CCDF replaces the Child Care and Development Block Grant Act of 1990.)

“Child Care Resource and Referral” means the system established to provide comprehensive consumer education, child care consultation and referral services to parents, child care providers, employers and the general public.

“Child care services” means child care services pursuant to this chapter which provide day care for those recipients of State subsidized employment programs.

“Child protective services (CPS)” means services on behalf of any child, under age 19, considered at risk of abuse, neglect, or exploitation; or found to be abused, neglected, exploited or abandoned, as identified by the DYFS. The term, unless otherwise specified, includes services provided to children in out-of-home placements under the supervision of the DYFS. (CPS was formerly known as Protective Services.)

“Co-payment” means a portion of the family income that is paid by the eligible parent 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.

“CWA” means the county welfare agency or the county board of social services in the respective county.

“DFD” or “Division” means the Division of Family Development in the New Jersey Department of Human Services, which is responsible for the administration of child care.

“DFD contracted centers” means those licensed child care centers that maintain a contract with the DFD to provide child care services to an identified population. Also referred to as “contracted centers.”

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

“Discretionary funds” means the funds authorized under section 658B of the Child Care and Development Block Grant Act, 42 U.S.C. §§ 9858 et seq. The discretionary funds were formerly referred to as the Child Care and Development Block Grant Funds.

“DO” means the DYFS District Office.

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

“DYFS field office” means the DYFS District Office or Adoption Resource Center.

“Early Childhood Development Program” means a program of services that are intended to provide an environment that enhances the educational, cognitive, social, cultural, emotional, and physical 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 and resides with a family that meets income eligibility and participation requirements as stipulated in this chapter;
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); or
3. Receives child protective services from the DYFS.

“Fair hearing” means a formal procedure through which a TANF recipient may appeal an adverse action or decision rendered through the WFNJ and TCC programs regarding eligibility for receipt of child care support services, in accordance with N.J.A.C. 10:15-2.4(a)18.

“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 or a caregiver with an assistant or an alternate caregiver in a private residence other than the child’s residence.

“Foster home” or “foster care” means a type of out of home placement in a private family residence with a family approved by the DYFS or another agency, using standards established by the DYFS, to care for five or fewer children, or who meet the requirements of N.J.A.C. 10:122C-1.9(b) to care for more than five foster children, whose parents are unable or unwilling to provide appropriate care for them and for whose care the foster family is reimbursed.

“FPL” means the Federal Poverty Level, as defined annually in the Federal Register by the United States Department of Health and Human Services in accordance with 42 U.S.C. § 9902(2).

“Full-time employment” means, for child care eligibility, employment that totals 30 or more hours per week.

“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.

“In loco parentis” means the status of those individuals who are serving as the primary caretaker without legal confirmation for the child(ren) on behalf of whom voucher(s) are requested. These individuals are considered in loco parentis if the parent(s) of the child(ren) are not residing within New Jersey and the child(ren) reside with these individuals on a full-time basis.

“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 shall be of such a debilitating nature as to reduce substantially or eliminate his or her ability to care for the eligible child(ren).

“Low income for application purposes” means families with annual gross incomes for the family size at or below 150 percent of the FPL for a family of the same size.

“Low income for mandatory and matching funds and discretionary funds” means families with annual gross incomes for the family size at or below 200 percent of the FPL as published in the Federal Register for a family of the same size.

“Mandatory and matching” means the funds that are mandated by the Child Care Development Fund for use for populations enrolled in WFNJ, TCC and At-Risk Child Care programs.

“New Jersey Cares for Kids (NJCK) Child Care Program” means the child care voucher program funded primarily by the Child Care and Development Fund. Also known as NJCK Program.

“Out of home placement” means a placement 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 CPS case management plan or services provided to CPS children residing with a para care provider.

“Overpayment” is a payment that exceeds the amount of child care subsidy, for which the parent/applicant or child care provider was eligible.

“Para care” is a service involving the placement of a child in a private family home by anyone other than DYFS, and which DYFS approves for payment after an approval process is completed.

“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” (45 CFR 98.2 through 3.7).

“Parent/applicant” means an individual who has applied for or receives assistance with child care services from any program described in these rules on behalf of an eligible child.

“Parent/applicant/provider agreement (PAPA)” means the authorization issued by a unified child care agency to the parent and the provider for child care services.

“Participant” means anyone involved in one of the subsidized programs described in this manual.

“Part-time employment” means, for child care eligibility, employment that totals less than 30 hours per week.

“Pre-K Partners Planning Grants” means those grants designed to facilitate cooperative efforts among the Unified Child Care agencies, licensed centers, Head Start programs and eligible family day care providers in the 125 Early Childhood Program Aid (ECPA) districts as identified by the New Jersey Department of Education.

“Provider” means the entity providing child care services.

“Reasonable distance” means, in the case of a child care provider, that a provider is located within a distance that is en route from the parent’s home and work activity and that the parent can get the child to care and then to the parent’s work activity within 90 minutes.

“Registered family day care provider” means a family day care provider registered pursuant to the Family Day Care Provider Registration Act rules (N.J.A.C. 10:126).

“Relative care” 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, great grandchild, sibling (if such provider lives in a separate residence), niece or nephew of such provider and complies with any applicable requirements that govern child care provided by the relative involved.

“Sectarian organization or sectarian child care provider” means a religious organization or provider 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 nonprofit religious organization or tax exempt status as a religious organization.

“Service eligibility period” means the period of child care services based on satisfying ongoing child care program eligibility criteria from the date child care services commence to the date that child care services end.

“Special circumstances” means a situation has occurred in which care cannot be provided by a family member or responsible adult and payment for such care is not available through other sources and the agency determines that such care is essential because of any one or more of the following:

1. Serious physical, emotional, mental or cognitive conditions requiring child care as part of the treatment plan; or
2. When illness, death and/or other disruption in family living has created problems and, on the basis of social and/or medical diagnosis, child care is necessary.

“Special needs child” means a child who is under the age of 19 who is physically or mentally incapable of self-care; or 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. A child of teen parents is also considered a special needs child.

“Temporary Assistance for Needy Families (TANF)” means the Federal welfare reform program (N.J.A.C. 10:90) that replaced Aid to Families with Dependent Children.

“Transitional child care benefits” means extended subsidized child care for those WFNJ participants whose case has been closed due to earnings from employment.

“Underpayment” means a payment that is less than the amount of child care subsidy which the parent/applicant or child care provider was eligible to receive.

“Unified child care agency (UCCA)” means the agency under contract by the DHS, through the DFD, to administer child care programs and services in a particular county or counties.

“Unsuitability of informal child care” means a provider who cannot meet the minimum requirements at N.J.A.C. 10:15-10.2(b).

“Very low income” means income at or below 150 percent of the Federal Poverty Level as modified by family size. (See Chapter Appendices.)

“Voucher” means the child care form developed and produced by the DFD that the UCCA issues to participating providers to record attendance and generate payments.

“WFNJ work activity” means any activity approved by the CWA that leads to employment.

“Work First New Jersey/TANF Program” means the single New Jersey welfare reform program established pursuant to P.L. 1997, c.13, c.14, c.37 and c.38, which provides assistance to families with dependent children through the TANF Program.

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

(a) Children shall be eligible for child care benefits if they satisfy at least one of the following requirements:

1. The child is under the age of 13;
2. The child is under the age of 19 and physically or mentally incapable of caring for himself or herself, as verified by the UCCA or CWA, based on a determination by a physician or a licensed or certified psychologist;

3. The child would be a dependent child, except for the receipt of benefits under the Supplemental Security Income Act of Title XVI or foster care under Title IV-E;

4. The child meets any one or more of the requirements of the conditions in (a)1 through 3 above, but is excluded from the eligible unit for cash assistance purposes pursuant to N.J.A.C. 10:90-2.7 and would otherwise be a dependent child; or

5. The child meets any one or more of the requirements of the conditions in (a)1 through 4 above, but is excluded from the eligible unit and lives in the participant’s household pursuant to N.J.A.C. 10:90-2.7.

(b) Applicants shall be informed by the UCCA about the eligibility requirements and of their rights and obligations in applying for or requesting, and receiving child care services through DHS’ child care service programs.

(c) The decision to apply and/or request child care services rests with the applicant.

(d) The applicant for child care services 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 among the UCCAs, the contracted centers and the families they serve.

(b) Each agency shall ensure that assistance and services are:

1. Extended in a manner and environment that 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.

#### **10:15-1.5 Nondiscrimination**

The DHS, the UCCA or the contracted child care agency in the administration of the child care service programs shall not discriminate on grounds of race; color; religious affiliation; gender; national origin; ethnic background; marital, parental or birth status; or disability.

#### **10:15-1.6 Confidential nature of information and disclosure**

(a) Information about parents/applicants for child care service programs shall be used and disclosed by the UCCA only for the purposes directly connected with the administration of child care service programs and as otherwise permitted or required by law.

(b) The DHS, the UCCA and contracted centers shall request information that is required:

1. To determine and/or verify eligibility for child care services as required by this chapter; and
2. For Federal and State reporting purposes.

#### 10:15-1.7 Issuance and availability of chapter

(a) The DFD shall promulgate this chapter and amendments to the chapter, as necessary. It is the responsibility of each holder of a copy of this chapter to maintain its accuracy by inserting new material as it is issued by DFD and by removing obsolete material promptly.

(b) The DFD shall provide copies of the chapter and updates to the DHS and its divisional administrative and other appropriate staff associated with the child care service programs. Those individuals within the scope of these rules are expected to be thoroughly familiar with its contents in order that policy and procedures may be consistently applied.

(c) This chapter, N.J.A.C. 10:15, is a public document. The DFD shall provide copies as follows:

1. For examination or review during regular office hours on regular work days in the DHS, the DFD, and in each county, at the office of the UCCA;
2. Specific material necessary for a parent/applicant or his or her representative to determine the basis for a fair hearing case/ administrative review request, or to prepare for a review, shall be provided to such persons without charge;
3. To public and university libraries that have agreed with the DHS request to keep the chapter up-to-date in accordance with the library reference procedures;
4. To each county legal service office;
5. To county boards of social services/CWAs;
6. To other welfare, social service and nonprofit organizations at no cost through written request to the DFD; and
7. To employment, education and training organizations (that is vocational/technical school, community colleges, and Joint Training Partnership Act (JTPA offices) through written request to the DFD.

(d) It is important that all copies of this chapter in use be up-to-date.

1. The chapter, or any portion of the chapter, shall be available from the DFD through a written request by the interested person, at the cost of printing and mailing.
2. All supplementary updates shall routinely be sent to those who have been supplied with the chapter. A mailing list shall be maintained and updated by the DFD.

## SUBCHAPTER 2. ADMINISTRATIVE RESPONSIBILITIES

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

(a) The DHS is the lead State agency responsible for child care service program delivery in the State. The DHS, through its divisions, the DFD and the DYFS, shall coordinate and supervise the administration of all child care programs and contracted child care centers funded by the TANF/CCDF and the DHS State grants and aid.

(b) The DHS shall submit and update State Plans and amendments for the TANF/CCDF and State grants and aid to ACF as required.

(c) The DHS shall adhere to Federal and State laws, rules and regulations pertaining to the administration of the TANF/CCDF programs in this chapter 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 TANF/CCDF funds; and
2. The operational and fiscal procedures used by the 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) The DHS shall contract with the UCCAs and contracted centers to administer the TANF/CCDF child care services components of these programs and other child care programs as required or as Federal and State funding is identified at the county level. The DHS shall require assurances from the UCCA that no conflict of interest exists in the UCCA's provision of the DHS child care programs with existing contracts and/or agreements held by that agency in administering child care services, and that the UCCA institutes a conflict of interest policy that is in compliance with the DHS policy and procedures.

(e) The 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, as set forth in this chapter.

(f) The DHS shall have an appeals process through the DFD in place to resolve issues concerning TANF/CCDF programs which are not satisfied at the level of the UCCA, as delineated at N.J.A.C. 10:15-2.4(a)18. The DHS shall also have a provision to govern fair hearings related to WFNJ and TCC child care services as identified in N.J.A.C. 10:90-9.3.

(g) The DHS shall monitor the UCCA and contracted centers for compliance with child care program policies.

(h) The DHS shall ensure that payment rates for child care services under the 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.

(i) The 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 including UCCAs and contracted centers. Written agreements which delineate responsibilities and duties shall be executed by the DHS for interagency coordination with other State departments.

(j) The TANF/CCDF funds and State grants in aid shall be used by the DHS to provide quality child care services and for improvements to the child care system of the State and to improve the availability and quality of child care and for early childhood development. For activities to improve the quality of child care, the DHS may enter into purchase of service contracts and/or grants with eligible entities through the competitive State process (request for proposal) or continuation funding.

#### 10:15-2.2 Divisional responsibilities

(a) The DFD shall be responsible for the following activities in the administration of the DHS child care service programs:

1. The development and issuance of the "Universal application Form", DHS: CCL, used in the child care service programs;
2. The contract, programmatic and fiscal supervision of the UCCAs and contracted centers at the county level;
3. Collaboration with the DYFS in the development of policies and procedures for the child care service programs;
4. Development and implementation of maximum reimbursement rate tables for all child care programs (see N.J.A.C. 10:15-10.1(c));
5. Provision for an administrative review appeals process through divisional proceedings when situations concerning voucher parents/ applicants are not resolved at the level of the local UCCA or contracted centers (see N.J.A.C. 10:15-2.4(a)18);
6. Provision for a fair hearing process, as delineated at N.J.A.C. 10:90-9.3, in situations concerning the provision of child care services for WFNJ or TCC participants;
7. Submission of required reports to the Federal ACF for the DHS administered child care programs and supportive services;
8. Periodically conducting a local market survey of child care costs for the various types of child care arrangements for full or part-time care;

9. The administration and supervision of contracts which are established with quality child care 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;

10. The responsibility of the distribution of Pre-K Planning Grant funds and recommendations for the use of funding to all ECPA school districts;

11. The establishment of a co-payment scale as contained in the Appendices to this chapter, based on family income, family size, hours of care needed and number of children in care; and

12. The establishment of income eligibility rules based on the Federal Poverty Level and contained in this chapter.

#### 10:15-2.3 DYFS responsibilities

(a) The coordination of the DYFS District Office/Adoption Resource Center need for child care services with individual child care agencies and in-home care providers is the responsibility of staff designated by the DYFS Field Office Managers as the Child Care Liaisons (CCLs). An alternate liaison should be designated to back up the regular liaison.

(b) Unless the DYFS Field Office Manager has assigned some of these responsibilities to other individuals, the responsibilities of the CCL include:

1. Establishing and maintaining open lines of communication and a good working relationship between the DYFS Field Office, individual contracted child care agencies, and the UCCA, including procedure for problem resolution;
2. Assisting in clarifying child care-related policies and procedures to the DYFS staff, the UCCA and contracted child care center staff and implement the DYFS Field Office procedures for referral and admission;
3. Determining or ruling out the availability of a child care placement in other publicly or privately funded programs that are reasonably accessible to the family;
4. Notifying a child care agency or the UCCA within five working days of any change in child care status, including case transfers to other DYFS Field Offices, changes in the child's placement, changes in assessed co-payments, discontinuance of child care service, and termination of the DYFS case;
5. Maintaining accurate records for both the DYFS Field Office and child care agency (that is, referral and placement of eligible CPS children and tracking of vacant contracted child care spaces held for the DYFS Field Office use, as notified by each child care agency);
6. Reconciling Priority 1 children as defined at N.J.A.C. 10:15-6.3(a)1 identified as receiving child care

services on the DYFS client information system with information with Priority 1 children listed on the latest monthly DYFS/CPS voucher payment report from the UCCA;

7. Assisting the DYFS Case Managers by reviewing application forms and supporting documentation to ensure proper completion prior to submittal to the child care agency or UCCA;

8. Facilitating the DYFS Field Office child care referrals, placements, and intake of clients referred from a child care agency or the UCCA, including prioritizing applications, certifying and processing the required paperwork, and, if necessary; obtaining missing required paperwork or supporting documentation (that is, employment/school/training program status or income verification); and

9. Coordinating with other liaisons from other DYFS Field Offices, respond to child care issues and participate in regularly scheduled child care meetings, as required.

#### 10:15-2.4 Responsibilities and obligations of the UCCA

(a) Each UCCA shall:

1. Inform parent/applicants requesting child care benefits of their rights and responsibilities, as delineated at N.J.A.C. 10:15-2.7;

2. Respond to all requests for child care services within the period of time specified in the provider contract with the Department.

3. Assist the parent/applicant 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 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 this chapter and apply the requirements of this chapter consistently;

6. Maintain up-to-date policy and procedural material for staff use;

7. Maintain a record of substantiated parental complaints and make information regarding such complaints available to the public on request, except that any records concerning child abuse/neglect shall not be made 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, if applicable;

10. Conduct home evaluations of providers of home based care who are not registered pursuant to the Family Day Care Provider Registration Act (N.J.A.C. 10:126) using the "Self-Arranged Care Inspection and Interview Checklist" provided by the Division. This Checklist requires information concerning: provider and participant identification; a home inspection checklist, including aspects of the physical environment, fire safety, general health, safety and sanitation, the program, rest and sleep, and food and nutrition; interview specifics concerning home residents; and observations of the evaluator;

11. Verify through the appropriate regulatory agency that child care providers participating in DHS administered child care service programs comply with applicable State or local health and safety requirements;

12. Determine and/or verify eligibility of families and the availability of child care service funds for all DHS administered child care service programs;

13. Coordinate and verify WFNJ, TCC and State Only Food Stamp child care services with the appropriate case manager;

14. Maintain ongoing communication with the CWA to ensure the participant's continued eligibility for the provision of child care services;

15. Provide child care counseling and available options to parents/ applicants;

16. Issue forms and materials to eligible parents/applicants for receipt of provider services;

17. Maintain records on agency contracted services, as required by the individual contract;

18. Provide for due process for parent/applicant complaints and provider concerns regarding DHS administered child care service programs. Issues not resolved at the local level shall be taken to the Divisional level for a case/administrative review;

19. Establish written agreements for services between the UCCA, the parent/applicant, and the provider regarding agreed-upon child care arrangements, co-payment responsibilities, if applicable, and the submission of vouchers for payment of service, as required by N.J.A.C. 10:15-9;

20. Determine payment to provider(s) from the program and the amount of the co-payment paid by the parent/applicant, if applicable;

21. Establish an affiliation agreement with the DYFS DO and/or the ARC for children under the protective service supervision of the DYFS;

22. Conduct re-determinations of eligibility for the ARCC and CCDBG programs at the beginning of each new service eligibility period as defined by the DHS, or when reported changes necessitate such a re-determination (N.J.A.C. 10:15-5.2 and 5.3);

23. Ensure continued eligibility for TCC participants (N.J.A.C. 10:15-4.2);

24. Ensure that recorded changes affecting eligibility are addressed for the DHS subsidized child care programs;

25. Maintain and update the client data base and case files in accordance with State and Federal standards and requirements;

26. Review the attendance forms (vouchers) and certify them for payment, for children in the care of providers participating in the child care service programs;

27. Provide information on all the DHS subsidized child care programs to parents/applicants and the community;

28. Maintain an audit trail of all financial and accounting reports and transactions associated with the child care service programs;

29. Account for all funds, administrative, operational and direct subsidies to providers of child care service;

30. Provide for the timely processing of payments to eligible providers in accordance with State requirements contained in individual contracts;

31. Provide technical assistance to providers as needed, requested, or required;

32. Submit monthly and quarterly reports as defined and required in the DHS operational and fiscal procedures contained in the individual contracts;

33. Maintain a cost allocation plan for the distribution of all administrative costs in accordance with the requirements of this chapter, the individual contract, and 45 C.F.R. § 98.13;

34. Provide notices to participants and providers when changes in circumstances may affect child care service benefits;

35. Provide information and data to verify and ensure that no conflict of interest occurs;

36. Administer all child care subsidy programs as required by the DHS adhering to established eligibility criteria, as specified in this chapter;

37. Create and actively participate in an early childhood committee or consortium in each ECPA district to encourage cooperation and collaboration among the early

childhood delivery programs in each district to avoid duplication of effort among public schools and other preschools in the community; and

38. Submit contracts as required by the DHS in its contract with the UCCA, as authorized by 45 C.F.R. § 98.11.

#### 10:15-2.5 Responsibilities of the DFD contracted centers

(a) The DFD contracted center shall give as much advance notice as possible to the DYFS CCL at the appropriate DYFS office by telephone, facsimile or e-mail of an anticipated vacancy in a contracted space. If prior notification cannot be given, the DYFS CCL shall be notified within 24 hours after the agency becomes aware of an actual vacant contracted space.

(b) If the DYFS Field Office indicates that it has no current need for the contracted space for a CPS Priority 1 child, as defined at N.J.A.C. 10:15-6.3(a)1, the DFD contracted center shall proceed to fill the vacancy with a Priority 2 or 3 child defined at N.J.A.C. 10:15-6.3.

#### 10:15-2.6 Responsibilities and obligations of the CWA

(a) Appropriate staff of the county welfare agencies shall be responsible for the following activities in the administration of WFNJ/TCC child care support services:

1. Determining the eligibility of participants and children for WFNJ child care services;
2. Determining initial eligibility for TCC;
3. Referring all eligible participants with the appropriate income and employment activity information to the UCCA for child care services;
4. Making entries on the required automated systems to ensure the provision of child care services so as not to impede the ability of an individual to participate in the required employment directed activity;
5. Providing notification to the UCCA on all issues which impact the participant's eligibility for child care services;
6. Assisting the UCCA in child care related initiatives as directed by the DFD;
7. Assisting the UCCA in the fair hearing process for child care issues as it relates to the determination of eligibility for child care services; and
8. Notifying the UCCA of any changes in eligibility for child care services.

#### 10:15-2.7 Parents/applicants rights and responsibilities

(a) The parent/applicant in receipt of subsidized child care services 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 UCCA or contracted child care program and the provider, when applicable;

4. Sign provider vouchers or attendance forms as required to verify to the agency that the child(ren) in care attended care on those days for hours indicated;

5. Make payment of the co-payment amount determined by the UCCA or contracted centers to the provider(s) as required by this chapter;

6. Report all changes in circumstances regarding eligibility such as, but not limited to, change of home address, 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 UCCA or contracted center within 10 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; and

8. Comply at all times with the program eligibility requirements as set forth in this chapter, pertaining to work-related activities, employment, training, education or child protective service status, and income eligibility requirements while in receipt of services.

#### 10:15-2.8 Provider responsibilities

(a) The provider of child care services shall:

1. Comply with all applicable laws, rules and regulations to ensure a safe environment for the children in care;

2. Collect the parent co-payment and report the non-payment of that co-payment to the UCCA to initiate the termination of the child care subsidy;

3. Complete and return attendance data and all other required documents in a manner specified in the individual provider contract;

4. Cooperate in the evaluation and inspection of the child care site in accordance with State and local regulations and requirements for health and safety checks;

5. Ensure that no duplication of payment is made for the same period of time for the eligible children;

6. Report and return all overpayments as required by N.J.A.C. 10:15-10.4;

7. Provide no less than 10 calendar days notice to parents/applicants when a child will be terminated;

8. Comply at all times with regulatory requirements for licensed child care centers, registration of family day care homes or the authorization of approved homes, as appropriate; and

9. Allow parental access at any time during normal operating hours.

### SUBCHAPTER 3. CHILD CARE SERVICES FOR THE WFNJ PROGRAM

#### 10:15-3.1 Overview

Child care services are provided to WFNJ/TANF participants to the extent such services are necessary to permit a TANF family to accept employment, remain employed, or participate in a WFNJ work activity as delineated at N.J.A.C. 10:90. These services shall be available for WFNJ/TANF eligible dependent children during the recipient's period of eligibility for cash assistance. The rules in this subchapter shall not be interpreted as conferring an entitlement to supportive services; likewise, these services shall be provided only as a last resort when no other source of support is available.

#### 10:15-3.2 Eligibility for child care services made available through the WFNJ program

(a) Families eligible for TANF cash benefits as set forth in N.J.A.C. 10:90-2 and 3 and participating in the WFNJ program are eligible for child care services if the family is receiving TANF and participating family members are in an approved WFNJ work activity as required in N.J.A.C. 10:90-4.

(b) Eligible families receiving TANF benefits shall access WFNJ child care benefits through a referral from the appropriate WFNJ case manager or designee, pursuant to applicable Federal and State regulations. (See P.L. 104-193 and N.J.A.C. 10:90.) The WFNJ case manager or designee shall refer eligible families to the UCCA.

(c) Families receiving TANF cash assistance and employed may also be eligible to receive WFNJ child care services. These families shall be required to pay a co-payment based on earned income toward the cost of child care.

(d) Child care services shall be available, based upon the individual needs of each family, to eligible WFNJ participants to the extent such child care is necessary to permit the participant to accept employment, remain in high school if an adolescent parent, and/or to participate in an approved WFNJ work activity.

(e) Child care services are available for two parent households as delineated at N.J.A.C. 10:90-4.2(e).

(f) Child care services are also available for two parent families receiving cash assistance and enrolled in WFNJ where one parent is employed and the other parent is incapacitated, as defined in N.J.A.C. 10:90-4.9.

(g) A recipient shall not be required to engage in a work activity if it has been demonstrated that there is an inability to obtain needed child care for a child under six years of age. In fulfilling this requirement, the TANF agency may determine that the parent has demonstrated inability to obtain needed child care if the care available is neither appropriate child care; within a reasonable distance; suitable; or accessible.

1. Any WFNJ participant has the right to refuse child care benefits in accordance with N.J.A.C. 10:90-5.2(a)3.
2. Good cause for failure to participate in the programs shall be found if the participant meets any of the criteria in (g) above.

### 10:15-3.3 WFNJ payment policies

(a) WFNJ/TANF child care payments are available for care of an infant, toddler, preschool child, school-aged child or child with special needs in various types of arrangements. Full-time and part-time care are also available for eligible children of WFNJ participants who are employed full-time and in receipt of cash assistance. These families shall also be required to contribute to the cost of care as delineated in N.J.A.C. 10:90-5.2.

(b) WFNJ/TANF families shall receive child care services through the WFNJ program under the following additional circumstances:

1. Payment for care of school-aged children, which is normally limited to part-time or after school care during the school year, shall be made at the full-day rates during summer vacations and recognized vacations and holidays during the school year, for example, Christmas, spring vacation, and so forth.
2. Alternate care arrangements shall be provided by another approved provider for a child of an eligible participant when authorized by the UCCA when the child is sick and primary care is unavailable and for drop in care.
3. Payment shall be made for the cost of transportation of a child to and from a day care center in accordance with N.J.A.C. 10:90-5.4.

i. In addition to the maximum allowable rate for care, when transportation or the cost of transporting a child to and from a licensed child care center or day camp is not available from any other source, the UCCA shall allow the cost of transportation as prescribed by WFNJ standard child care transportation rate.

ii. When it is essential for physical health and safety, the cost of transporting a disabled child to and from the registered family day care provider shall be authorized.

4. Where child care arrangements would otherwise be lost and the subsequent activity is scheduled to begin within that period, a bridge payment shall be made for a period not to exceed one month (defined as five weeks to accommodate calendar months of up to 31 days for operational purposes).

(c) The duration of payment for WFNJ child care benefits routinely available to participants in a WFNJ work activity is as follows:

1. Employed WFNJ participants are eligible to receive child care benefits:
  - i. While the participant is employed and receiving TANF benefits; or
  - ii. For an extended period after the commencement of employment that results in the ineligibility for WFNJ/TANF.

2. The following apply to payment for child care provided in special circumstances:

- i. Payment shall not exceed the maximum rates established by the Commissioner and promulgated by the DFD (N.J.A.C. 10:15-10), and shall be limited to 60 calendar days unless extended upon request and with the approval of the DFD. This payment shall be made by the CWA.
- ii. Criteria for an extension of child care in special circumstances shall include, but not be limited to, a continuation of the serious conditions which precipitated the original request for the child care, if there is an indication that the conditions will improve imminently in order to permit the parent or caregiver to resume full-time care of the child(ren).
- iii. All decisions for extension of child care shall be made on a case-by-case basis.

### 10:15-3.4 Hearings and notices

(a) WFNJ/TANF applicants and participants are entitled to hearings and notices under provisions at N.J.A.C. 10:90-9 on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce WFNJ/TANF child care benefits.

(b) Changes in the manner of payment are not subject to timely notice requirements unless they result in a discontinuation, suspension, reduction or termination of benefits, or they force a change in child care arrangements.

(c) If the individual has been receiving WFNJ child care benefits and is awaiting a hearing concerning those benefits because such benefits were reduced, he or she is not entitled

to receive WFNJ child care benefits at the prior unreduced level. Benefits shall continue at the determined reduced level pending the hearing. If the individual had not been receiving any child care benefits and is awaiting a hearing due to nonreceipt of child care benefits, he or she is not entitled to receive any WFNJ child care benefits pending the hearing.

#### 10:15-3.5 Refusal of WFNJ/TANF child care benefits

(a) WFNJ/TANF participant may refuse available appropriate WFNJ child care benefits if the participant can ensure that such refusal will not prevent or interfere with participation in a WFNJ work activity.

1. When child care referrals have been made available to them, refusal of WFNJ/TANF child care benefits may be inferred if the participant does not select a child care provider by the start of a work activity.

2. Refusal of WFNJ/TANF child care benefits shall be documented in the UCCA case record and reported to the CWA immediately.

3. In instances where refusal of child care is disputed, it is the responsibility of the UCCA to show that a minimum of three referrals for appropriate care were made, and it is the responsibility of the participant to document that he or she met with the referred providers in a manner compatible with the activity.

### SUBCHAPTER 4. TRANSITIONAL CHILD CARE (TCC) BENEFITS

#### 10:15-4.1 Overview

Transitional child care (TCC) benefits provide child care services to families whose eligibility for cash assistance has terminated when the case is closed due to earnings from employment.

#### 10:15-4.2 Eligibility for TCC benefits

(a) A TANF family shall be eligible for TCC benefits if all of the following conditions are met:

1. The family shall have ceased to be eligible for cash assistance as a result of earnings due to employment, which resulted in the loss of TANF cash assistance;

2. The family that has ceased to be eligible for cash assistance as a result of a combined income of child support and earnings from employment shall be eligible for TCC benefits based solely on the earnings due to employment;

3. The family shall have received cash assistance in the last month preceding the first month of ineligibility;

4. The family requests TCC benefits and provides the information necessary for determining eligibility and co-payment, including verification of effective dates and amounts of earnings;

5. The participant signs an agreement covering the benefit period during which the child care is to be provided;

6. The participant remains eligible in accordance with N.J.A.C. 10:90-2 and 3;

7. The family pays the required co-payment in accordance with N.J.A.C. 10:15-10; and

8. The family shall report changes in employment status and income to the UCCA.

(b) The period of eligibility for TCC benefits shall be subject to the following:

1. Eligibility for TCC begins with the first month for which the family is ineligible for TANF cash benefits due to the reason set forth in (a)1 and 2 above;

2. Families shall begin to receive TCC assistance in any month of the 24-month eligibility period;

3. The period of eligibility may continue for a period of up to 24 consecutive months beginning the first month the family is ineligible for TANF;

4. The family that applies in any month after the first month of eligibility for TCC benefits loses those months for extension purposes; and

5. Continued eligibility shall be re-determined after 12 months from the initial eligibility.

(c) A family shall be ineligible for TCC assistance if the participant does any of the following:

1. Terminates employment;

2. Fails to cooperate with the UCCA in establishing child care payments; or

3. Fails to pay the required co-payment.

(d) Re-determination of eligibility for TCC benefits shall occur after 12 months of eligibility for TCC benefits. The family shall be required to submit verification of evidence that they continue to meet eligibility requirements and shall comply with all program requirements. The family shall be eligible for extended benefits if:

1. The participant remains employed;

2. The participant signs an agreement covering any remaining period of eligibility during which TCC benefits may be provided;

3. The participant agrees to comply with all co-payment requirements; and

4. The family continues to have an age eligible child or a special needs child.

(e) A participant shall reestablish eligibility for TCC benefits under the following circumstances.

1. If the participant loses a job and then secures another job, the family can qualify for TCC benefits for the remaining portion of the eligibility period.

2. A family that reestablished eligibility for TANF cash assistance benefits for one month or more shall become eligible for another full period of extended TCC if the TANF case is closed for earnings due to employment.

#### 10:15-4.3 Hearings and notices

(a) TCC recipients are entitled to hearings and notices under the provisions at N.J.A.C. 10:90-9 on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce WFNJ/TANF child care benefits.

1. Timely and adequate notice shall be given if TCC benefits are reduced, discontinued or suspended due to nonpayment of the co-payment; or if a change in the manner of payment results in a discontinuance, suspension, reduction or termination of benefits; or forces a change in child care arrangements.

2. Timely and adequate notice is not required for a change in the manner of payment that does not result in an action in (a)1 above.

### SUBCHAPTER 5. NEW JERSEY CARES FOR KIDS (NJCK) PROGRAM

#### 10:15-5.1 General provisions

(a) The NJCK program operates with three components: At-Risk Child Care (ARCC), Child Care Development Block Grant (CCDBG), and Children in Protective Services (CPS). These components provide eligible families with necessary child care services. Eligible families shall access NJCK child care services through the UCCA in the county where the family resides.

(b) Full and part-time child care arrangements are available for care of an infant, toddler, preschool child, school-aged child or child with special needs.

#### 10:15-5.2 At Risk Child Care (ARCC) eligibility

(a) Families shall be eligible for At Risk Child Care (ARCC) if they are in need of child care services in order to remain employed full-time or to accept full-time employment, to avoid dependency on TANF. (See chapter Appendix B, Income Eligibility Schedule for Publicly Subsidized

Child care services or Services, incorporated herein by reference.)

(b) Families shall be ranked according to the following Admission Priority Codes. For initial program entry, the maximum annual gross income of the family shall not exceed 200 percent of the Federal Poverty Level (Tier A—at or below 150 percent; Tier B—between 151 percent and 175 percent; Tier C—between 176 percent and 200 percent of Federal Poverty Level). Following the initial determination, child care services may continue until the gross annual income of the family exceeds 250 percent of the Federal Poverty Level.

1. "01": Children in families in which the parent is a former TANF recipient and who has completed extended WFNJ/TANF TCC eligibility or in which the parent will complete his or her child care benefit period within one month from the date of the application. The parent must need child care services in order to accept or remain in full-time employment. A parent who is enrolled in school or who is participating in a training program shall not be eligible unless the parent is also employed full-time. The UCCA shall be responsible for monitoring the TCC case load to facilitate the transition of services. A family in receipt of TCC may apply for ARCC at any time during the 24 month benefit period.

2. "02": Children in families who are ineligible for WFNJ/TANF TCC benefits. A parent must need child care services in order to accept or remain in full-time employment. A parent who is enrolled in a school or who is participating in a training program shall not be eligible unless the parent is also employed full-time. The parent who falls into this category is likely to have left WFNJ/TANF due to the level of child support received. The UCCA shall be informed of the family's eligibility in this area by the appropriate county welfare agency/Board of Social Services WFNJ/TANF Case Management Unit.

3. "03": Children with parents who are employed and who are enrolled in the non-public assistance Food Stamp Program. A parent must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or who are participating in a training program shall not be eligible unless they are also employed full-time.

4. "04": Children in families who are homeless or at-risk of becoming homeless. Parent(s) must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or who are participating in a training program shall not be eligible unless they are also employed full-time.

5. "05": Children residing with adolescent parents who are head of their household, who are not on WFNJ/TANF, and who are otherwise eligible for assistance under ARCC. Parent(s) must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or who are participating

in a training program shall not be eligible unless they are also employed full-time.

6. "06": Children under the DYFS protective service supervision who reside in their own home with their parent(s) who are employed full-time and not on WFNJ/TANF. Parent(s) must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or training program shall not be eligible unless they are also employed full-time. Children under the DYFS protective service supervision in an out-of-home placement shall not be eligible.

7. "07": Children in families with incomes at or below 200 percent of Federal Poverty Level for initial entry into the program and 250 percent of the Federal Poverty Guidelines for continued eligibility and where the parent (one parent in single parent families or both parents in two parent families) works full-time who do not fall in priorities 01 through 06 in (a)1 through 6 above. The parent(s) must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or who are participating in a training program shall not be eligible unless they are also employed full-time.

(c) The applicant shall report changes in circumstances which affect continued eligibility or level of benefits to the UCCA.

(d) Families shall make the required co-payment in accordance with N.J.A.C. 10:15-9.

(e) If the participant loses a job, eligibility terminates unless he or she then finds another job within one month of the job loss.

### 10:15-5.3 Eligibility for CCDBG

(a) Families shall be eligible for CCDBG if they are in need of child care services in order to remain employed or accept full-time employment or to attend full-time educational and/or work/training programs. For initial program entry, the annual gross income of the family shall not exceed 200 percent of the Federal Poverty Level Guidelines for a family of the same size. Following the initial determination, child care services shall continue until the gross annual income of the family exceeds 250 percent of the Federal Poverty Level Guidelines, adjusted for family size. Since the priority code 8 children who come through the CCDBG/CPS funding stream represent the most severe cases of abuse/neglect, these cases only shall not be required to adhere to the 200 percent entry level requirement, but shall be ranked according to the following CCDBG Admission Priority Codes:

1. "08": Children identified by the DYFS as abused or neglected and in need of protective services.

i. Families who are eligible to receive a subsidy or be placed on a waiting list under this priority are as follows:

(1) DYFS At-Home: These families are not required to need child care services to accept or maintain employment full-time or be enrolled in a school or training program.

(2) Out of home placement: These families are required to need child care services to accept or maintain employment full-time or be enrolled in a school or training program.

ii. In both instances, in (a)1i(1) and (2) above, the UCCA shall verify if the family is an active DYFS case, via the process outlined in their affiliation agreement, with the appropriate District Office. The affiliation agreement shall address verification procedures for this population as well as the CCDBG/CPS population.

2. "09": Children in families with incomes at or below 200 percent of Federal Poverty Level for initial entry into the program and 250 percent of the Federal Poverty Guidelines for continued eligibility and where the parent (one parent in single parent families or both parents in two parent families) works full-time who do not fall in priorities 01 through 06. The parent(s) must need child care services in order to accept or remain in full-time employment. Parents working full-time or part-time or in a full-time training or education program and who do not fall into priority 08 in (a)1 above shall not be eligible. This priority is further delineated as follows:

i. Children identified as having special needs and/or circumstances, that is, in N.J.A.C. 10:90-5.2(b)1 through 7, a child that is not under the DYFS supervision who has been identified through a written referral from a county welfare agency; legal, medical, or social service agency; emergency shelter; or public school which indicates that the child is from a family experiencing medical or social problems or adverse living conditions. Such children require child care arrangements to help ameliorate the situation and/or prevent the placement of the child or other family member(s) outside the home. Parents must need child care services in order to remain in full-time employment or in a full-time training/education program.

ii. Children identified as a child of a teen parent enrolled and referred by a school-based youth services program or a teen parent who has remained in school and is therefore ineligible for WFNJ/TANF transitional or like benefits shall be considered as having special circumstances and shall receive this priority consideration.

iii. Children in families with incomes at or below 200 percent of the Federal Poverty Level and do not fall into priority 08 in (a)1 above. Parents must need child care services in order to remain in full-time employment or full-time training/education program.

(b) The applicant shall report changes in circumstances that affect continued eligibility or level of benefit to the UCCA.

(c) Families shall make the required co-payment in accordance with N.J.A.C. 10:15-9.

(d) If the participant loses a job, eligibility terminates unless he or she then finds another job within one month of the job loss.

#### **10:15-5.4 Eligibility for Child Protective Service (CPS) funds**

(a) A child is eligible for Child Protective Service (CPS) child care services if the child is under the DYFS CPS supervision, including children in out of home placements supervised by the DYFS.

(b) Any parent and his or her child(ren), a legal guardian and his or her children, or the foster parent of a protective services child(ren) under the supervision of the DYFS shall be given the opportunity to apply without delay for child care services.

(c) CPS child care services shall be accessed in the following manner:

1. Eligible families shall access CPS child care services only through a referral from the DYFS DO or ARC.
2. The appropriate DYFS staff shall assist the applicant and the UCCA in completing the application process after the referral is made.
3. In all cases, CPS funds shall only be used to provide voucher subsidy assistance for services provided in the following types of child care arrangements:
  - i. Licensed child care centers;
  - ii. Registered family day care homes;
  - iii. Summer day camps; and
  - iv. DYFS in-home care.

(d) In addition to the eligibility criteria set forth in (a) and (b) above, families shall also satisfy additional requirements for receipt of child care services as set forth in N.J.A.C. 10:15-1.3.

(e) The out of home placement provider for a child placed with the provider and receiving child care services through DYFS, as defined in N.J.A.C. 10:15-1.2, shall be exempt from the co-payment requirement. The co-payment shall be assessed for children in their own homes under the DYFS supervision, but may be waived or reduced on a case by case basis by the DYFS DO or ARC.

(f) Separate applications shall be completed for the DYFS foster child(ren) and for the birth child(ren) residing

in the same home, when subsidized child care is needed for both.

## **SUBCHAPTER 6. CONTRACTED CHILD CARE CENTERS**

### **10:15-6.1 Purpose and scope**

(a) The DFD requires that the admissions criteria set forth in this subchapter be observed by contracted child care agencies to ensure that subsidized child care services are provided on a consistent basis Statewide to those eligible children and their families in greatest need of the service. The admissions criteria established in this subchapter shall apply to all eligible children on behalf of whom subsidized child care is requested.

(b) The scope of this subchapter specifically applies to center-based child care provider agency contracts as designated by the DFD.

(c) Contracted child care centers shall be accessed in the following manner:

1. Eligible families shall access contracted child care centers through a written referral from the UCCA, the DYFS or direct application to the program.
2. The staff shall assist the applicant and the UCCA in completing the application process after the referral is made.
3. In all cases, only CPS funds shall be used to provide voucher subsidy assistance for services provided in contracted child care centers after all available contracted slots are utilized. This child then becomes eligible for the next available contracted slot.

### **10:15-6.2 Application of the admission criteria**

(a) An eligible child who is receiving subsidized child care services shall not be displaced by another child for the sole reason of meeting an admission category of priority.

(b) In the event that a vacancy does not exist, the child care agency shall place the child needing child care services on a child care waiting list in priority order.

### **10:15-6.3 Priorities for admission**

(a) The three priorities specified in this section establish additional criteria for the admission of children who are eligible for subsidized child care services funded through contracts maintained by the DFD.

1. Priority 1: A child under the CPS supervision of the DYFS and who is identified as eligible to receive subsidized child care services as part of an approved case plan.

i. A DYFS case manager shall use the following criteria to determine when subsidized child care is needed:

(1) The child is living in the home of the parent(s) or legally responsible persons and the need for child care services is related to preventing neglect or abuse; rehabilitating the family; preventing a crisis or disruption in the family; preventing the need for the DYFS out of home placement services; or meeting identified developmental special needs of the child.

(2) The child is living in the home of individuals who are not the birth parents, but who have voluntarily assumed responsibility for the care of a child or who have legal custody of a child, and no payment is received for the maintenance of the child from the DYFS. The need for child care services is related to preventing a crisis or disruption in the family; preventing the need for the DYFS out of home placement services; meeting identified developmental special needs of the child; or to prepare for family reunification.

(3) The child is in a DYFS out-of-home placement or DYFS para care home and the need for child care services is related to sustaining the placement:

(A) The employment, education or training status of the applicant and co-applicant, or applicant in a single foster parent family;

(B) One applicant is employed, attending school, or participating in a job training program leading to employment and the co-applicant (or applicant in a single foster parent family) is responsible for the care of another child in the home who is physically incapacitated or mentally challenged; or

(C) Child care services are needed to meet identified developmental special needs of the child.

ii. Income eligibility criteria for a Priority 1 child, as defined in (a)1i above, is without regard to income, if family income exceeds eligibility limits;

iii. Income eligibility criteria for a Priority 1 child, as defined in (a)1i above, shall be determined on the basis of the following criteria:

(1) The child shall constitute a family of one with \$0.00 income;

(2) Two (or more) of these children with \$0.00 income who are siblings residing in the same private household shall constitute that family's size.

iv. The DYFS case manager or applicant is required to provide all annual family gross income and family size information requested and supporting documentation needed to verify eligibility for subsidized child care service, such as employment, education or training status, which is required for payment or reimbursement purposes and/or to meet reporting requirements mandated by State or Federal regulations. While the income of the foster parents' is not needed for determining eligibility, it is needed for Federal reporting.

v. The DYFS case manager or child care liaison shall notify the contracted child care center, in advance, in writing, of the closing of a CPS case of an enrolled child.

vi. Subsidized child care services may not be discontinued for a Priority 1 child after the case is closed by the DYFS, if there is an identifiable need for subsidized child care and the family continues to meet the income eligibility and need criteria for Priority 2 or 3, as specified in N.J.A.C. 10:15-6.4 and 6.5.

2. Priority 2: Priority placement consideration for subsidized child care services or service shall be given to a child who is not under the child protective service supervision of the DYFS and who has been initially determined eligible on the basis of the annual gross family income for the family size, as indicated in Entrance Tiers A, B and C. One parent/applicant in a single parent family or both parents in two parent families shall also meet the following conditions in order for the child to be considered eligible for Priority 2 placement:

i. The parents work full-time, attend a full-time school or training program directed toward employment, or whose combination of work and school/training equals a full-time work/school/training equivalent. Full-time work means work for 30 or more hours per week. Full-time school or job training means either 12 or more credit hours per term at a college or university or nine or more credit hours during summer semester.

ii. One parent/applicant is employed or attends class full-time and the co-applicant (or the applicant in a single parent family) is physically or mentally incapacitated and due to the extent of the condition, is unable to care for the child or the ability to provide care for the child is significantly limited and assistance is required.

iii. The child is identified by the CWA, BSS or UCCA as eligible to receive subsidized child care services or service because both parents (or the only applicant in a single parent family) participate in an approved employment-related activity, as part of the WFNJ Program.

**10:15-6.16 Administrative review**

(a) The parent shall have the right to request an administrative review upon notice of any denial, termination, reduction, or suspension of service.

(b) When service is terminated due to late or non-payment of a co-payment, the parent of a child who is the recipient of child care services funded by the DFD retains the right to request an administrative review.

(c) If a timely request (within 10 days) is made, services are continued until an administrative review is held, and a final determination is made.

**10:15-6.17 Monitoring and compliance**

(a) Under no circumstances shall the DFD contracted child care center accept duplicate payment for a child who has been determined eligible to receive child care subsidy assistance through a voucher processed by the UCCA and who is also enrolled and receiving subsidized services in a contracted space funded by the DFD.

(b) The DFD shall be responsible for ensuring that the admissions policy is applied appropriately and consistently by all DFD contracted child care centers. The monitoring responsibility is part of the regular program review, which shall be conducted by designated DFD staff. As such, the DFD staff have the authority to randomly sample and review agency files to ensure compliance with the requirements of this policy.

(c) The DFD shall be provided free and ready access to a child's record and the DFD contracted child care center's waiting list in order to determine compliance.

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**SUBCHAPTER 7. FAMILY DAY CARE (FDC)  
REGISTRATION PROGRAM**
**10:15-7.1 Overview**

Through the State's voluntary FDC Registration Program, individuals shall be registered as family day care providers pursuant to the N.J.A.C. 10:126. As the sponsoring organization, the UCCA shall comply with the rules governing sponsoring organizations that are contained in N.J.A.C. 10:126.

**10:15-7.2 Responsibilities of the UCCA**

The UCCA shall be responsible for both the regulatory and support aspects of the Family Day Care Registration program, as specified in N.J.A.C. 10:126.

**SUBCHAPTER 8. CPS FAMILY DAY CARE (FDC)  
NETWORK AND SUPPORT SERVICES****10:15-8.1 Program review**

DHS shall administer the CPS FDC Network and Support Services program in select counties as State and Federal funding remains available. This program shall develop and maintain a network of registered family day care providers to provide care, specifically for children who are under the CPS supervision of the DYFS.

**10:15-8.2 Responsibilities of the UCCA**

(a) The UCCA shall:

1. Adhere to the requirements of N.J.A.C. 10:15-5.4 for the delivery of child care services to children under the protective services (CPS) supervision of the DYFS and to providers enrolled in the CPS FDC Network and Support Services;
2. Identify one or more staff members who shall be responsible for the administration of the NJCK program as it relates to the issuance of service to CPS children;
3. Screen and assess each provider adhering to the established policies and procedures;
4. Ensure that all network participants are registered in accordance with N.J.A.C. 10:126; and
5. Inspect, evaluate and monitor family day care home to ensure compliance with the requirements specified in N.J.A.C. 10:126.

**10:15-8.3 Provider responsibilities**

(a) The provider shall:

1. Become registered in accordance with N.J.A.C. 10:126;
  - i. With the financial assistance of the UCCA, the provider shall secure liability insurance, which shall include, at a minimum, general liability coverage for bodily injury and property damage as landlord, owner, or tenant. The provider shall annually provide the UCCA with documentation of liability insurance.
2. Obtain liability insurance;
3. Participate in 36 hours of continuing training annually, as prescribed by the UCCA;
4. Cooperate and comply with six annual home monitoring visits as specified at N.J.A.C. 10:15-8.2(a)5; and
5. Maintain a level of service as prescribed by the UCCA.

**10:15-8.4 Suspension or termination from the network**

The UCCA has the right to suspend any provider who has failed to comply with any part of the signed provider agreement. When this occurs, the UCCA shall immediately

forward notification in writing to the provider, informing the provider of the intent to suspend them from the network.

#### 10:15-8.5 Reporting requirements

(a) The UCCA shall report to the DFD and the appropriate DYFS regional office on a quarterly basis the number of homes in the network, slot utilization, home visits conducted, and technical assistance provided.

(b) The network provider shall submit:

1. DYFS Parent/Applicant/Provider Agreement (PAPA) upon enrollment of a child in care;
2. Confirmation forms when a child is enrolled;
3. Monthly voucher forms to the UCCA which shall ensure receipt of payment; and
4. Documentation of liability insurance.

3. The policy shall be implemented in a uniform and consistent manner.

4. The policy shall specify all terms and conditions for the following practices, if applicable:

i. Disposition of any co-payments that are collected in advance and held in escrow;

ii. Refunds due to any error made by the agency in co-payment computation that has resulted in overcharges to the parent/applicant; and

iii. Payments for any co-payment that is owed to the child care agency resulting from:

(1) Errors in co-payment computation due to any misrepresentation or misinformation; or

(2) Co-payments that are in arrears involving a child care agency that has elected not to terminate services to the parent who was delinquent with their payments or who was unable to pay due to extraordinary circumstances.

### SUBCHAPTER 9. CO-PAYMENTS

#### 10:15-9.1 Co-payment

(a) All families eligible to receive child care services from the DHS administered programs shall pay a fee toward the cost of child care services except as in CPS. This fee is termed a co-payment.

(b) A co-payment scale established by the DHS shall provide for some level of contribution by most parent/applicants receiving child care. The co-payment scale shall consider family income, family size, hours of care needed, and number of children in care. If more than two children in a family are receiving child care services, no co-payment shall be required for the third and subsequent children in the family. (See Appendix B, Client Income Eligibility and Co-Payment Schedule for Subsidized Child Care Assistance or Services.)

(c) By the adoption of a Statewide co-payment scale for child care service programs provided to families, the programs seek to require that all eligible families receiving child care service program benefits be assessed and/or pay a portion of the cost of care based on household size and income.

(d) Each DFD contracted child care center shall establish a written policy concerning co-payments and their collection.

1. The policy shall include time frames for any denial, suspension or termination of service, consistent with the formal policy adopted by the child care agency.

2. The policy shall be explained and a copy of the policy shall be provided to the parent/applicant at the time of assessment.

(e) A family shall be excluded from the co-payment requirement in the CCDBG/CPS program when the child is identified as a CPS Priority 1 child in a DYFS-paid out of home placement. Such cases involve children in foster care and adoption services, including children in pre-adoptive homes, children under the guardianship of the DYFS, and children voluntarily surrendered to the DYFS\*[], the co-payment shall be based on the income available in the child's name]\*. The DYFS board payment shall not be considered income; therefore, the payment amount shall be \$0.00.

(f) In the event that protective child care services are deemed necessary as part of a case plan for a CPS Priority 1 child who is residing in his or her own home with his own parent(s) or who resides with a related or unrelated para care provider, the amount of the family's co-payment is determined on the basis of the family's annual gross income, family size, number of children receiving care (up to two per family), and the number of hours of service (that is, full-time and/or part-time care) provided to the children. Gross annual income and family size shall be calculated based upon the criteria in N.J.A.C. 10:15-9.2(a). The DYFS case manager shall have the authority to decrease or waive the co-pay on a case by case basis.

(g) For families receiving child care services for their own children and who also provide foster care for DYFS:

1. The annual gross income of the family shall be calculated separately from any funds that can be identified for the maintenance of the foster child; and

2. The family's size shall exclude any foster children in the DYFS-paid placement.

(h) No additional co-payment is required for other DHS child care programs if the family has children in care through a subsidized voucher program and the family is making a co-payment for two children.

(i) No co-payment is required for children of unemployed WFNJ participants in approved activities unless the child is enrolled in a contracted center. For purposes of WFNJ, the assessed fee for a child enrolled in contracted centers is considered the total cost of care for that child and paid by the WFNJ program.

(j) The co-payment assessed for the family is compiled into one fee for the entire family. In WFNJ and TCC, the co-payment is assessed to the provider on a bi-weekly basis. In the NJCK program, the co-payment is assessed to the provider on a monthly basis. For the DFD contracted centers, the co-payment may be assessed for weekly, bi-weekly or monthly co-payments.

(k) Once assessed, the total co-payment is deducted from the amount to be paid by the UCCA to the provider(s) rendering services to the family (N.J.A.C. 10:15-9.3). This assessed co-payment for child care services is then paid directly by the parent/applicant to the provider of care. In NJCK and TCC, any remaining balance of the cost of care, up to the maximum rates established by the DHS is paid by the UCCA. The child care co-payment policy and procedures are applicable for all types of care arrangements available through the child care service programs including:

1. Licensed child care center (including school-age child care programs);
2. Registered family day care homes;
3. Approved home care, including in-home care; and
4. Summer camps which are approved by the Department of Health and Senior Services (see N.J.A.C. 8:25).

(l) In NJCK, the amount of the required co-payment is based on the family's annual gross income level, family size, hours of care needed, and the number of children in care. There are two co-payment scales, full-time and part-time.

(m) No co-payment is required for purposes of the DHS child care programs described at N.J.A.C. 10:15-6 if the family has children in care through subsidized child care programs described at N.J.A.C. 10:15-5 and is already making a co-payment for two children under either of these child care program requirements.

#### 10:15-9.2 Determination of the co-payment

(a) The criteria for determination and re-determination of the co-payment shall be determined as specified in the subchapter Appendix, incorporated herein by reference, in accordance with the following:

1. Family size, which shall consist of the parent/applicant, the parent's or applicant's spouse and all children

for whom the parent/applicant is a legal guardian in the same household. Family size shall also include dependent children who are over the age of 18 or other adults who are not legally responsible for the children but who are dependent upon the parent/applicant and who live in the same household if the parent/applicant so chooses to include these family members in the application for child care services;

2. WFNJ participants who are employed shall be required to contribute toward the cost of child care services provided on their behalf. This co-payment shall be assessed based on earned income only. Participants who are eligible to receive transitional child care benefits in accordance with eligibility requirements at N.J.A.C. 10:90-4.2 shall also contribute toward the cost of child care services;

3. Family income for NJCK shall include all gross income received by all members of the family unit defined in (a)1 above. The gross annual family income amount shall be verified by wage stubs or similar documentation as a condition of receiving child care benefits; and

4. For all DFD voucher payments, the number of hours child care services are being provided to the child shall be as follows:

- i. Full-time care is defined as care for 30 hours or more per week for co-payment purposes;
- ii. Part-time care is defined as care for less than 30 hours per week for co-payment purposes; and
- iii. In no case shall the co-payment exceed the cost of care.

(b) Once the co-payment is determined, it shall remain unchanged for the duration of the eligibility period (up to 12 months) unless there is a change in family size, gross family income or a change in care from full-time to part-time or vice versa. For the DFD voucher programs, the participant shall notify the UCCA of any changes occurring in the family related to family size, income, work status or training/educational program attendance. The UCCA shall then determine any changes in the co-payment based on reported circumstances affecting co-payment calculation. For DFD contracted child care centers, the center shall recalculate the co-payment following any reported changes by the parent.

1. In NJCK and TCC, an exception shall be made in the case of co-payment for school-age children. The UCCA shall determine a part-time co-payment in accordance with (a) above, for all school-age children, unless the school-age child is in full-time child care for the entire period of the 12 month agreement. Only in this instance, the co-payment determination shall be based on the full-time arrangement.

**10:15-9.3 Termination resulting from non-compliance of co-payment requirements**

(a) For individuals who fail to cooperate in paying the required co-payment, child care benefits shall terminate for nonpayment of the co-payment.

(b) Child care services for child protective services children, including foster care children identified by the DYFS, shall not be terminated until the referring DYFS District Office or Adoption Resource Center has been notified whenever possible and an alternate plan identified.

(c) When child care services are terminated due to non-payment of the co-payment, the parent/applicant may request an administrative review or fair hearing. In the DFD voucher programs, if child care services are terminated, no payment shall be rendered by the agency from the date of termination until a review is held and a final determination is made.

(d) In all cases where an administrative review or fair hearing is requested of the UCCA, it shall adhere to N.J.A.C. 10:90-9. If the issue is not resolved at the UCCA, an administrative review, or a fair hearing may be requested at the DFD, in accordance with N.J.A.C. 10:90-9.

(e) If an employed WFNJ or TCC participant fails to pay assessed co-payments for child care services provided to his or her child(ren), child care services shall be terminated and the provider(s) shall be paid by the UCCA through the WFNJ or TCC program for the amount of unpaid co-payments. Payment of unpaid co-payments is limited to a maximum period of two months. Exceptions may be granted in extreme circumstances with prior written approval by a DFD representative.

(f) If the child care services of an WFNJ or TCC participant has been terminated due to non-payment of co-payments and the participant applies for other DHS child care services or re-qualifies for WFNJ or TCC benefits, the participant shall reimburse the amount of the unpaid co-payments prior to the receipt of any child care benefits.

(g) Individuals who fail to cooperate in paying the required co-payment shall, subject to appropriate notice requirements and, if requested, case review or administrative review, as set forth at N.J.A.C. 10:15-10.1(e)1ii, or fair hearing as set forth at N.J.A.C. 10:15-3.4(a), lose eligibility for child care benefits for so long as back co-payments are owed, unless satisfactory arrangements are made with each provider to make full payment of arrearages.

(h) In the DFD voucher programs, termination of child care services which are initiated by the child care provider or the parent/applicant shall be reported by the parent to the UCCA no later than 10 calendar days.

(i) Under no circumstances shall a parent be charged a penalty for late co-payments if the services were rendered under the DFD contract.

(j) Refunds shall be made to parent/applicants by child care agencies when:

1. An administrative review decision results in a reduced co-payment; and/or
2. An error in co-payment computation has resulted in overcharges to the parent/applicant.

(k) Overcharges shall be refunded by child care agencies within 30 days of the administrative review or fair hearing decision or the discovery of the error.

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**SUBCHAPTER 10. PAYMENT POLICIES AND  
MAXIMUM REIMBURSEMENT RATES**

**10:15-10.1 Payment policies**

(a) Child care payments shall be available for care of an infant, toddler, preschool child, school-aged child, or children with special needs in various types of arrangements, including full and part-time day care and care before and after school. Payment schedules are issued in accordance with specific programs as indicated in (c) below.

(b) WFNJ and TCC payment for care of the school-aged children of parents eligible for the DHS subsidized child care programs, which is limited to part-time or after school care during the school year, shall be made at the full-day rates during summer vacations and recognized vacations and holidays during the school year.

(c) The maximum child care payment rates are set forth in Tables I through X below for the ARCC, CCDBG, WFNJ and TCC programs, and contracted centers. Providers are eligible for increased payments if they verify receipt of a national accreditation for child care by providing a copy of their accreditation certificate to the UCCA and whose rates reflect this higher reimbursement rate. For contracted centers, verification of accreditation shall also be provided to the DFD Contract Administrators. The maximum child care payment rates utilized in the DHS child care service programs are set forth below. Copies are available through a written request to the New Jersey Department of Human Services, Division of Family Development, PO Box 716, Trenton, NJ 08625, or the local DYFS Regional Office, or a UCCA.

1. Table I includes maximum reimbursement rates allowable through the WFNJ and TCC support services programs for licensed child care centers, school-age programs, and summer day camps.

2. Table II includes maximum reimbursement rates allowable through the WFNJ and TCC support services programs for registered family day care provider homes.

3. Table III includes maximum reimbursement rates allowable through the WFNJ and TCC support services programs for approved homes.

4. Table IV includes maximum reimbursement rates allowable through the WFNJ and TCC support services programs for accredited licensed child care centers, school age programs and summer day camps.

5. Table V includes maximum reimbursement rates allowable through the WFNJ and TCC support services programs for accredited registered family day care homes.

6. Table VI includes maximum rates in the NJCK Child Care Voucher Program for licensed child centers, school-age programs, and summer day camps.

7. Table VII includes maximum rates in the NJCK Child Care Voucher Program for registered homes.

8. Table VIII includes maximum rates in the NJCK Child Care Voucher Program for approved family day care provider homes.

9. Table IX includes maximum rates in the NJCK Child Care Voucher Program for accredited licensed child centers, school-age programs, and summer day camps.

10. Table X includes maximum rates in the NJCK Child Care Voucher Program for accredited registered family day care providers.

MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE WFNJ/TCC CHILD CARE SUPPORT SERVICES PROGRAMS

Table I

These rates shall be utilized for:  
LICENSED CHILD CARE CENTERS, SCHOOL-AGE PROGRAMS,  
SUMMER DAY CAMPS

Hours of Care Provided

Child's Service Category	Full-Time 6 hrs. or more per day	Three-Quarter Time 4 or 5 hrs. per day	One-Half Time 2 or 3 hrs. per day	One-Quarter Time 1 hour per day
Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	131.90	98.95	65.95	33.00
Daily	26.38	19.79	13.19	6.60
Pre-Schoolers (2.5 up to 5 yrs.)				
Weekly	108.80	81.60	54.40	27.20
Daily	21.76	16.32	10.88	5.44
Kindergartner & School-Agers (5-13 yrs.)				
Weekly	108.80	81.60	54.40	27.20
Daily	21.76	16.32	10.88	5.44
Special Needs Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	131.90	98.95	65.95	33.00
Daily	26.38	19.79	13.19	6.60
Special Needs Child(ren) (2.5 up to 19 yrs.)				
Weekly	108.80	81.60	54.40	27.20
Daily	21.76	16.32	10.88	5.44

Care given for any portion of an hour shall be rounded to the next full hour. For example, one hour and 15 minutes is rounded to two hours. The above represents the maximum authorized rates for child care. The UCCA may authorize payment for the actual cost of care up to these amounts. When appropriate, the required co-payment shall be deducted from the appropriate rate before a payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as any required co-payment fees.

MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE WFNJ/TCC CHILD CARE SUPPORT SERVICES PROGRAMS

Table II

These rates shall be utilized for:  
REGISTERED FAMILY DAY CARE HOMES

Child's Service Category	Hours of Care Provided			
	Full-Time 6 hrs. or more per day	Three-Quarter Time 4 or 5 hrs. per day	One-Half Time 2 or 3 hrs. per day	One-Quarter Time 1 hour per day
Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	104.25	78.20	52.15	26.05
Daily	20.85	15.64	10.43	5.21
Pre-Schoolers (2.5 up to 5 yrs.)				
Weekly	81.65	61.25	40.85	20.40
Daily	16.33	12.25	8.17	5.21
Kindergartner & School-Agers (5-13 yrs.)				
Weekly	81.65	61.25	40.85	20.40
Daily	16.33	12.25	8.17	5.21
Special Needs Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	126.85	95.15	63.45	31.70
Daily	25.37	19.03	12.69	6.34
Special Needs Child(ren) (2.5 up to 19 yrs.)				
Weekly	104.25	78.20	52.15	26.05
Daily	20.85	15.64	10.43	5.21

Care given for any portion of an hour shall be rounded to the next full hour. For example, one hour and 15 minutes is rounded to two hours. The above represents the maximum authorized rates for child care. The UCCA may authorize payment for the actual cost of care up to these amounts. When appropriate, the required co-payment shall be deducted from the appropriate rate before a payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as any required co-payment fees.

MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE WFNJ/TCC CHILD CARE SUPPORT SERVICES PROGRAMS

Table III

These rates shall be utilized for:  
APPROVED HOME CARE

Child's Service Category	Hours of Care Provided			
	Full-Time 6 hrs. or more per day	Three-Quarter Time 4 or 5 hrs. per day	One-Half Time 2 or 3 hrs. per day	One-Quarter Time 1 hour per day
Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	62.50	46.90	31.25	15.65

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Daily	12.50	9.38	6.25	3.13
Pre-Schoolers (2.5 up to 5 yrs.)				
Weekly	49.00	36.75	24.50	12.25
Daily	9.80	7.35	4.90	2.45
Kindergartner & School-Agers (5-13 yrs.)				
Weekly	49.00	36.75	24.50	12.25
Daily	9.80	7.35	4.90	2.45
Special Needs Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	76.10	57.10	38.05	19.05
Daily	15.22	11.42	7.61	3.81
Special Needs Child(ren) (2.5 up to 19 yrs.)				
Weekly	62.50	46.90	31.25	15.65
Daily	12.50	9.38	6.25	3.13

Care given for any portion of an hour shall be rounded to the next full hour. For example, one hour and 15 minutes is rounded to two hours. The above represents the maximum authorized rates for child care. The UCCA may authorize payment for the actual cost of care up to these amounts. When appropriate, the required co-payment shall be deducted from the appropriate rate before a payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as any required co-payment fees.

**MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE WFNJ/TCC CHILD CARE SUPPORT SERVICES PROGRAMS**

Table IV

These rates shall be utilized for:

**ACCREDITED**

**LICENSED CHILD CARE CENTERS, SCHOOL-AGE PROGRAMS, SUMMER CAMPS**

Hours of Care Provided

Child's Service Category	Full-Time 6 hrs. or more per day	Three-Quarter Time 4 or 5 hrs. per day	One-Half Time 2 or 3 hrs. per day	One-Quarter Time 1 hour per day
Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	138.50	103.90	69.25	34.60
Daily	27.70	20.78	13.85	6.92
Pre-Schoolers (2.5 up to 5 yrs.)				
Weekly	114.25	85.70	57.13	28.55
Daily	22.85	17.14	11.43	5.71
Kindergartner & School-Agers (5-13 yrs.)				
Weekly	114.25	85.70	57.13	28.55
Daily	22.85	17.14	11.43	5.71
Special Needs Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	138.50	103.90	69.25	34.60

Daily	27.70	20.78	13.85	6.92
Special Needs Child(ren) (2.5 up to 19 yrs.)				
Weekly	114.25	85.70	57.13	28.55
Daily	22.85	17.14	11.43	5.71

Care given for any portion of an hour shall be rounded to the next full hour. For example, one hour and 15 minutes is rounded to two hours. The above represents the maximum authorized rates for child care. The UCCA may authorize payment for the actual cost of care up to these amounts. When appropriate, the required co-payment shall be deducted from the appropriate rate before a payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as any required co-payment fees.

**MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE  
SERVICES IN THE WFNJ/TCC CHILD CARE SUPPORT SERVICES PROGRAMS**

Table V

These rates shall be utilized for:  
**ACCREDITED  
REGISTERED FAMILY DAY CARE HOMES**

Child's Service Category	Hours of Care Provided			
	Full-Time 6 hrs. or more per day	Three-Quarter Time 4 or 5 hrs. per day	One-Half Time 2 or 3 hrs. per day	One-Quarter Time 1 hour per day
Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	109.40	82.05	54.70	27.35
Daily	21.88	16.41	10.94	5.47
Pre-Schoolers (2.5 up to 5 yrs.)				
Weekly	85.75	64.30	42.88	21.45
Daily	17.15	12.86	8.58	4.29
Kindergartner & School-Agers (5-13 yrs.)				
Weekly	85.75	64.30	42.88	21.45
Daily	17.15	12.86	8.58	4.29
Special Needs Infants/Toddlers (0 up to 2.5 yrs.)				
Weekly	133.20	99.90	66.60	33.30
Daily	26.64	19.98	13.32	6.66
Special Needs Child(ren) (2.5 up to 19 yrs.)				
Weekly	109.40	82.05	54.70	27.35
Daily	21.88	16.41	10.94	5.47

Care given for any portion of an hour shall be rounded to the next full hour. For example, one hour and 15 minutes is rounded to two hours. The above represents the maximum authorized rates for child care. The UCCA may authorize payment for the actual cost of care up to these amounts. When appropriate, the required co-payment shall be deducted from the appropriate rate before a payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as any required co-payment fees.

MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE NJCK CHILD CARE VOUCHER PROGRAM

Table VI

These rates shall be utilized for:  
LICENSED CHILD CARE CENTERS, SCHOOL-AGE PROGRAMS, SUMMER DAY CAMPS

Hours of Care Provided

Child's Service Category	Full-time 6 hrs. or more/day	Part-time Less than 6 hrs./day
<b>Infants/Toddlers</b> (0 up to 2.5 yrs.)		
Monthly	\$571.13	\$285.56
Weekly	\$131.90	\$ 65.95
Daily Equivalent	\$ 26.38	\$ 13.19
<b>Pre-Schoolers</b> (2.5 up to 5 yrs.)		
Monthly	\$471.10	\$235.55
Weekly	\$108.80	\$ 54.40
Daily Equivalent	\$ 21.76	\$ 10.88
<b>Kindergartner &amp; School-Agers</b> (5-13 yrs.)		
Monthly	\$471.10	\$235.55
Weekly	\$108.80	\$ 54.40
Daily Equivalent	\$ 21.76	\$ 10.88
<b>Special Needs</b> Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	\$571.13	\$285.56
Weekly	\$131.90	\$ 65.95
Daily Equivalent	\$ 26.38	\$ 13.19
<b>Special Needs</b> Child(ren) (2.5 up to 19 yrs.)		
Monthly	\$471.10	\$235.55
Weekly	\$108.80	\$ 54.40
Daily Equivalent	\$ 21.76	\$ 10.88

The above represents the maximum authorized rates for child care. The UCCA may authorize payment for the actual cost of care up to these amounts. The required co-payment shall be deducted from the appropriate rate before a voucher payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as for the required co-payment.

MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE NJCK CHILD CARE VOUCHER PROGRAM

Table VII

These rates shall be utilized for:  
REGISTERED FAMILY DAY CARE HOMES

Hours of Care Provided

Full-Time      Part-time

Child's Service Category	6 hrs. or more/day	Less than 6 hrs./day
<b>Infants/Toddlers</b> (0 up to 2.5 yrs.)		
Monthly	\$451.40	\$225.70
Weekly	\$104.25	\$52.13
Daily Equivalent	\$20.85	\$10.43
<b>Pre-Schoolers</b> (2.5 up to 5 yrs.)		
Monthly	\$353.54	\$176.77
Weekly	\$81.65	\$40.83
Daily Equivalent	\$16.33	\$8.17
<b>Kindergartner &amp; School-Agers</b> (5-13 yrs.)		
Monthly	\$353.54	\$176.77
Weekly	\$81.65	\$40.83
Daily Equivalent	\$16.33	\$8.17
<b>Special Needs</b> Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	\$549.26	\$274.63
Weekly	\$126.85	\$63.43
Daily Equivalent	\$25.37	\$12.69
<b>Special Needs</b> Child(ren) (2.5 up to 19 yrs.)		
Monthly	\$451.40	\$225.70
Weekly	\$104.25	\$52.13
Daily Equivalent	\$20.85	\$10.43

The above represents the maximum authorized rates for child care. The UCCA authorizes payment for the actual cost of care up to these amounts. The required co-payment shall be deducted from the appropriate rate before a voucher payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as for the required co-payment.

MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE NJCK CHILD CARE VOUCHER PROGRAM

Table VIII

These rates shall be utilized for:  
APPROVED HOME DAY CARE

Hours of Care Provided

Child's Service Category	Full-Time 6 hrs. or more/day	Part-time Less than 6 hrs./day
<b>Infants/Toddlers</b> (0 up to 2.5 yrs.)		
Monthly	\$270.63	\$135.31
Weekly	\$62.50	\$31.25
Daily Equivalent	\$12.50	\$6.25
<b>Pre-Schoolers</b>		

(2.5 up to 5 yrs.)			
Monthly	\$212.17	\$106.09	
Weekly	\$49.00	\$24.50	
Daily Equivalent	\$9.80	\$4.90	
Kindergartner & School-Agers (5-13 yrs.)			
Monthly	\$212.17	\$106.09	
Weekly	\$49.00	\$24.50	
Daily Equivalent	\$9.80	\$4.90	
Special Needs Infants/Toddlers (0 up to 2.5 yrs.)			
Monthly	\$329.51	\$164.76	
Weekly	\$76.10	\$38.05	
Daily Equivalent	\$15.22	\$7.61	
Special Needs Child(ren) (2.5 up to 19 yrs.)			
Monthly	\$270.63	\$135.31	
Weekly	\$62.50	\$31.25	
Daily Equivalent	\$12.50	\$6.25	

The above represents the maximum authorized rates for child care. The UCCA may authorize payment for the actual cost of care up to these amounts. The required co-payment shall be deducted from the appropriate rate before a voucher payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as for the required co-payment.

**MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE NJCK CHILD CARE VOUCHER PROGRAM**

Table IX

These rates shall be utilized for:  
LICENSED CHILD CARE CENTERS, SCHOOL-AGE PROGRAMS, SUMMER DAY CAMPS ACCREDITED

Child's Service Category	Hours of Care Provided	
	Full-Time 6 hrs. or more/day	Part-time Less than 6 hrs./day
Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	\$599.71	\$299.85
Weekly	\$138.50	\$ 69.25
Daily Equivalent	\$27.70	\$13.85
Pre-Schoolers (2.5 up to 5 yrs.)		
Monthly	\$494.70	\$247.35
Weekly	\$114.25	\$57.13
Daily Equivalent	\$22.85	\$11.43
Kindergartner & School-Agers (5-13 yrs.)		
Monthly	\$494.70	\$247.35
Weekly	\$114.25	\$57.13

Daily Equivalent	\$22.85	\$11.43
Special Needs Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	\$599.71	\$299.85
Weekly	\$138.70	\$69.25
Daily Equivalent	\$27.70	\$13.85
Special Needs Child(ren) (2.5 up to 19 yrs.)		
Monthly	\$494.70	\$247.35
Weekly	\$114.25	\$57.13
Daily Equivalent	\$22.85	\$11.43

The above represents the maximum authorized rates for child care. The UCCA may authorize payment for the actual cost of care up to these amounts. The required co-payment shall be deducted from the appropriate rate before a voucher payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as for the required co-payment.

**MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE SERVICES IN THE NJCK CHILD CARE VOUCHER PROGRAM**

Table X

These rates shall be utilized for:  
REGISTERED FAMILY DAY CARE HOMES ACCREDITED

Child's Service Category	Hours of Care Provided	
	Full-Time 6 hrs. or more/day	Part-time Less than 6 hrs./day
Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	\$473.70	\$236.85
Weekly	\$109.40	\$54.70
Daily Equivalent	\$21.88	\$10.94
Pre-Schoolers (2.5 up to 5 yrs.)		
Monthly	\$371.30	\$185.65
Weekly	\$85.75	\$42.88
Daily Equivalent	\$17.15	\$8.58
Kindergartner & School-Agers (5-13 yrs.)		
Monthly	\$494.70	\$185.65
Weekly	\$114.25	\$42.88
Daily Equivalent	\$22.85	\$8.58
Special Needs Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	\$576.76	\$299.85
Weekly	\$133.20	\$69.25
Daily Equivalent	\$26.64	\$13.85

Special Needs Child(ren) (2.5 up to 19 yrs.)		
Monthly	\$473.70	\$236.85
Weekly	\$109.40	\$54.70
Daily Equivalent	\$21.88	\$10.94

The above represents the maximum authorized rates for child care. The UCCA authorizes payment for the actual cost of care up to these amounts. The required co-payment shall be deducted from the appropriate rate before a voucher payment is issued. Parent/applicant may select child care with a cost higher than these maximum rates; however, in such instances the parent/applicant is totally responsible for all expenses in excess of these authorized maximum rates as well as for the required co-payment.

(d) The duration of payment for child care services shall be as follows:

1. Notwithstanding the date when the family requests child care through NJCK, eligibility for child care shall continue for a period of not less than 12 months before reevaluation of eligibility for continued receipt of child care service program benefits, or upon notification of change in eligibility or as determined necessary by the UCCA. Employment or participation in work/training/education activities throughout this 12-month period shall be presumed unless the participant reports otherwise. Continued receipt of benefits shall be subject to the availability of funds.

2. When a WFNJ family requires child care services, eligibility for services shall continue in accordance with conditions at N.J.A.C. 10:15-3.2.

3. When a TCC family requires child care services, eligibility for services shall continue in accordance with conditions at N.J.A.C. 10:15-4.2.

(e) The family enrolled in NJCK is not eligible for child care for any remaining portion of the 12 month period if the parent/applicant:

1. Terminates full-time employment or training or educational programs, or the wages/income exceed eligibility levels;
2. Fails to pay the required co-payment to the provider(s) where applicable; or
3. Otherwise does not meet eligibility criteria.

(f) A bridge payment shall be authorized for up to five weeks during the transition between jobs and/or training/education activities. Authorization for DFD voucher programs shall be approved under the following circumstances:

1. If the parent/applicant is scheduled to begin an approved activity within two weeks as permitted by the specific child care program. However, if the parent/applicant loses eligibility due to failure to start an approved activity within the required two week period and becomes

eligible again, he or she must reapply for child care benefits.

2. If the parent/applicant loses a job and/or ends or no longer attends the approved activity and then begins employment and/or another approved activity within five weeks, then the family can qualify for those five weeks of care during the transition between jobs. This is appropriate where child care arrangements would be otherwise lost and the subsequent approved activity is scheduled to begin within that period, as well as for the remaining portion of up to 12 months in the child care eligibility period.

#### 10:15-10.2 Provider requirements

(a) To qualify for child care payments, a child care center or program shall meet the following requirements (see also N.J.A.C. 10:90-5.2 and 5.3):

1. Centers providing care for six or more children up to the age of 13 years shall be licensed by the DYFS Bureau of Licensing.

2. Exceptions to the Division's requirement in (a)1 above are as follows:

i. A child care program operated by the board of education of a local public school district which is responsible for the implementation and management of the child care program;

ii. A child care program operated by, and whose employees are paid by, a private school which is run solely for educational purposes. Such programs shall include kindergartens, pre-kindergarten programs or child care centers that are an integral part of the private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth which enable enrollment into a high school or secondary school program; and

iii. A child care program operating within a geographic area, enclave or facility that is owned and/or operated by the Federal government.

3. Summer camps shall be approved by the New Jersey Department of Health and Senior Services pursuant to N.J.S.A. 26:12-1 et seq. and N.J.A.C. 8:25.

4. All family providers who serve three or more non-sibling children shall be registered pursuant to the Manual of Requirements for Family Day Care Registration (see N.J.A.C. 10:126 and 126A) in order to qualify for payment of child care services through these programs.

i. Providers who serve one or two children must either be registered pursuant to N.J.A.C. 10:126 or be approved by the Department of Human Services as specified in (b) below.

ii. Payment shall be made to the provider who has secured a Certificate of Registration or a temporary registration certificate, as defined by rules promulgated under the Family Day Care Provider Registration Act (see N.J.A.C. 10:126).

iii. Payment to the provider shall reflect services rendered and in no case shall exceed payment for services to five children.

(b) Providers who are not registered under (a) above shall be approved by the DHS in order to qualify for payment through any child care service program. Unregulated relatives, friends or neighbors shall be eligible for approved home status.

1. The minimum requirements for approval of the home are an inspection of the home using the Self-Arranged Care Inspection and Interview Checklist (see N.J.A.C. 10:15-2.4(a)10), and an interview with the provider and family members.

2. An approved home provider who cares for no more than five children, or no more than eight children if three of the children are her own, who has been approved by the Department of Human Services may receive payment for a maximum of:

- i. Two non-sibling children; or
- ii. Up to five non-resident sibling children under 13 years of age.

(c) Providers of in-home care for non CPS children, that is, care of a child in the child's own home, shall be evaluated using the Self-Arranged Care Inspection and Interview Checklist in order to qualify for payment through the child care service programs. Providers of in-home care for CPS children shall be approved by DYFS.

(d) Providers of child care other than those specified in (a) through (c) above are not entitled to payment through the child care service programs.

Amended by R.2001 d.396, effective November 5, 2001.

See: 33 N.J.R. 2432(a), 33 N.J.R. 3741(a).

Rewrote (a).

### 10:15-10.3 Payment methods

(a) Vendor payments to providers are the primary methods for issuing child care payments for the DFD voucher programs. Under this method, a voucher is issued by the UCCA to the child care provider after the completion of an agreement. The completion of this agreement permits the provider to receive an initial prospective monthly payment in NJCK or receive payment in accordance with WFNJ and TCC payment methods, which are identified in N.J.A.C. 10:15-3.3(b). To receive payments, the provider shall complete the voucher form and return it to the UCCA. Upon review and authorization of the voucher information, the UCCA shall issue a child care payment to the provider for all vouchers which have been received no later than 60 days from the end of the designated service period or 60 days from the date of voucher issuance, whichever is later. Should the provider fail to submit a completed voucher form for receipt by the UCCA within the established period, the identified payment for services claimed on the voucher shall be subject to forfeiture.

(b) In exceptional or emergency situations, payment for WFNJ and TCC child care provided may be made directly to the participant. As with the child care voucher, payment shall be issued upon verification of the child's attendance and care provided.

(c) The TCC payments shall be issued on a bi-weekly retrospective basis.

### 10:15-10.4 Provider overpayments

(a) The UCCA shall take all reasonable steps necessary to promptly correct any overpayment of child care benefits made to a parent/applicant or child care provider. Recovery shall be attempted in the following circumstances:

1. In all cases of fraud;
2. In all cases involving a family currently receiving services; and
3. In all cases where the overpayment amount would equal or exceed the costs of recovery.

(b) An overpayment to a family or provider currently receiving child care benefits shall be recovered through repayment (in part or in full) by the family or provider responsible for the overpayment or by recovering the overpayment through a reduction in the benefit amount payable to the provider or on behalf of the family.

1. In cases of formerly enrolled families or child care providers no longer rendering services who refuse to repay, recovery shall be made by appropriate action under State law against the income and resources of the overpaid individual or family.

2. Recovery of child care benefits shall be made by the UCCA from future child care benefits.

3. Any recoveries of overpayments of child care benefits shall be made from the TANF grant with coordination from the CWA.

(c) Underpayments and overpayments shall be offset against each other in correcting inaccurate payments.

(d) A UCCA need not attempt recovery of overpayments from providers if obligated to make the full payment under the contract.

(e) The UCCA shall collect and maintain information on the collection of overpayments.

## SUBCHAPTER 11. NEIGHBORHOOD-BASED CHILD CARE INCENTIVE DEMONSTRATION PROGRAM

### Authority

N.J.S.A. 44:10-58; Neighborhood-Based Child Care Incentive Demonstration Program Act, P.L. 1999, c.245.

**Source and Effective Date**

R.2000 d.500, effective December 18, 2000.  
See: 32 N.J.R. 3527(a), 32 N.J.R. 4459(a).

**10:15-11.1 Program purpose and scope**

(a) Pursuant to P.L. 1999, c.245, approved October 15, 1999, the Legislature established the Neighborhood-Based Child Care Incentive Demonstration Program. The Legislature found that the increase in numbers of working parents in New Jersey has led to a serious shortage of child care resources, especially for infants and toddlers of low and middle income working families. The State must provide incentives to encourage the establishment of innovative community partnerships and the use of volunteer networks in the delivery of neighborhood-based child care. To this end, the Commissioner of Human Services is establishing a three-year pilot program, the Neighborhood-Based Child Care Incentive Demonstration Program.

(b) The demonstration program is designed to utilize, to the greatest extent possible, neighborhood resources, such as religious organizations and schools; volunteer networks of college students; retired teachers, nurses, and other persons qualified to participate in the child care program; active, involved parents of children needing child care services; community leaders; and local businesses interested in establishing collaborative partnerships in developing the child care centers.

(c) Child care centers shall be established that provide innovative community partnerships and the use of volunteer networks in the delivery of neighborhood-based child care in five counties dispersed throughout the State. At least two of the child care centers established under this demonstration program shall be located in municipalities targeted by the Governor's Urban Coordinating Council (UCC) for urban revitalization.

(d) Areas targeted for this demonstration program are communities that have been identified as having the greatest need for infant and toddler child care based on needs analysis conducted by the County Human Service Advisory Councils. These communities include Elizabeth, Franklin, Irvington, Plainfield, Vineland, Orange, Passaic, Phillipsburg and any community in Cape May County.

(e) Any new child care facility or an expansion of a facility in operation as of December 18, 2000 to serve infant and toddler child care needs funded through a grant under this demonstration program shall meet all of the following requirements:

1. The property used for the child care center shall be owned or leased at the applicant's expense;
2. Any equipment/supplies purchased as a result of a grant award under this demonstration program shall be developmentally appropriate for infant/toddler child care needs;

3. Any minor repairs/renovations made to existing properties done as a result of this demonstration program shall be made in accordance with the applicable provisions of the New Jersey Uniform Construction Code, N.J.A.C. 5:23, and with applicable provisions of the New Jersey Uniform Fire Code (NJUFC), N.J.A.C. 5:18, 5:18A and 5:18B, and shall conform with I-2 (Institutional) use for buildings accommodating six or more children less than 2½ years of age; and

4. Child care centers participating in the demonstration program shall be inspected and licensed by the Division of Youth and Family Services (DYFS) Bureau of Licensing and shall comply with N.J.A.C. 10:122, the Manual of Requirements for Child Care Centers.

**10:15-11.2 Child care center responsibilities**

(a) Child care centers participating in the Neighborhood-Based Child Care Incentive Demonstration Program shall:

1. Use a partnership approach to operating a child care center;
2. Demonstrate an ability to continue operating once the demonstration program has ended;
3. Be able to leverage in-kind donations such as physical space, equipment and monetary contributions;
4. Provide services for the children of low and middle-income working families, including Work First New Jersey (WFNJ) employed participants, and offer such services on a priority basis for the next five years following the commencement of the demonstration program;
5. Provide services on a priority basis to children who are under DYFS protective services supervision, who have been referred by a DYFS Field Office for child care placement, and children who are eligible for the New Jersey Cares for Kids child care certificate voucher payment program for the next five years following the commencement of the demonstration program;
6. Accept payment on the basis of the prevailing rates established by the DHS (see N.J.A.C. 10:15-10.1(c)) and a co-payment from the parent consistent with the DHS co-payment schedule for subsidized child care services (see N.J.A.C. 10:15-9.1(b)) for the next five years following the commencement of the demonstration program;
7. Utilize a network of volunteers who have social, educational, or professional qualifications for working in a child care center;
8. Ensure that any staff member, including full-time, part-time and voluntary staff, whether compensated or not, directly involved in the delivery of child care services at a center participating in the demonstration program shall undergo a Child Abuse Record Information (CARI) background check to determine whether an incident of child abuse and/or neglect has been substantiated against any such person as specified in the Manual of Requirements for Child Care Centers at N.J.A.C. 10:122-4.9;

9. Comply with P.L. 2000, c.77, which requires criminal history background checks for all child care center staff;

10. Develop a training program, in collaboration with the Unified Child Care Agency designated for the geographical area to be served, for the volunteers specified in (a)5 above who will provide services under the Neighborhood-Based Child Care Incentive Program over the three-year demonstration period; and

11. Comply with all requirements of this chapter.

(b) Child care centers participating in the demonstration program shall provide an evaluation of the effectiveness of using volunteers to support the ongoing operation of the child care center.

1. Upon being licensed and fully operational, the child care center, during the second and third year of the demonstration program period (November 2001 through October 2003), shall conduct a semi-annual evaluation that determines the effectiveness of using trained volunteers;

2. The effectiveness of the volunteers shall be measured against the child care center's proposed plan of action to utilize volunteers to support the ongoing operation of the child care center, and the training provided to the volunteers (by the local UCCA) to ensure their effectiveness to adequately augment the delivery of neighborhood-based child care services for infants and toddlers; and

3. The semi-annual evaluation reports described in (b)1 above shall be submitted to DFD every six months during the second and third years of the demonstration program, using a reporting format prescribed by DFD in the resulting contract entered into as a result of agreeing to participate in the demonstration program.

### 10:15-11.3 UCCA responsibilities

(a) UCCAs in each of the respective counties where the program shall be providing services shall be allocated funds to provide training to the volunteers who will be utilized by the neighborhood-based child care centers in the delivery of infant and toddler child care services.

1. The UCCA, in collaboration with the applicant for the demonstration program, shall assist the applicant with the development of a three year training plan for the purpose of providing the required training for the volunteers specified at N.J.A.C. 10:15-11.2(a)5; and

2. The UCCA in the same county as the applicant shall provide the training for the volunteers specified above in this section, through a direct contract with the Division. The training provided by the UCCA shall ensure that selected volunteers become adequately qualified to augment the delivery of neighborhood-based child care services for infants and toddlers.