

8. An indication as to whether the provider applicant wishes to be listed with either or both of the following:

- i. The New Jersey Child Care Resource and Referral System; and
- ii. A list of registered providers that is available to the public through the Office of Licensing;

9. A disclosure of information about and circumstances surrounding any previous denial, suspension, revocation or nonrenewal of a Certificate of Registration as a family child care provider in New Jersey or of a license, certificate or other approval as a family child care provider in any other state; and

10. A disclosure of the presence or absence of criminal convictions by the provider applicant, the substitute provider, all members of the provider's household who are at least 14 years old, and the alternate provider and the provider assistant, if any.

- i. Evidence of conviction of a crime, in itself, shall not automatically preclude an individual from serving as a provider, provider assistant, alternate provider or substitute provider, and shall not automatically result in denying the application or revoking, suspending or refusing to renew the Certificate of Registration. Such determination shall be made on a case by case basis, in keeping with the provisions of the State Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.) which provides that a person convicted of a crime may not be disqualified or discriminated against by a licensing authority unless the conviction relates adversely to the occupation, trade, vocation, profession or business for which a license is sought.

- ii. The provider shall notify the sponsoring organization by the end of the sponsoring organization's next business day of any criminal conviction(s) during the three-year registration period by 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.

(b) An applicant for an initial or renewal Certificate of Registration shall also submit to the sponsoring organization a health care provider's statement(s) for the applicant, the alternate provider and the provider assistant, if any, and the substitute provider, as applicable, verifying the applicant, the alternate provider, the provider assistant and the substitute provider are in good health, free from communicable disease and able to care for children. Such statement(s) shall be based on a medical examination conducted within the six months immediately preceding the submission of the application.

(c) An applicant for an initial Certificate of Registration shall also submit to the sponsoring organization written proof of the results of either (c)1 or 2 below for the applicant, the alternate provider and the provider assistant, if any:

1. A Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin, conducted within the six months immediately preceding the submission of the application; or

2. A chest x-ray if the individual has had a previous positive Mantoux tuberculin test or has a medical contraindication that precludes a Mantoux test.

(d) The provider, the alternate provider and the provider assistant shall obtain additional Mantoux tests when required by the Office of Licensing based on a recommendation by the New Jersey Department of Health and Senior Services.

(e) An applicant for an initial Certificate of Registration shall also submit to the sponsoring organization one of the following, for both the applicant and the alternate provider, if any:

1. Two letters of reference, dated within three years immediately preceding the submission of the application, including at least one from a person who can attest to the individual's character, reputation and suitability to work with children; or

2. The names, addresses and telephone numbers of at least two persons who can provide letters of reference upon request.

(f) The provider applicant shall permit and participate in an announced or unannounced evaluation of the applicant's home by the sponsoring organization. The evaluation shall include:

1. Inspection of all rooms, furniture and equipment in areas designated for use by enrolled children; and

2. Access to all areas not designated for use by enrolled children, to observe whether any hazards to children exist.

(g) The provider applicant and the alternate provider, if any, shall attend eight hours of pre-service training provided by the sponsoring organization.

(h) The sponsoring organization shall process all applications for a Certificate of Registration without regard to the applicant's race, national origin, religion, sex, age, or geographic location.

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).

Amended by R.2004 d.211, effective June 7, 2004.

See: 36 N.J.R. 925(a), 36 N.J.R. 2884(a).

In (b), substituted "health care provider's" for "physician's"; in (g), substituted "eight" for "six"; added a new (h); recodified former (h) as (i).

Amended by R.2009 d.355, effective December 7, 2009.

See: 41 N.J.R. 1368(b), 41 N.J.R. 4438(b).

In the introductory paragraph of (a)7, deleted a comma following "non-aggressive" and substituted "and, as applicable;" for a semicolon at the end; added (a)7i and (a)7ii; in (a)8ii, substituted "Office of Licensing" for "Bureau"; in (b), inserted "and the substitute provider, as applicable," substituted a comma for "and" preceding "the provider assistant" and inserted "and the substitute provider"; in (d), substituted

"Office of Licensing" for "Bureau" and "New Jersey" for "State", and inserted "and Senior Services"; in the introductory paragraph of (f), inserted "announced or unannounced"; deleted former (h); and recodified former (i) as (h).

10:126-5.3 Child Abuse Record Information background check procedures

(a) Prior to the issuance or renewal of a Certificate of Registration, the applicant or provider shall obtain written consent from the applicant or provider, substitute provider, provider assistant and alternate provider, if any, and all members of the applicant's or provider's household who are at least 14 years of age, for the Office of Licensing to conduct a Child Abuse Record Information (CARI) background check to determine whether an incident of child abuse or neglect has been substantiated against any such person.

1. Each person specified in (a) above shall complete a signed consent form provided by the Office of Licensing that indicates the identifying information necessary to conduct a CARI background check, including the person's name, address, date of birth, sex, race and Social Security number. Pursuant to the Federal Privacy Act of 1974 (P.L. 93-579), the Office of Licensing will advise each such person that the disclosure of his or her Social Security number is voluntary, and that the Social Security number will only be used for the purpose of conducting a CARI background check.

2. The applicant or provider shall submit to the sponsoring organization the consent forms specified in (a)1 above for all persons specified in (a) above.

3. The provider shall inform the sponsoring organization of any additional persons at least 14 years of age who begin living or working in the home during the three-year registration period, and expect to remain in the home longer than 15 consecutive days, or on a frequent intermittent basis. The provider shall submit to the sponsoring organization a signed consent form as specified in (a)1 above for each such person.

(b) If any person specified in (a) above refuses to consent to a CARI background check, the sponsoring organization shall deny the application or suspend, revoke or refuse to renew the Certificate of Registration, as applicable, in keeping with P.L. 1993, c. 350. The applicant or provider may choose to remove or replace the person who refuses to consent to a CARI background check, if other than the applicant or provider, before the denial, suspension, revocation or nonrenewal takes effect. If the applicant or provider removes or replaces such person, and submits a signed statement attesting to the person's removal, the sponsoring organization shall continue the registration process.

(c) The sponsoring organization shall submit the completed consent forms specified in (a)1 above to the Office of Licensing upon receipt of the forms from the applicant or provider. The Office of Licensing will conduct a search of its records for child abuse and neglect incidents for which the

perpetrator was afforded an opportunity to appeal the substantiation. Within 30 working days of receipt of the completed forms from the sponsoring organization, the Office of Licensing will inform the sponsoring organization in writing as to whether a substantiated incident of child abuse or neglect by any person specified in (a) above has been found. If such an incident has been found, the Office of Licensing will inform the sponsoring organization in writing of the name of the perpetrator.

(d) If the CARI background check reveals no substantiated incident of child abuse or neglect involving a person specified in (a) above, the sponsoring organization may issue or renew the Certificate of Registration, provided that all other applicable requirements of N.J.A.C. 10:126, this chapter, have been met.

(e) If the CARI background check reveals that an incident of child abuse or neglect has been substantiated against a person specified in (a) above, the sponsoring organization shall deny the application or suspend, revoke or refuse to renew the Certificate of Registration, as applicable, in accordance with P.L. 1993, c.350.

1. The sponsoring organization shall notify the applicant or provider in writing that the denial, suspension, revocation or nonrenewal is based on the results of a CARI background check.

2. The sponsoring organization shall disclose to the applicant or provider the name of the perpetrator, but shall not disclose any other information concerning the incident.

3. The applicant or provider may choose to remove or replace the perpetrator, if other than the applicant or provider, before the denial, suspension, revocation or nonrenewal takes effect. If the applicant or provider removes or replaces such a perpetrator, the sponsoring organization shall continue the registration process.

4. The sponsoring organization and the applicant or provider shall keep confidential and shall not disclose to any other person the identity of the perpetrator and all other information concerning the incident, in accordance with the confidentiality provisions of the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a.

(f) The sponsoring organization shall inform the applicant or provider in writing that he or she may appeal the denial, suspension, revocation or nonrenewal to the Office of Licensing, as specified in N.J.A.C. 10:126-5.8.

New Rule, R.1995 d.404, effective July 17, 1995.

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

Amended by R.2009 d.355, effective December 7, 2009.

See: 41 N.J.R. 1368(b), 41 N.J.R. 4438(b).

In (a) and (c), substituted "Office of Licensing" for "Division" throughout; in (a)1, deleted a comma following "race"; in (a)3, substituted "15" for "60" and inserted "or on a frequent intermittent basis"; in (b), substituted "c. 350" for "c.350" and inserted "and submits a signed statement attesting to the person's removal,"; and in (f), substituted "Office of Licensing" for "Bureau".