

CHAPTER 126**MANUAL OF REQUIREMENTS FOR FAMILY DAY CARE REGISTRATION****Authority**

N.J.S.A. 30:5B-16 et seq., specifically 30:5B-19, 23 and 25.

Source and Effective Date

R.1998 d.513, effective September 25, 1998.
See: 30 N.J.R. 2561(a), 30 N.J.R. 3963(a).

Executive Order No. 66(1978) Expiration Date

Chapter 126, Manual of Requirements for Family Day Care Registration, expires on September 25, 2003.

Chapter Historical Note

Chapter 126 formerly contained rules entitled "State Training Plan Under Title XX" which became effective October 6, 1975 as R.1975 d.298. See: 7 N.J.R. 506(b).

1983 Revisions: Chapter 126 was repealed effective December 19, 1983 by R.1983 d.587. See: 15 N.J.R. 208(a), 15 N.J.R. 2125(a).

Chapter 126, Manual of Requirements for Family Day Care Registration, was adopted as R.1988 d.507, effective November 7, 1988. See: 20 N.J.R. 1508(a), 20 N.J.R. 2774(b).

Pursuant to Executive Order No. 66(1978), Chapter 126, Manual of Requirements for Family Day Care Registration, was readopted as R.1993 d.533, effective October 5, 1993. See: 25 N.J.R. 3703(a), 25 N.J.R. 4932(b).

Pursuant to Executive Order No. 66(1978), Chapter 126, Manual of Requirements for Family Day Care Registration, was readopted as R.1998 d.513, effective September 25, 1998. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. GENERAL PROVISIONS**

- 10:126-1.1 Legal authority
- 10:126-1.2 Definitions
- 10:126-1.3 Approval requirements for sponsoring organizations
- 10:126-1.4 Public access to records

SUBCHAPTER 2. ADMINISTRATION OF SPONSORING ORGANIZATIONS

- 10:126-2.1 Sponsoring organization eligibility
- 10:126-2.2 Administrative responsibility
- 10:126-2.3 Reporting requirements
- 10:126-2.4 Sponsoring organization records
- 10:126-2.5 Complaints against a sponsoring organization
- 10:126-2.6 (Reserved)

SUBCHAPTER 3. STAFF REQUIREMENTS FOR SPONSORING ORGANIZATIONS

- 10:126-3.1 General staff requirements
- 10:126-3.2 Types and responsibilities of staff
- 10:126-3.3 Staff qualifications
- 10:126-3.4 Staff training

SUBCHAPTER 4. SERVICE REQUIREMENTS FOR SPONSORING ORGANIZATIONS

- 10:126-4.1 Evaluation of family day care provider applicants
- 10:126-4.2 Training of family day care providers
- 10:126-4.3 Issuance of a Certificate of Registration
- 10:126-4.4 Issuance of a temporary Certificate of Registration
- 10:126-4.5 Collection of registration fees
- 10:126-4.6 Complaints and violations
- 10:126-4.7 Monitoring of family day care providers
- 10:126-4.8 Technical assistance
- 10:126-4.9 Information to parents
- 10:126-4.10 Referral procedures
- 10:126-4.11 Outreach and public relations

SUBCHAPTER 5. PROVIDER REGISTRATION AND OPERATION PROCEDURES

- 10:126-5.1 Provider eligibility
- 10:126-5.2 Application for registration
- 10:126-5.3 Child Abuse Record Information background check procedures
- 10:126-5.4 Issuance of a Certificate of Registration
- 10:126-5.5 Issuance of a temporary Certificate of Registration
- 10:126-5.6 Registration fees
- 10:126-5.7 Renewal of a Certificate of Registration
- 10:126-5.8 Denials, suspensions, revocations, nonrenewals, and provider appeal procedures
- 10:126-5.9 Special requirements to prevent child abuse and neglect
- 10:126-5.10 Provider reporting requirements
- 10:126-5.11 Provider record requirements

SUBCHAPTER 6. SAFETY, HEALTH AND PROGRAM REQUIREMENTS FOR PROVIDERS

- 10:126-6.1 Maximum number of children
- 10:126-6.2 Ages of children
- 10:126-6.3 Physical environment
- 10:126-6.4 Fire safety
- 10:126-6.5 General safety
- 10:126-6.6 Outdoor space
- 10:126-6.7 Transportation and trips
- 10:126-6.8 Health examinations for children
- 10:126-6.9 Sick children
- 10:126-6.10 Accident and injury to a child while in the provider's care
- 10:126-6.11 Handwashing and personal hygiene
- 10:126-6.12 Activities for children
- 10:126-6.13 Rest and sleep
- 10:126-6.14 Food and nutrition
- 10:126-6.15 Bottle feeding
- 10:126-6.16 Toilet training
- 10:126-6.17 School age children
- 10:126-6.18 Children with special needs
- 10:126-6.19 Supervision
- 10:126-6.20 Guidance and discipline
- 10:126-6.21 Communicating with parents

SUBCHAPTER 1. GENERAL PROVISIONS**10:126-1.1 Legal authority**

(a) This chapter is promulgated pursuant to the Family Day Care Provider Registration Act of 1987, N.J.S.A. 30:5B-16 et seq. (P.L. 1987, Chapter 27), which became effective April 27, 1987.

(b) Under N.J.S.A. 30:5B-16 et seq., the Division of Youth and Family Services has the authority to:

1. Adopt regulations for the:
 - i. Operation and maintenance of family day care sponsoring organizations; and
 - ii. Voluntary registration of family day care providers; and
2. Contract with certain agencies or organizations to serve as sponsoring organizations for the voluntary registration of family day care providers.

(c) Responsibility for ensuring that a sponsoring organization complies with all applicable provisions of N.J.S.A. 30:5B-16 et seq., and of this chapter is delegated by the Division to the Bureau of Licensing, which shall:

1. Inspect and monitor the sponsoring organization to determine compliance with applicable provisions of this chapter;
2. Conduct random inspections of family day care homes to ensure compliance with applicable provisions of this chapter; and
3. Provide technical assistance to the sponsoring organization.

(d) A sponsoring organization is authorized to:

1. Register family day care provider applicants within a specific geographic area. A geographic area may include:
 - i. A single county; or
 - ii. A group of several counties;
2. Issue new and renewal Certificates of Registration to family day care providers;
3. Provide administrative services, including but not limited to technical assistance, training and consultation to providers;
4. Evaluate and monitor providers at least once every two years;
5. Annually monitor no less than 20 percent of providers on a random basis;
6. Collect a \$25.00 registration fee payable to the sponsoring organization each time a Certificate of Registration is initially granted or renewed;
7. Maintain permanent records on each provider;
8. Ensure that each provider complies with all applicable requirements of N.J.A.C. 10:126, the Manual of Requirements for Family Day Care Registration; and
9. Provide a program of outreach and public relations to inform providers and potential providers of the provisions of this chapter.

10:126-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

“Alternate provider” means a person who shares child care responsibilities with a registered provider at the provider’s residence and meets all applicable requirements, as specified in N.J.A.C. 10:126-5 and 6.

“Bureau” means the Bureau of Licensing, Division of Youth and Family Services, New Jersey Department of Human Services.

“Certificate of Registration” means a document issued by a sponsoring organization to a family day care provider, acknowledging that the provider is in compliance with all applicable provisions of this chapter.

“Chapter” means the rules contained in the Manual of Requirements for Family Day Care Registration, as specified in N.J.A.C. 10:126, which reflect provisions that constitute minimum baseline requirements below which no family day care sponsoring organization or registered family day care provider that is subject to the authority of N.J.S.A. 30:5B-16 et seq. is legally permitted to operate.

“Child” means any person under 13 years of age.

“Denial of a Certificate of Registration” means a refusal by the sponsoring organization to issue an initial Certificate of Registration.

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

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

“Evaluate” or “evaluation” means the review of a family day care provider by a sponsoring organization upon receipt of an application for a Certificate of Registration to determine the applicant’s compliance with the requirements of this chapter.

“Family day care home” means the private residence of the family day care provider in which child care services are provided to no fewer than three and no more than five children at any one time for no fewer than 15 hours per week, except that the Division shall not exclude a family day care home with fewer than three children from voluntary registration.

“Family day care provider applicant” or “provider applicant” or “applicant” means a person at least 18 years of age who has applied for a Certificate of Registration.

“Family day care provider” or “registered family day care provider” or “provider” means a person who has received an initial, renewal or temporary Certificate of Registration issued by a sponsoring organization.

“Family day care sponsoring organization” or “sponsoring organization” means an agency or organization that con-

tracts with the Division to assist in the voluntary registration of family day care providers and that complies with all applicable requirements of the Manual of Requirements for Family Day Care Registration.