

**CHAPTER 15
CHILD CARE SERVICES**

Authority

N.J.S.A. 30:1-12.

Source and Effective Date

R.2005 d.77, effective January 26, 2005.
See: 36 N.J.R. 4882(a), 37 N.J.R. 630(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 15, Child Care Services, expires on July 25, 2010. See: 41 N.J.R. 2545(a).

Chapter Historical Note

Chapter 15, Emergency Housing Program, was filed and became effective prior to September 1, 1969.

Chapter 15, Emergency Housing Program, was repealed by R.1983 d.523, effective November 21, 1983. See: 15 N.J.R. 1430(a), 15 N.J.R. 1944(a).

Chapter 15, Child Care Services, was adopted as new rules by 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 15, Child Care Services, was readopted as R.1994 d.628, effective November 23, 1994. See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Chapter 15, Child Care Services, was repealed and Chapter 15, Child Care Services, was adopted as new rules by R.1999 d.377, effective November 1, 1999. See: 31 N.J.R. 1850(a), 31 N.J.R. 3291(a).

Subchapter 11, Neighborhood-Child Care Incentive Demonstration, was adopted as R.2000 d.500, effective December 18, 2000. See: 32 N.J.R. 3527(a), 32 N.J.R. 4459(a).

Chapter 15, Child Care Services, was readopted as R.2005 d.77, effective January 26, 2005. As a part of R.2005 d.77, Subchapter 11, Neighborhood-Based Child Care Incentive Demonstration, was repealed, effective February 22, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:15-1.1 Purpose and scope

(a) The purpose of this chapter is to set forth the policies for a unified child care delivery system inclusive of all child care programs for which identified funding is received by the Department of Human Services (DHS) and administered through the Division of Family Development (DFD).

(b) The DHS, in fulfillment of its responsibility to develop and implement a Statewide comprehensive child care system and to comply with the most recent Federal welfare reform program under the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA), Public Law 104-193, has developed and implemented a unified child care delivery system. A child care resource and referral (CCR&R) agency is located in each county to ensure that all identified child care services are administered in a uniform method and provided to the public in an efficient and effective manner.

(c) Effective October 1, 1996, PRWORA was enacted. In addition to other provisions, PRWORA repealed existing Title IV-A child care programs and the program authorized by the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508 and consolidated the funds under these programs to form the Child Care Development Fund (CCDF) using Temporary Assistance for Needy Families (TANF), CCDF and State aid to fund the comprehensive system.

(d) The fund consists of discretionary funds authorized under section 658B of the amended Act, and Mandatory and Matching Funds appropriated under section 418 of the Social Security Act. (See P.L. 101-508, as codified at 42 U.S.C. § 9858 et seq.) These funds are also to be used to serve families who:

1. Are receiving assistance under a State program under part A of Title IV of the Social Security Act;
2. Are attempting through work activities to transition off such assistance programs; and
3. Are at risk of becoming dependent on such assistance programs.

(e) The CCDF was developed to ensure the delivery of Statewide child care services to:

1. Eligible families receiving cash assistance benefits through the TANF program and participating in Work First New Jersey (WFNJ);
2. Families at risk of TANF dependency;
3. Employed families who have transitioned off of TANF and are eligible for Transitional Child Care benefits (TCC);
4. Low and moderate income families who are employed or participating in an education/training program; and
5. Children in out of home placement under supervision of the Division of Youth and Family Services (DYFS).

(f) The CCDF also authorizes funds to be used for activities that:

1. Increase parental choice. When a parent elects to enroll the child with a provider that has a grant or contract for the provision of child care services, the child will be enrolled with the provider selected by the parent, to the maximum extent practicable;
2. Provide comprehensive consumer education to parents and the public. The CCR&R shall certify that it will disseminate to parents and the general public consumer education information that will promote informed child care choices including, at a minimum, information about the full range of providers and health and safety requirements; and
3. Improve the quality and availability of child care, such as resource and referral services.

(g) The DHS shall operate these child care services programs through the coordination of efforts with the DFD and the Department of Children and Families (DCF)/Division of Youth and Family Services (DYFS), which delineates subsidized child care services available through the DHS.

1. The policies and procedures set forth in this chapter shall be binding on those agencies contracting with the DHS to provide services through these child care service programs and are enforceable through the DYFS and the DFD, the divisions jointly responsible for overseeing the child care service programs.

2. The child care programs shall be administered within the framework of Federal and State laws, rules and regulations. Requirements, other than those established pursuant to Federal and State law and this chapter, shall not be imposed as a condition of receiving child care services.

(h) The DHS shall streamline its subsidized child care service system by uniting its many categorical child care programs and functions into a seamless unified child care service delivery system. A primary objective of the DHS is to offer families comprehensive child care services that shall enable families to secure or maintain employment and thus become self-sufficient. The CCDF, in combination with State aid,

SUBCHAPTER 2. ADMINISTRATIVE RESPONSIBILITIES

10:15-2.1 Department of Human Services responsibilities in child care service programs

(a) The DHS is the lead State agency responsible for child care service program delivery in the State. The DHS, through its division, the DFD and the DCF, through its division, DYFS, shall coordinate and supervise the administration of all child care programs and contracted child care centers funded by the TANF/CCDF and the DHS State grants and aid.

(b) The DHS shall submit and update State Plans and amendments for the TANF/CCDF and State grants and aid to ACF as required.

(c) The DHS shall adhere to Federal and State laws, rules and regulations pertaining to the administration of the TANF/CCDF programs in this chapter and shall establish program operational and fiscal procedures for the effective Statewide administration of these programs.

1. The fiscal procedures shall delineate the State's expenditure of TANF/CCDF funds; and

2. The operational and fiscal procedures used by the DHS to monitor, report and contract for services with other agencies and units of State and local government in the operation of the child care programs shall be established and made available to interested parties.

(d) The DHS shall contract with the CCR&Rs and contracted centers to administer the TANF/CCDF child care services components of these programs and other child care programs as required or as Federal and State funding is identified at the county level. The DHS shall require assurances from the CCR&R that no conflict of interest exists in the CCR&R's provision of the DHS child care programs with existing contracts and/or agreements held by that agency in administering child care services, and that the CCR&R institutes a conflict of interest policy that is in compliance with the DHS policy and procedures.

(e) The DHS shall make available to the general public educational information concerning licensing and regulatory requirements, complaint procedures, and policies relative to child care service programs, as set forth in this chapter.

(f) The DHS shall have an appeals process through the DFD in place to resolve issues concerning TANF/CCDF programs, which are not satisfied at the level of the CCR&R, as delineated at N.J.A.C. 10:15-2.4(a)18. The DHS shall also have a provision to govern fair hearings related to WFNJ and TCC child care services as identified in N.J.A.C. 10:90-9.3.

(g) The DHS shall monitor the CCR&R and contracted centers for compliance with child care program policies.

(h) The DHS shall ensure that payment rates for child care services under the DHS child care programs are sufficient to provide equal access for eligible children under its programs to comparable child care services in the State that are provided to children whose parents are not eligible to receive assistance under these programs.

(i) The DHS shall ensure that, through its child care services' planning process, services are coordinated with existing Federal, State and local child care and early childhood development programs including CCR&Rs and contracted centers. Written agreements which delineate responsibilities and duties shall be executed by the DHS for interagency coordination with other State departments.

(j) The TANF/CCDF funds and State grants in aid shall be used by the DHS to provide quality child care services and for improvements to the child care system of the State and to improve the availability and quality of child care and for early childhood development. For activities to improve the quality of child care, the DHS may enter into purchase of service contracts and/or grants with eligible entities through the competitive State process (request for proposal) or continuation funding.

Amended by R.2009 d.18, effective January 5, 2009.
See: 40 N.J.R. 2637(b), 41 N.J.R. 226(b).

In (a), substituted the first occurrence of "division" for "divisions" and inserted "DCF, through its division,"; in (d), (f) and (g), substituted "CCR&R" for "UCCA" throughout; in (d) and (i), substituted "CCR&Rs" for "UCCAs"; and in (d), substituted "CCR&R's" for "UCCA's".

10:15-2.2 Divisional responsibilities

(a) The DFD shall be responsible for the following activities in the administration of the DHS child care service programs:

1. The development and issuance of the "Universal application Form", DHS: CCL, used in the child care service programs;

2. The contract, programmatic and fiscal supervision of the CCR&Rs and contracted centers at the county level;

3. Collaboration with the DYFS in the development of policies and procedures for the child care service programs;

4. Development and implementation of maximum reimbursement rate tables for all child care programs (see N.J.A.C. 10:15-10.1(c));

5. Provision for an administrative review appeals process through divisional proceedings when situations concerning voucher parents/applicants are not resolved at the level of the local CCR&R or contracted centers (see N.J.A.C. 10:15-2.4(a)18);

6. Provision for a fair hearing process, as delineated at N.J.A.C. 10:90-9.3, in situations concerning the provision of child care services for WFNJ or TCC participants;

<u>Child's Service Category</u>	<u>Full-time 6 hrs. or more/day</u>	<u>Part-time Less than 6 hrs./day</u>
Pre-Schoolers (2.5 up to 5 yrs.)		
Monthly	571.56	285.78
Weekly	132.00	66.00
Daily Equivalent	26.40	13.20
Kindergartner & School-Agers (5-13 yrs.)		
Monthly	571.56	285.78
Weekly	132.00	66.00
Daily Equivalent	26.40	13.20
Special Needs		
Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	691.06	345.53
Weekly	159.60	79.80
Daily Equivalent	31.92	15.96
Special Needs		
Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	691.06	345.53
Weekly	159.60	79.80
Daily Equivalent	31.92	15.96
Special Needs (2.5 up to 19 yrs.)		
Monthly	571.56	285.78
Weekly	132.00	66.00
Daily Equivalent	26.40	13.20

The above represents the maximum authorized rates for child care. The CCR&R may authorize payment for the actual cost of care up to these amounts. The required co-payment shall 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.

**MAXIMUM REIMBURSEMENT RATE TABLES FOR THE PROVISION OF CHILD CARE
SERVICES IN THE NJCK CHILD CARE VOUCHER PROGRAM**

Table X

These rates shall be utilized for:
**REGISTERED FAMILY CHILD CARE HOMES
ACCREDITED**

Hours of Care Provided

<u>Child's Service Category</u>	<u>Full-time 6 hrs. or more/day</u>	<u>Part-time Less than 6 hrs./day</u>
Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	\$547.32	\$273.66
Weekly	126.40	63.20
Daily Equivalent	25.28	12.64
Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	547.32	273.66
Weekly	126.40	63.20
Daily Equivalent	25.28	12.64

<u>Child's Service Category</u>	<u>Full-time 6 hrs. or more/day</u>	<u>Part-time Less than 6 hrs./day</u>
Pre-Schoolers (2.5 up to 5 yrs.)		
Monthly	428.68	214.34
Weekly	99.00	49.50
Daily Equivalent	19.80	9.90
Kindergartner & School-Agers (5-13 yrs.)		
Monthly	428.68	214.34
Weekly	99.00	49.50
Daily Equivalent	19.80	9.90
Special Needs		
Infants/Toddlers (0 up to 2.5 yrs.)		
Monthly	665.08	332.54
Weekly	153.60	76.80
Daily Equivalent	30.72	15.36
Special Needs		
Early Pre-Schoolers (2 up to 2.5 yrs.)		
Monthly	665.08	332.54
Weekly	153.60	76.80
Daily Equivalent	30.72	15.36
Special Needs (2.5 up to 19 yrs.)		
Monthly	547.32	273.66
Weekly	126.40	63.20
Daily Equivalent	25.28	12.64

The above represents the maximum authorized rates for child care. The CCR&R may authorize payment for the actual cost of care up to these amounts. The required co-payment shall 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 any required co-payment.

(d) The duration of payment for child care services shall be as follows:

1. Notwithstanding the date when the family requests child care through NJCK, eligibility for child care shall continue for a period of not less than 12 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 CCR&R. Employment or participation in work/training/education activities throughout this 12-month period shall be presumed unless the participant reports otherwise. Continued receipt of benefits shall be subject to the availability of funds.

2. When a WFNJ family requires child care services, eligibility for services shall continue in accordance with conditions at N.J.A.C. 10:15-3.2.

3. When a TCC family requires child care services, eligibility for services shall continue in accordance with conditions at N.J.A.C. 10:15-4.2.

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

1. Terminates full-time employment or training or educational programs, or the wages/income exceed eligibility levels;
2. Fails to pay the required co-payment to the provider(s) where applicable; or
3. Otherwise does not meet eligibility criteria.

(f) A bridge payment shall be authorized for up to five weeks during the transition between jobs and/or training/education activities. Authorization for DFD voucher programs shall be approved under the following circumstances:

1. If the parent/applicant is scheduled to begin an approved activity within two weeks as permitted by the specific child care program. However, if the parent/applicant loses eligibility due to failure to start an approved activity within the required two week period and becomes eligible again, he or she must reapply for child care benefits.

2. If the parent/applicant loses a job and/or ends or no longer attends the approved activity and then begins employment and/or another approved activity within five weeks, then the family can qualify for those five weeks of care during the transition between jobs. This is appropriate where child care arrangements would be otherwise lost and the subsequent approved activity is scheduled to begin within that period, as well as for the remaining portion of up to 12 months in the child care eligibility period.

Amended by R.2005 d.77, effective February 22, 2005.

See: 36 N.J.R. 4882(a), 37 N.J.R. 630(c).

In (c), substituted "child" for "day" following "registered family" in 2 and 6, inserted "family child care" preceding "homes" in 7. "child" for "day" preceding "care provider homes" in 8, "child" for "day" preceding "care providers, amended the tables in 10

Amended by R.2009 d.18, effective January 5, 2009.

See: 40 N.J.R. 2637(b), 41 N.J.R. 226(b).

In the introductory paragraph of (c), substituted "CCR&R" for "UCCA" twice, substituted "Area" for "Regional", and deleted "or" following "08625,"; in (c), in the paragraph following each of Tables I through X, substituted "CCR&R" for "UCCA"; in the paragraph following Table X, inserted a comma preceding "as well as"; and in (d)1, substituted "CCR&R" for "UCCA".

10:15-10.2 Provider requirements

(a) To qualify for child care payments, a child care center or program shall meet the following requirements (see also N.J.A.C. 10:90-5.2 and 5.3):

1. Centers providing care for six or more children up to the age of 13 years shall be licensed by the DCF Office of Licensing.

2. Exceptions to the Division's requirement in (a)1 above are as follows:

i. A child care program operated by the board of education of a local public school district which is responsible for the implementation and management of the child care program;

ii. A child care program operated by, and whose employees are paid by, a private school which is run solely for educational purposes. Such programs shall include kindergartens, pre-kindergarten programs or child care centers that are an integral part of the private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth which enable enrollment into a high school or secondary school program; and

iii. A child care program operating within a geographic area, enclave or facility that is owned and/or operated by the Federal government.

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

4. All family providers who serve three or more non-sibling children shall be registered pursuant to the Manual of Requirements for Family Child Care Registration (see

N.J.A.C. 10:126 and 10:126A) in order to qualify for payment of child care services through these programs.

i. Providers who serve one or two children must either be registered pursuant to N.J.A.C. 10:126 or be approved by the Department of Human Services as specified in (b) below.

ii. 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 Child Care Provider Registration Act (see N.J.A.C. 10:126).

iii. Payment to the provider shall reflect services rendered and in no case shall exceed payment for services to five children.

(b) Providers who are not registered under (a) above shall be approved by the DHS in order to qualify for payment through any child care service program. Unregulated relatives, friends or neighbors shall be 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 N.J.A.C. 10:15-2.4(a)10), an interview with the provider and family members, and a child abuse record information check completed for all prospective approved home providers and all household members of the home 14 years of age and older conducted by the Department of Children and Families as follows:

i. Prior to the issuance of approval for an approved home provider, a CCR&R contracted with DHS pursuant to N.J.A.C. 10:15-2.1, shall obtain written consent from the prospective approved home provider, and all members of the household who are at least 14 years of age, for DCF 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 (b)1i above shall complete a signed consent form provided by DCF that indicates the identifying information necessary to conduct a CARI background check, including, but not limited to, the person's name (and any prior names used), address, date of birth, sex, race, and Social Security number. Pursuant to the Federal Privacy Act of 1974 (P.L. 93-579) (5 U.S.C. § 552a), DCF shall 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 prospective approved home provider shall return all the completed CARI request forms specified in (b)1i(1) above to the CCR&R within five business days of receiving the forms. Additional time to submit