

**CHAPTER 15A**

**PROVISION OF CHILD CARE SERVICES**

**Authority**

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

**Source and Effective Date**

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

**Executive Order No. 66(1978) Expiration Date**

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

**Chapter Historical Note**

Chapter 15A, Provision of Child Care Services, was adopted as 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 15A was re-adopted as R.1994 d.628. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 10:15A-1.1 Child Care Service Program availability
- 10:15A-1.2 Payment policies
- 10:15A-1.3 Provider requirements
- 10:15A-1.4 Payment methods
- 10:15A-1.5 Requirement of co-payment

**APPENDIX A SCHOOL-AGE CHILD CARE PROGRAM**

**APPENDIX B SELF-ARRANGED CARE INSPECTION AND INTERVIEW CHECK LIST**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**10:15A-1.1 Child Care Service Program availability**

(a) As funding and Federal criteria permit, and to the extent that such child care is necessary to permit an ARCC eligible family member to accept employment or to remain employed, or to permit a CCDBG eligible family to obtain or participate in work/training or educational activities, child care service benefits are available based on the individual needs of each family. Additionally, child care services are also available for children under DYFS child protective services (CPS) supervision including children in foster care also supervised by DYFS, if child care services are necessary as part of the child's treatment plan. Payments through the child care service programs for child care shall not be made for care provided by the child's own parents, legal guardians, or members of the child's family unit, on the basis of their responsibility of caring for their own child(ren). Child care

service programs include the IV-A "At-Risk" Program (see N.J.A.C. 10:15B-1) and the Child Care and Development Block Grant (CCDBG) Program (see N.J.A.C. 10:15B-2).

1. No child found eligible for ARCC or CCDBG child care services who is receiving such services shall be displaced by another child for the sole reason of service priority groups (see N.J.A.C. 10:15B-1.1(c) and 2.1(e)). The applicant child shall instead be placed on the waiting list with the county designated agency by date of application for service benefits as received by the agency and by priority group status.

2. Each county designated agency shall keep a waiting list of those persons who apply for and are found eligible for the CCDBG or ARCC program but for whom resources are not yet available.

3. The waiting list shall be kept by the county designated agency according to the dates the application was received by the agency and the family was determined to be eligible to receive services from the program, by priority group status (see N.J.A.C. 10:15B-1.1(c), 2.1(e)), and by the family's annual gross income level (see N.J.A.C. 10:15B-1.2(b) and 2.2(b)).

4. The waiting list shall be reviewed and waiting list families re-evaluated for service when resources are available. If the family who is next on the waiting list remains eligible and is unable to utilize the subsidy when it becomes available, the agency proceeds to the next family on the list.

5. Families found eligible to participate who are provided ARCC or CCDBG services shall receive a child care subsidy for up to 12 consecutive months without a redetermination of eligibility if the need for the service remains, the program eligibility criteria are met, and resources remain available.

i. A child shall not continue to receive a subsidy if the need for service no longer exists.

ii. An exception may be made in the CCDBG program in the case of loss of employment or for non-participation in a training/education activity by the parent/applicant. In such situations, the child(ren) may be continued in child care for a period not to exceed one month, so the parent may actively seek employment. If the parent/applicant fails to obtain employment and/or begin participation in a training/education program at the end of the one month period, then the family is no longer eligible to receive child care services from this program. In the ARCC program, after loss of employment, child care may be continued for up to one month if new employment, scheduled to begin by the end of the month, is secured.

(b) To be eligible for services through the child care services programs, a child must:

1. Be under 13 years of age;
2. Be under 19 years of age and physically or mentally incapable of caring for himself or herself (that is, a "special needs" child as defined at N.J.A.C. 10:15-1.2), based on a determination by a physician or a licensed or certified psychologist, as verified by the county child care entity. The child's social or medical diagnosis shall be documented as a result of a standardized developmental or psychological test given by the certified professional or physician. The specific needs of the child shall be identified and delineated in the documentation; or
3. Be under the child protective services supervision of DYFS; or
4. Reside with a family where one parent is working (ARCC and CCDBG) or attending a training/education program (CCDBG only) and the other parent is incapacitated as set forth in N.J.A.C. 10:15-1.2.

(c) In addition to the eligibility criteria set forth in (b) above, families shall also satisfy additional requirements for receipt of child care service benefits through the specific child care service programs, IV-A "At-Risk" and CCDBG. The eligibility criteria for each of those programs are set forth at N.J.A.C. 10:15B-1 and 10:15B-2, respectively.

(d) The parent/applicant and the county designated agency, upon request of the parent/applicant, will mutually arrange for child care for the parent/applicant's child(ren) while the individual is employed full-time (ARCC and CCDBG) or participating in full-time educational or work/training activity (CCDBG only), or for a DYFS supervised foster care child (CCDBG only) or for children under the child protective services of DYFS, who reside with their natural parent(s) (ARCC and CCDBG). Parental choice from among categories of care or types of providers is guaranteed to the extent practicable under Federal and State laws and regulations.

1. Child care arrangements shall be in the best interests of the child and parent/applicant 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. Child care arrangements shall be selected and finalized by the parent/applicant. When selecting a child care provider the parent/applicant shall be informed that the hours of care for which the program will issue payment shall be reasonably related to the hours of participation in the education/training activity (CCDBG) or employment (CCDBG and ARCC) as indicated by the parent/applicant.
3. The caregiver providing child care shall allow unlimited parental access of parents to their children or to the caregiver caring for their children during the normal hours of operations or whenever such children are in the care of such providers.

4. Child care arrangements shall meet applicable standards of State and local law and regulations and be in accordance with N.J.A.C. 10:15A-1.3.

5. To the extent that fiscal or other resources necessary for child care provision are available, child care is available to the extent that child care is necessary to permit a member of the family to accept or retain full-time employment (ARCC) or to participate in full-time educational or work/training activities (CCDBG only) if the family meets the income eligibility level; and in the CCDBG program for children under the child protective services supervision of DYFS, including children in foster care, needing child care as part of the child's treatment plan.

(e) Refusal of child care benefits may be inferred if the applicant does not select a child care provider or notify the county designated agency of the parent's/applicant's need for child care referral services within 15 calendar days of the date the county designated agency informs the parent/applicant that he or she is eligible for services through these child care programs; fails to select a child care provider after the receipt of child care referrals or fails to notify the county designated agency of the need for additional child care provider referrals; does not provide the information necessary for determining eligibility and co-payment amount within the timeframe specified by the county designated agency, including verification of earnings; does not sign and/or return the completed Parent/Applicant/Provider Agreement for the receipt of care; does not co-sign the child care voucher; or fails to comply with any other program eligibility requirement of N.J.A.C. 10:15, 10:15A, 10:15B or 10:15C.

1. Refusal of child care benefits shall be documented in the case record by the county designated agency.
2. In instances where refusal of child care is disputed, it is the responsibility of the child care service agency to show that referrals for appropriate care were made, and it is the responsibility of the participant to show that he or she complied with the referrals timely, and in good faith.
3. The county designated agency shall take reasonable precautions to guard against fraud and abuse in the funding and provision of child care benefits.

(f) Parents/applicants of child care service programs are entitled to a case review conducted by the county designated agency and/or an administrative review conducted by DFD and notices through the county designated agency on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to terminate or reduce child care benefits.

1. Timely and adequate notice must be given if child care benefits are denied, reduced, or terminated due to ineligibility or nonpayment of the co-payment. Timely notice to the parent or guardian means at least 10 calendar days prior to the change taking effect. Adequate notice means advising the parent of the reasons for and circumstances surrounding the denial, reduction or termination of child care benefits.

2. If the individual has been receiving child care benefits and is awaiting a review concerning those benefits because such benefits were reduced, he or she is not entitled to receive child care benefits at the prior unreduced level. Benefits shall continue at the determined reduced level pending the review. If the individual had not been receiving any child care benefits and is awaiting a review due to nonreceipt of child care benefits, he or she is not entitled to receive any child care benefits pending the review. If the individual had been receiving child care benefits and is awaiting a review concerning those benefits because such benefits were terminated, he or she is not entitled to receive child care benefits pending the review.

3. If a particular issue is not resolved at the county agency level, an administrative case review to be conducted by DFD may be requested for those participants receiving care through the certificate program or a hearing shall be provided through DYFS for those participants receiving care through contracted child care services in accordance with N.J.A.C. 10:120-3.

Amended by R.1994 d.628, effective December 19, 1994.  
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

**10:15A-1.2 Payment policies**

(a) 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, including full and part-time day care and care before and after school.

(b) Payment for care of school-aged children shall continue to be made at the part-time rate during recognized vacations and holidays during the school year, for example, Christmas, spring vacation, and so forth, unless the parent/applicant requires full time care during these periods due to his or her work schedule. Payment for the care of school-aged children attending care full-time during summer vacation periods shall be made at the full-time rate.

(c) The maximum child care payment rates are set forth in Tables I, II and III below. The maximum child care payment rates utilized in the Department of Human Services child care service programs are available through a written request to the New Jersey Department of Human Services, Division of Family Development, CN 716, Trenton, NJ 08625, or the local Division of Youth and Family Services Regional Office, the county welfare agency or the county designated agency.

1. Table I includes maximum rates for licensed child care centers, school-age programs and day camps (see N.J.A.C. 10:15A-1.3(b)).

2. Table II includes maximum rates for registered family day care provider homes (see N.J.A.C. 10:15A-1.3(c)).

3. Table III includes maximum rates for approved family day care provider homes (see N.J.A.C. 10:15A-1.3(d)).

4. Tables I, II, and III specify monthly, weekly, and daily rates for the various age categories of children based on the hours of care provided.

**NJCK CHILD CARE CERTIFICATE/VOUCHER  
MAXIMUM RATES**

Table I

These rates shall be utilized for:

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

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 yrs.)		
Monthly	\$534.32	\$267.16
Weekly	\$123.40	\$ 61.70
Daily Equivalent	\$ 24.68	\$ 12.34
Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	\$534.32	\$267.16
Weekly	\$123.40	\$ 61.70
Daily Equivalent	\$ 24.68	\$ 12.34
Pre-Schoolers (2.5 up to 5 yrs.)		
Monthly	\$440.79	\$220.40
Weekly	\$101.80	\$ 50.90
Daily Equivalent	\$ 20.36	\$ 10.18
Kindergartener & School-Agers (5-13 yrs.)		
Monthly	\$440.79	\$220.40
Weekly	\$101.80	\$ 50.90
Daily Equivalent	\$ 20.36	\$ 10.18
Special Needs		
Infants/Toddlers (0 up to 2 yrs.)		
Monthly	\$534.32	\$267.16
Weekly	\$123.40	\$ 61.70
Daily Equivalent	\$ 24.68	\$ 12.34
Special Needs		
Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	\$534.32	\$267.16
Weekly	\$123.40	\$ 61.70
Daily Equivalent	\$ 24.68	\$ 12.34
Special Needs (2.5 up to 19 yrs.)		
Monthly	\$440.79	\$220.40
Weekly	\$101.80	\$ 50.90
Daily Equivalent	\$ 20.36	\$ 10.18

The above represents the maximum authorized rates for child care. The NJCK Child Care Certificate Program may authorize payment for the actual cost of care up to these amounts. The required co-payment will 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.

NJCK CHILD CARE CERTIFICATE/VOUCHER  
MAXIMUM RATES

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/day	Part-Time Less than 6 hrs./day
Infants/Toddlers (0 up to 2 yrs.)		
Monthly	\$422.18	\$211.09
Weekly	\$ 97.50	\$ 48.75
Daily Equivalent	\$ 19.50	\$ 9.75
Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	\$422.18	\$211.09
Weekly	\$ 97.50	\$ 48.75
Daily Equivalent	\$ 19.50	\$ 9.75
Pre-Schoolers (2.5 up to 5 yrs.)		
Monthly	\$330.81	\$165.41
Weekly	\$ 76.40	\$ 38.20
Daily Equivalent	\$ 15.28	\$ 7.64
Kindergartener & School-Agers (5-13 yrs.)		
Monthly	\$330.81	\$165.41
Weekly	\$ 76.40	\$ 38.20
Daily Equivalent	\$ 15.28	\$ 7.64
Special Needs Infants/Toddlers (0 up to 2 yrs.)		
Monthly	\$514.01	\$257.01
Weekly	\$118.71	\$ 59.36
Daily Equivalent	\$ 23.74	\$ 11.87
Special Needs Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	\$514.01	\$257.01
Weekly	\$118.71	\$ 59.36
Daily Equivalent	\$ 23.74	\$ 11.87
Special Needs (2.5 up to 19 yrs.)		
Monthly	\$422.26	\$211.13
Weekly	\$ 97.52	\$ 48.76
Daily Equivalent	\$ 19.50	\$ 9.75

The above represents the maximum authorized rates for child care. The NJCK Child Care Certificate Program may authorize payment for the actual cost of care up to these amounts. The required co-payment will 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.

NJCK CHILD CARE CERTIFICATE/VOUCHER  
MAXIMUM RATES

Table III

These rates shall be utilized for:  
APPROVED HOME DAY CARE

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 yrs.)		
Monthly	\$253.31	\$126.65

Child's Service Category	Hours of Care Provided	
	Full-Time 6 hrs. or more/day	Part-Time Less than 6 hrs./day
Weekly	\$ 58.50	\$ 29.25
Daily Equivalent	\$ 11.70	\$ 5.85
Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	\$253.31	\$126.65
Weekly	\$ 58.50	\$ 29.25
Daily Equivalent	\$ 11.70	\$ 5.85
Pre-Schoolers (2.5 up to 5 yrs.)		
Monthly	\$198.53	\$ 99.27
Weekly	\$ 45.85	\$ 22.93
Daily Equivalent	\$ 9.17	\$ 4.59
Kindergartener & School-Agers (5-13 yrs.)		
Monthly	\$198.53	\$ 99.27
Weekly	\$ 45.85	\$ 22.93
Daily Equivalent	\$ 9.17	\$ 4.59
Special Needs Infants/Toddlers (0 up to 2 yrs.)		
Monthly	\$308.47	\$154.23
Weekly	\$ 71.24	\$ 35.62
Daily Equivalent	\$ 14.25	\$ 7.12
Special Needs Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	\$308.47	\$154.23
Weekly	\$ 71.24	\$ 35.62
Daily Equivalent	\$ 14.25	\$ 7.12
Special Needs (2.5 up to 19 yrs.)		
Monthly	\$153.31	\$126.65
Weekly	\$ 58.50	\$ 29.25
Daily Equivalent	\$ 11.70	\$ 5.85

The above represents the maximum authorized rates for child care. The NJCK Child Care Certificate Program may authorize payment for the actual cost of care up to these amounts. The required co-payment will 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) Notwithstanding when the family requests child care, eligibility for child care continues for a period of up to 12 consecutive 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 county designated agency. The possible 12-month period shall consist of up to 52 consecutive weeks. Employment or participation in work/training activities throughout this 12-month period shall be presumed unless the participant reports otherwise.

(e) The following conditions must be met for receipt of child care service program benefits:

1. The parent/applicant shall request child care benefits and provide the information necessary, including verification of earnings, for determining eligibility and co-payment and the family meets the financial eligibility requirements for either the IV-A "At-Risk" program or the CCDBG program as set forth at N.J.A.C. 10:15B-1 and N.J.A.C. 10:15B-2.

2. The parent/applicant shall sign an agreement covering the period during which the child care is to be provided;

3. The parent/applicant shall select a provider as set forth in the agreement;

4. The parent/applicant shall pay the required co-payment (see N.J.A.C. 10:15C-1.1(a)1 for the exception to co-payment) to the provider of care; and

5. The parent/applicant shall report changes in circumstances to the county designated agency.

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

1. Terminates full-time employment (ARCC and CCDBG) or training or educational programs (CCDBG only), or the wages/income exceed eligibility levels;

2. Fails to pay the required co-payment to the provider(s); or

3. Otherwise does not meet eligibility criteria.

(g) Contingent upon compliance with applicable Federal eligibility criteria unique to ARCC and CCDBG as set forth in N.J.A.C. 10:15B-1 and N.J.A.C. 10:15B-2, if the parent/applicant loses a job (ARCC and CCDBG) and/or ends or no longer attends his or her training/education activity (CCDBG only) and then begins employment and/or another training/education activity (CCDBG only) within one month of the loss of the previous job and/or training/education activity, the family can qualify for the one month of care during the transition between jobs, and/or training/education activities (CCDBG only), as well as for the remaining portion of up to 12 months in the child care eligibility period. (CPS and foster care children shall be treated in accordance with N.J.A.C. 10:15A-1.5(d).) If the individual becomes eligible again, he or she must reapply.

Amended by R.1993 d.396, effective August 16, 1993.  
See: 25 N.J.R. 1692(a), 25 N.J.R. 3772(b).

Amended by R.1994 d.206, effective April 18, 1994.  
See: 26 N.J.R. 296(a), 26 N.J.R. 1636(a).

Amended by R.1994 d.628, effective December 19, 1994.  
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1995 d.532, effective October 2, 1995.  
See: 27 N.J.R. 2517(a), 27 N.J.R. 3786(a).

Amended by R.1996 d.171, effective April 1, 1996.  
See: 28 N.J.R. 222(a), 28 N.J.R. 1850(a).

### 10:15A-1.3 Provider requirements

(a) Payments to providers of child care through child care service programs are available according to the requirements of this section.

(b) To qualify for child care payments, a child care center or program shall meet one of the following requirements as set forth at N.J.A.C. 10:122-1.2, Manual of Requirements for Child Care Centers (N.J.S.A. 30:5B-1 through 15); (see also N.J.A.C. 10:81-14.18(f)1):

1. Centers providing care for infant, preschool and school-age children up to the age of 13 years, shall be licensed by DYFS, Bureau of Licensing, have a letter of exemption from DYFS, Bureau of Licensing or be exempt from licensure or excluded from the definition of a child care center;

2. Until such time as the Division of Youth and Family Services' licensing regulations for this type of care are implemented, the child care programs for school-age children shall meet local occupancy building and fire codes and shall have satisfactorily completed an inspection using the DHS' "School-Age Child Care Interim Guidelines Checklist" (see Appendix A, incorporated herein by reference); or shall be operated under the auspices of the public school system or a DYFS contract; or

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

(c) All family day care providers who serve three or more nonsibling children must be registered pursuant to the Family Day Care Provider Registration Act (see N.J.A.C. 10:126) in order to qualify for payment of child care services through these programs.

1. Family day care providers of one or two children may choose to register under the Family Day Care Provider Registration Act or to provide family day care as an approved home.

2. 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).

(d) Providers of family day care who are not registered under (c) above shall be approved by the Department of Human Services in order to qualify for payment through any child care service program. Unregulated relatives, friends or neighbors are 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 Appendix B, incorporated herein by reference), and stan-

standard interview procedures with the provider and family members (see N.J.A.C. 10:81-14.18(f)2).

2. As an approved home, providers may receive payment for a maximum of two nonsibling children or for all the sibling children of one family so long as the total number of children in the home does not exceed five children under 13 years of age at any one time.

(e) Providers of in-home care, 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.

(f) Providers of child care not in the categories (b) through (e) above are not entitled to payment through the child care service programs.

Amended by R.1994 d.628, effective December 19, 1994.  
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

#### 10:15A-1.4 Payment methods

(a) The child care service programs' methods for issuing payments for child care are vendor payments (voucher process) to the provider and through contracts with licensed day care centers.

(b) Vendor payments to providers are the primary method for issuing child care payments in the child care service programs. Under this method, a voucher is issued to the child care provider after the completion and signing of a Parent/Applicant/Provider Agreement. The completion of this agreement permits the provider to receive an initial prospective monthly payment. To receive subsequent payments, the provider completes the voucher form, lists the dates of care, signs the voucher, secures the parent's signature and returns it to the agency responsible for processing payment. Upon review and authorization of the voucher information, the agency 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 designated county agency within the established period, the identified payment for services claimed on the voucher shall be subject to forfeiture.

(c) There are instances in which a contract with a licensed child care center may be the only viable option for the provision of day care services. Such contracts shall be negotiated by the Division of Youth and Family Services.

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

#### 10:15A-1.5 Requirement of co-payment

(a) Each family receiving child care is required to contribute a co-payment toward the cost of such care.

1. The exception to the co-payment requirement applies to children under child protective services supervision as identified by DYFS (see N.J.A.C. 10:15-1.2) including those living in a substitute care setting under the custody of DYFS in the CCDBG program. The co-payment for CPS children may be waived in CCDBG on a case by case basis; such a waiver is granted by the DYFS District Office (DO). The standards used by DYFS will incorporate, but not necessarily be limited to situations where:

- i. A parent refuses to pay, is uncooperative in providing income information, or is otherwise uncooperative with the treatment plan for the child; or
- ii. There is a court order prohibiting or limiting parental involvement with the child; or
- iii. One parent in a two parent family cannot be located; or
- iv. The parent is unable to pay and to require the parent to pay will place the family at risk of homelessness; or
- v. The parent is unwilling or unable to pay, and to pursue payment would place the child, the siblings or the case plan in jeopardy.

2. Additionally, no co-payment is required for purposes of other Departmental child care programs if the family has children in care through the CCDBG or IV-A At-Risk programs and the family is making a co-payment for two children under either of these child care program requirements.

(b) A co-payment scale established by the Department of Human Services will 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. The co-payment scale is set forth at N.J.A.C. 10:15C-1.1(d).

(c) Individuals who fail to cooperate in paying the required co-payment will, subject to appropriate notice requirements and, if requested, a case or an administrative review as set forth at N.J.A.C. 10:15A-1.1(f), 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.

(d) In the CCDBG program, children under the child protective services (CPS) supervision of DYFS, including foster care children, shall not be terminated from services until:

1. The referring DYFS District Office (DO) or Adoption Resource Center (ARC) has been notified;

2. The referring DO and/or ARC maintains the responsibility for making alternate child care arrangements as deemed appropriate; and

3. The termination of child care services has been approved by the DYFS case manager, in writing, to the designated agency.

(e) In the CCDBG program, any emergency termination of service initiated by a child care provider of a DYFS CPS child, including foster care, shall be reported to the DYFS DO/ARC Liaison.

Amended by R.1994 d.628, effective December 19, 1994.  
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

