

1. The provider shall notify the sponsoring organization in advance, or by no later than the beginning of the sponsoring organization's next working day, as specified in N.J.A.C. 10:126-5.10(b)5;

2. The Certificate of Registration at the previous residence shall be void;

3. The provider shall submit a new application for registration to the sponsoring organization;

4. The provider shall permit and participate in an evaluation of the new residence; and

5. A new Certificate of Registration shall be issued by the sponsoring organization if the new residence meets all applicable requirements of the Manual of Requirements.

(g) The provider shall permit and participate in all monitoring visits by the sponsoring organization and by the Bureau. Monitoring visits shall be conducted at least once every two years.

(h) The provider shall not claim in advertising or in any written or verbal announcement to be registered with the Division or the State of New Jersey unless a Certificate of Registration is currently in effect.

Amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Recodified from 10:126-5.3 and amended by R.1995 d.404, effective July 17, 1995.

See: 27 N.J.R. 1351(a), 27 N.J.R. 2690(b).

#### **10:126-5.5 Issuance of a temporary Certificate of Registration**

(a) If the sponsoring organization determines that the provider applicant is in substantial compliance with the applicable requirements of the Manual of Requirements, and provided that there are no serious or imminent hazards to the health, safety, and well-being of the children, the sponsoring organization shall issue a temporary Certificate of Registration.

(b) A temporary Certificate of Registration may be issued for a period not to exceed six months. The sponsoring organization may issue as many temporary Certificates of Registration as it deems necessary. However, a provider shall not operate pursuant to temporary Certificates of Registration for more than one year.

Amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Recodified from 10:126-5.4 by R.1995 d.404, effective July 17, 1995.

See: 27 N.J.R. 1351(a), 27 N.J.R. 2690(b).

#### **10:126-5.6 Registration fees**

(a) At the time the regular Certificate of Registration is issued, the provider shall pay a non-refundable registration

fee of \$25.00 in the form of a check or money order made payable to the sponsoring organization.

(b) If the provider is issued a temporary Certificate of Registration, the registration fee shall be payable at that time, with no additional registration fee required upon the issuance of a regular Certificate of Registration.

(c) An additional registration fee shall not be required if a change in information on a current Certificate of Registration occurs before the expiration date of the current Certificate of Registration.

Recodified from 10:126-5.5 by R.1995 d.404, effective July 17, 1995.  
See: 27 N.J.R. 1351(a), 27 N.J.R. 2690(b).

#### **10:126-5.7 Renewal of a Certificate of Registration**

(a) The regular Certificate of Registration shall be subject to renewal upon the expiration of the three-year registration period.

(b) The sponsoring organization shall send a renewal application packet to the provider no later than 90 days prior to the expiration of the current Certificate of Registration.

(c) No later than 45 days prior to the expiration of the current Certificate of Registration, the provider shall submit to the sponsoring organization:

1. A completed application form, as specified in N.J.A.C. 10:126-5.2(a); and

2. Physician's statement(s) for the provider, the alternate provider and the provider assistant, if any, as specified in N.J.A.C. 10:126-5.2(b).

(d) The provider shall permit and participate in a monitoring visit prior to renewal of the Certificate of Registration.

(e) Prior to the renewal of a Certificate of Registration, the provider shall:

1. Provide documentation of attendance at six hours of in-service training, provided or approved by the sponsoring organization, during the last three-year registration period; or

2. Repeat the six hours of pre-service training provided by the sponsoring organization.

Amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Recodified from 10:126-5.6 by R.1995 d.404, effective July 17, 1995.

See: 27 N.J.R. 1351(a), 27 N.J.R. 2690(b).

#### **10:126-5.8 Denials, suspensions, revocations, nonrenewals, and provider appeal procedures**

(a) The sponsoring organization may deny an application for a Certificate of Registration or suspend, revoke or refuse

to renew a Certificate of Registration for good cause, including:

1. Failure to comply with the provisions of the Family Day Care Provider Registration Act and/or the requirements of the Manual of Requirements;

2. Use of fraud or misrepresentation in obtaining a Certificate of Registration or in the subsequent operation of the family day care home;

3. Any conduct and/or activity which adversely affects or presents a serious hazard to the health, safety, and general well-being of an enrolled child, or which otherwise demonstrates unfitness by a provider to operate a family day care home;

4. Refusal to furnish the sponsoring organization or Division with records;

5. Refusal to permit a parent of an enrolled child or an authorized representative of the sponsoring organization or Division to gain admission to the family day care home during normal operating hours;

6. A determination by the Division's Institutional Abuse Investigation Unit or District Office that children in the home are at risk of harm;

7. Refusal by any person specified in N.J.A.C. 10:126-5.3(a) to consent to a Child Abuse Record Information background check; or

8. A Child Abuse Record Information background check that reveals an incident of child abuse or neglect that has been substantiated against any person specified in N.J.A.C. 10:126-5.3(a).

(b) When a provider or applicant is found to be in violation of any of the provisions of (a) above, the sponsoring organization shall notify the provider or applicant of the violation(s) in writing and shall afford the provider or applicant an opportunity to abate the violation(s). If the provider or applicant fails to abate the violation(s), or commits the same or another violation subsequently, the sponsoring organization may deny the application or suspend, revoke or refuse to renew the Certificate of Registration.

(c) When the sponsoring organization proposes to deny an application or to suspend, revoke or refuse to renew a Certificate of Registration, the sponsoring organization shall give written notice to the provider or applicant, specifying the reason for such action, either by hand-delivery or by certified mail with return receipt requested.

1. The notice shall afford the provider or applicant an opportunity for a review before the sponsoring organization's appeals committee, except as specified in (c)2 below.

2. If the action specified in the notice is based on an investigation or substantiation by the Division of alleged child abuse or neglect, or on a criminal conviction, the sponsoring organization's appeals committee shall not review the matter, in keeping with the confidentiality requirements of the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a, and the rules of the Department of Law and Public Safety, as specified in N.J.A.C. 13:59-1.8. In such a case, the notice shall afford the provider or applicant an opportunity to appeal directly to the Bureau, which will follow the procedures specified in (f) below.

3. The notice shall advise the provider or applicant of the provisions specified in (d) to (g) below.

4. If the provider or applicant does not appeal to either the appeals committee or the Bureau, the action specified in the notice shall take effect.

(d) The sponsoring organization's appeals committee shall review within 15 days each appeal presented to it and shall afford the provider or applicant an opportunity to be heard. The appeals committee shall issue a written report of its findings to the provider or applicant within five working days after completing its review.

(e) If the provider or applicant is not satisfied with the sponsoring organization's appeals committee's findings, the provider or applicant may appeal to the Bureau, which will review the matter and, as appropriate, refer the matter through the Division to the Office of Administrative Law for an administrative hearing pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Uniform Administrative Procedure Rules (N.J.A.C. 1:1).

(f) If the provider or applicant does not want the matter reviewed by the sponsoring organization's appeals committee, or if the action specified in the notice is based on an investigation or substantiation by the Division of alleged child abuse or neglect, or on a criminal conviction, the provider or applicant may appeal directly to the Bureau, which will review the matter and, as appropriate, refer the matter through the Division to the Office of Administrative Law for an administrative hearing.

(g) If the provider or applicant is not satisfied with the decision of the Division, the provider or applicant may appeal the final decision or action of the Division within 45 days from the date of service of the decision or notice of the action taken, to the Appellate Division of the Superior Court of New Jersey.

(h) As long as the Division determines that children are not at risk and no serious or imminent hazards exist, a provider who has requested an appeal, as specified in (d) through (f) above, shall continue to be registered until a final decision is rendered as a result of the appeal.

(i) If the provider's Certificate of Registration is suspended, revoked or refused for renewal, the sponsoring organization shall ensure that the parent of each enrolled child is notified in writing within 10 days of the action.

(j) An applicant whose application has been denied, or a provider whose Certificate of Registration has been revoked or refused for renewal, shall be prohibited from reapplying for registration for one year from the date of the denial, revocation or refusal to renew. After the one-year period has elapsed, the provider or applicant may submit a new application for registration.

Amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Recodified from 10:126-5.7 and amended by R.1995 d.404, effective July 17, 1995.

See: 27 N.J.R. 1351(a), 27 N.J.R. 2690(b).

#### Case Notes

Revocation of day care provider's license was proper. *M.M. v. Bergen County Department of Health Services*, 94 N.J.A.R.2d (DYF) 8.

#### 10:126-5.9 Special requirements to prevent child abuse and neglect

(a) When the Division determines that an imminent danger or hazard exists that threatens the health or safety of a child in a family day care home, the Bureau may direct the sponsoring organization to deny an application or to suspend, revoke, or refuse to renew a Certificate of Registration immediately.

(b) The Bureau may institute a civil action in a court of competent jurisdiction for injunctive relief to enjoin the operation of a family day care home for good cause, including any imminent danger(s) or hazard(s) that threaten the health and safety of the children in the home.

(c) The Division, during the course of investigating an allegation of child abuse or neglect, may determine that corrective action is necessary to protect the children whenever:

1. The provider or another person in the home has been found by the Division to pose a risk of harm to children;
2. An allegation has been received by the Division that the provider or another person in the home has committed an act of child abuse or neglect; or
3. The provider or another person in the home has been convicted of an act of child abuse or neglect.

(d) Whenever the Division determines that such corrective action is necessary to protect the children in the home, the sponsoring organization shall ensure that the provider carries out the Division's recommendation for corrective action. Such corrective action may include:

1. Removal or suspension of the affected person from the home, or reassignment to other duties that do not involve contact with the children; or

2. Removal of the affected person from the home for a period of time extending from one hour prior to the arrival of the children until one hour after the children have left; or

3. Suspension of the provider's Certificate of Registration.

(e) Such removal, suspension or reassignment, as specified in (d) above, shall remain in effect until the results of the Division's investigation have been determined, and a final decision in the matter has been rendered by the Bureau.

(f) If the allegation of child abuse or neglect is substantiated by the Division, the sponsoring organization shall deny the application for registration or suspend, revoke or refuse to renew the Certificate of Registration, as applicable, as specified in N.J.A.C. 10:126-5.3(e) and (f).

Amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Recodified from 10:126-5.8 and amended by R.1995 d.404, effective July 17, 1995.

See: 27 N.J.R. 1351(a), 27 N.J.R. 2690(b).

#### 10:126-5.10 Provider reporting requirements

(a) The provider shall verbally notify the Division of Youth and Family Services, Office of Child Abuse Control (toll-free at 1-(800)-792-8610) or District Office immediately whenever there is reasonable cause to believe that a child has been or is being subjected to any kind of child abuse/neglect by any person, pursuant to the State Child Abuse and Neglect Law (N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14).

(b) The provider shall report the following incidents to the sponsoring organization as soon as possible, but by no later than the beginning of the sponsoring organization's next working day:

1. Any injury that results in the admittance of a child to a hospital while in the provider's care;
2. The death of a child while in the provider's care;
3. Any damage to the provider's home that affects the provider's compliance with the requirements of the Manual of Requirements;
4. Any criminal conviction(s) of the provider, the substitute provider, a member of the provider's household who is at least 14 years old, and the alternate provider and the provider assistant, if any, as specified in N.J.A.C. 10:126-5.2(a)10;
5. A change of residence by the provider; and

6. The termination of all family day care services by the provider.

Amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Recodified from 10:126-5.9 by R.1995 d.404, effective July 17, 1995.

See: 27 N.J.R. 1351(a), 27 N.J.R. 2690(b).

#### 10:126-5.11 Provider record requirements

(a) The provider's records shall be open for inspection by authorized representatives of the sponsoring organization and of the Division.

(b) The provider shall maintain on file a signed statement from each parent, affirming receipt of the Information to Parents statement, as specified in N.J.A.C. 10:126-6.13(a).

(c) The provider shall maintain an individual record for each child in care. This record shall include:

1. The child's full name, address and birth date;
2. Name, address, and telephone number of each parent;
3. Name, address and telephone number of each parent's place of employment;
4. Name, address and telephone number of one or more persons designated by the parent(s) to be called in case of emergency when a parent cannot be reached;
5. Name, address and telephone number of the child's physician;
6. The child's allergies to medication or drugs, if applicable;
7. The name of the parent's hospitalization plan and number or medical assistance plan, if applicable;
8. The parent's signed authorization for the child's emergency medical treatment;
9. The child's date of enrollment in and date of withdrawal, when applicable, from the family day care home;
10. Results of the health examination for each child, as specified in N.J.A.C. 10:126-6.8(a);
11. An immunization record for each child, as specified in N.J.A.C. 10:126-6.8(b)3;
12. Authorization for a school age child to leave the provider's premises, if applicable, as specified in N.J.A.C. 10:126-6.17(b);
13. Authorization for the provider to transport an enrolled child, if applicable, as specified in N.J.A.C. 10:126-6.7(b);
14. Authorization for a child to use a pool or other body of water, if applicable, as specified in N.J.A.C. 10:126-6.6(d); and

15. A record of any accidents and injuries sustained by a child, as specified in N.J.A.C. 10:126-6.10(d).

(d) The emergency contact information listed in (c)1 through 8 above shall be made available to a physician, hospital or emergency care unit in the event of a child's accident, illness or injury.

(e) Whenever the provider leaves the home with the child(ren), the provider shall have the emergency contact information in his or her possession.

Amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

Recodified from 10:126-5.10 by R.1995 d.404, effective July 17, 1995.

See: 27 N.J.R. 1351(a), 27 N.J.R. 2690(b).

### SUBCHAPTER 6. SAFETY, HEALTH AND PROGRAM REQUIREMENTS FOR PROVIDERS

#### 10:126-6.1 Maximum number of children

(a) The provider shall be permitted to care for a maximum of five children at any one time, except as specified in (b) below.

(b) The provider shall be permitted to care for up to three additional children, up to a maximum of eight children at any one time, only if:

1. The additional children reside with the provider and are below six years of age. Children six years of age or older who reside with the provider shall not be included in the limit of eight children; or
2. The additional children reside with the alternate provider, the substitute provider or the provider assistant, and receive care in the family day care home for no payment. The alternate provider, the substitute provider or the provider assistant shall be present when any child who resides with that person is present.

Amended by R.1994 d.625, effective December 19, 1994 (operative January 1, 1995).

See: 26 N.J.R. 3144(a), 26 N.J.R. 5023(c).

#### 10:126-6.2 Ages of children

(a) When the provider is caring for infants or toddlers below two years of age, without a second caregiver present in the home, the following provisions shall apply:

1. The provider shall be permitted to care for a maximum of either:
  - i. Three children below 15 months of age; or