

CHAPTER 122
MANUAL OF REQUIREMENTS FOR
CHILD CARE CENTERS

Authority

N.J.S.A. 30:5B-1 through 15.

Source and Effective Date

R.2004 d.122, effective February 26, 2004.
35 N.J.R. 4833(a), 36 N.J.R. 1778(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 122, Manual of Requirements for Child Care Centers, expires on August 25, 2009. See: 41 N.J.R. 1146(a).

Chapter Historical Note

Chapter 122, Manual of Requirements for Child Care Centers, was originally codified in Title 6 as Chapter 26. Chapter 26 was adopted prior to September 1, 1969.

Pursuant to N.J.S.A.30:1-25, Chapter 26 was recodified as N.J.A.C. 10:122, effective July 27, 1972.

Chapter 122 was repealed and Chapter 122, Manual of Requirements for Child Care Centers, was adopted as new rules by R.1989 d.261, effective May 15, 1989. See: 20 N.J.R. 3079(b), 21 N.J.R. 1431(b).

Chapter 122 was repealed and Chapter 122, Manual of Requirements for Child Care Centers, was adopted as new rules by R.1994 d.231, effective May 16, 1994. See: 25 N.J.R. 4987(a), 26 N.J.R. 2100(a).

Pursuant to Executive Order No. 66(1978), Chapter 122, Manual of Requirements for Child Care Centers, was readopted as R.1998 d.502, effective September 15, 1998. See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Chapter 122, Manual of Requirements for Child Care Centers, was readopted as R.2004 d.122, effective February 26, 2004. See: Source and Effective Date.

Petition for Rulemaking. See: 41 N.J.R. 2507(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

10:122-1.1 Legal authority

(a) This manual is promulgated pursuant to the Child Care Center Licensing Law, N.J.S.A. 30:5B-1 to 15, supplemented by P.L.1992, c. 95.

(b) Under the laws specified in (a) above, the Department of Human Services is authorized to:

1. License certain public and private child care centers that are maintained for the care, development or supervision of six or more children under 13 years of age for less than 24 hours a day;

2. Inspect and examine the physical plant or facilities and program of a child care center and inspect all documents, records, files or other data maintained pursuant to the above-referenced law during the center's normal operating hours and without prior notice; and

3. Request the appropriate State and local fire, health and building officials to conduct examinations and inspections to determine a center's compliance with State and local ordinances, codes and regulations. The inspections shall be conducted and the results reported to the Department within 60 days after the request.

(c) Under the laws specified in (a) above, the Department of Human Services is authorized to issue a Certificate of Life/Safety Approval to a center that:

1. Operates on a seasonal or short-term basis for eight weeks or less and does not offer a continuous program that extends across the three-year period of licensure; or

2. Was operating on or before May 16, 1984 and was exempt from the licensing provisions because it was operated by an aid society of a properly organized and accredited church.

(d) Centers specified in (c)1 and 2 above are required to comply only with the physical facility, life/safety, administration and control of medication, environmental sanitation and communicable disease reporting provisions of this

manual of requirements. Centers with Certificates of Life/Safety Approval may secure regular licenses on a voluntary basis as long as they comply with all provisions of this manual of requirements.

(e) To be eligible for a license, a center shall demonstrate to the satisfaction of the Department of Human Services, or the duly authorized agency, that the center complies with all applicable provisions of this manual.

(f) All applicable requirements shall be met by all child care centers, unless the rules are specified as "for early childhood programs" or "for school-age child care programs."

(g) Responsibility for ensuring that centers comply with the provisions of the laws cited in (a) above and with provisions of this manual is hereby delegated by the Department of Human Services to the Division of Youth and Family Services, Bureau of Licensing.

(h) When a person intends to care for six or more children under 13 years of age, he or she shall apply for and secure from the Bureau a license to operate a child care center. Once licensed, the center is subject to all applicable provisions of this manual, even if the number and/or ages of the children attending the center at a particular time should fall outside the definition of a center, as specified in N.J.A.C. 10:122-1.2(a).

10:122-1.2 Definition of child care center

(a) "Child care center" or "center" means any home or 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.

1. For a facility that is located in a sponsor's home, the Bureau shall not count the children residing in the sponsor's home in determining whether the facility is serving the minimum number of children that would require it to be licensed as a center.

2. For a child care center operated by a nonprofit organization in a public school building used as a public school, the center shall not be required to meet the requirements in this manual governing the safety and adequacy of the physical plant or facilities, in keeping with P.L. 2000, c.122 (N.J.S.A. 30:5B-5).

(b) The term, child care center, shall include, but not be limited to, day care centers; drop-in centers; night-time centers; recreation-type centers sponsored and operated by a county or municipal government recreation and/or park department or agency; day nurseries; nursery and play schools; cooperative child centers; centers for children with special needs; centers serving sick children; infant-toddler programs; school-age child care programs; employment-related centers; centers that had been licensed by the Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984; and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth.