

CHAPTER 126

**MANUAL OF REQUIREMENTS FOR
FAMILY CHILD CARE REGISTRATION**

Authority

N.J.S.A. 30:5B-16 et seq.

Source and Effective Date

R.2009 d.355, effective August 25, 2009.
See: 41 N.J.R. 1368(b), 41 N.J.R. 4438(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 126, Manual of Requirements for Family Child Care Registration, expires on August 25, 2016. See: 43 N.J.R. 1203(a).

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1983 Revisions: Chapter 126 was repealed effective December 19, 1983 by R.1983 d.587.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: 30 N.J.R. 2561(a), 30 N.J.R. 3963(a).

Chapter 126, Manual of Requirements for Family Day Care Registration, was readopted as R.2004 d.123, effective February 26, 2004. See: 35 N.J.R. 4834(a), 36 N.J.R. 1778(b).

Chapter 126, Manual of Requirements for Family Day Care Registration, was renamed Manual of Requirements for Family Child Care Registration by R.2004 d.211, effective June 7, 2004. See: 36 N.J.R. 925(a), 36 N.J.R. 2884(a).

Chapter 126, Manual of Requirements for Family Child Care Registration, was readopted as R.2009 d.355, effective August 25, 2009. See: Source and Effective Date. See, also, section annotations.

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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 Department of Children and Families has the authority to:

1. Adopt regulations for the:
 - i. Operation and maintenance of family child care sponsoring organizations; and
 - ii. Voluntary registration of family child care providers; and
2. Contract with certain agencies or organizations to serve as sponsoring organizations for the voluntary registration of family child 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 Department to the Office 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 child 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 child 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 child 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 specified in (d)4 above on a random basis in addition to their evaluation and monitoring every two years;

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 Child Care Registration; and

9. Provide a program of outreach and public relations to inform providers and potential providers of the provisions of this chapter.

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

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

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 (b), substituted "Department of Children and Families" for "Division of Youth and Family Services"; in the introductory paragraph of (c), substituted "Department to the Office" for "Division to the Bureau"; and rewrote (d)5.

10:126-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"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.

"Approved caregiver" means a person at least 18 years of age who has met all applicable requirements for a substitute provider or an alternate provider, as specified in N.J.A.C. 10:126-5 and 6.

"Certificate of Registration" means a document issued by a sponsoring organization to a family child 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 Child Care Registration, as specified in N.J.A.C. 10:126, which reflect provisions that constitute minimum baseline requirements below which no family child care sponsoring organization or registered family child 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 Children and Families.

"Division" means the Division of Youth and Family Services, New Jersey Department of Children and Families.

“Evaluate” or “evaluation” means the review of a family child 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 child care home” means the private residence of the family child 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 Department shall not exclude a family child care home with fewer than three children from voluntary registration.

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

“Family child care sponsoring organization” or “sponsoring organization” means an agency or organization that contracts with the Department of Human Services to assist in the voluntary registration of family child care providers and that complies with all applicable requirements of the Manual of Requirements for Family Child Care Registration.

“Health care provider” means a physician, nurse practitioner, physician’s assistant or other health care professional who is licensed or otherwise authorized by the state in which he or she practices to perform the applicable health care services specified in this manual.

“Household member” means an individual at least 14 years of age who resides in the home of a registered family child care provider or applicant for registration.

“Manual of Requirements for Family Child Care Registration” or “Manual of Requirements” means the requirements contained in this chapter (N.J.A.C. 10:126).

“Monitor” or “monitoring inspection” means to inspect a registered family child care provider to review the provider’s compliance with the applicable requirements of the Manual of Requirements.

“Night Time Care” means child care provided in the evening and/or overnight between the hours of 8:00 P.M. and 6:00 A.M.

“Office of Licensing” or “Office” means the Office of Licensing in the Department of Children and Families.

“Parent” means a natural, foster or adoptive parent, guardian, or any person with responsibility for, or custody of, a child.

“Provider assistant” means a person at least 14 years of age who has been designated by the provider and approved by the sponsoring organization to assist the provider in caring for children in the home.

“Refusal to renew a Certificate of Registration” or “non-renewal” means the nonissuance of a Certificate of Registration by the sponsoring organization after the expiration of the existing Certificate of Registration.

“Registration fee” means payment to a sponsoring organization by a provider or applicant upon issuance of a temporary or regular Certificate of Registration.

“Renewal of a Certificate of Registration” means the issuance of a Certificate of Registration by the sponsoring organization after the expiration of the existing Certificate of Registration.

“Revocation of a Certificate of Registration” means a permanent removal of a provider’s current Certificate of Registration for failure to comply with the applicable requirements of the Manual of Requirements.

“Shall” denotes a provision of this chapter that a sponsoring organization or a family child care provider must meet to qualify for approval or a Certificate of Registration, respectively.

“Should” denotes a recommendation reflecting goals toward which a sponsoring organization or a family child care provider is encouraged to work.

“Staff member” means a person employed by or working for a sponsoring organization on a regularly scheduled basis. This includes full-time, part-time, and voluntary staff, whether paid or unpaid.

“Substitute provider” means a person at least 18 years of age designated by the provider and approved by the sponsoring organization who is readily available to provide child care on a temporary basis in the provider’s home when the provider cannot be present. When the substitute provider cares for enrolled children for more than five consecutive days, or more than five days per month, a substitute provider shall meet the qualifications of an alternate provider.

“Supervision” means having awareness of and responsibility for the ongoing activity of each child, knowledge of activity requirements, children’s needs and accountability for their care. Adequate supervision requires the provider, substitute, provider assistant and/or alternate to be awake and having immediate access to children as needed.

“Suspension of a Certificate of Registration” means a temporary removal of a provider’s current Certificate of Registration, which can be reinstated by the sponsoring organization upon the provider’s compliance with the applicable requirements of the Manual of Requirements.

“Temporary Certificate of Registration” means a document issued by the sponsoring organization to a provider which indicates that the provider is in substantial compliance with the requirements of the Manual of Requirements, provided that no imminent hazard affecting the children exists in the home.

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.1995 d.404, effective July 17, 1995.

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

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

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

Added “Health care provider”.

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, inserted “, unless the context clearly indicates otherwise”; deleted definition “Bureau”; added definitions “Approved caregiver”, “Night Time Care”, “Office of Licensing” and “Supervision”; in definitions “Department” and “Division”, substituted “Children and Families” for “Human Services”; in definition “Family child care home”, substituted “Department” for “Division”; in definition “Family child care sponsoring organization”, inserted “of Human Services”; in definition “Monitor”, substituted “inspection” for the first occurrence of “visit” and “inspect” for the second occurrence of “visit”; and in definition “Substitute provider”, inserted “on a temporary basis” and inserted the last sentence.

10:126-1.3 Approval requirements for sponsoring organizations

(a) A sponsoring organization shall obtain approval from the Office of Licensing pursuant to the legal authority specified in N.J.A.C. 10:126-1.1(c) upon execution of a contract with the Department of Human Services.

(b) The Office of Licensing will conduct a triennial comprehensive programmatic inspection of the sponsoring organization to determine compliance with the applicable provisions of this chapter.

(c) If the sponsoring organization meets all applicable provisions of this chapter, the Office of Licensing will issue a letter of approval.

(d) The Office of Licensing will notify the sponsoring organization in writing if a letter of approval will not be issued.

(e) If the Office of Licensing determines that the sponsoring organization is in substantial compliance with all applicable provisions of this chapter, the Office of Licensing may issue a letter of temporary approval.

(f) The Office of Licensing may issue as many temporary approvals as it deems necessary. Each letter of temporary approval, however, may be issued for a period not to exceed six months.

(g) When a letter of temporary approval is issued, the Office of Licensing will provide a written statement explaining what the sponsoring organization must do to achieve full compliance.

(h) Each approval period, which may include the issuance of one or more letters of temporary approval and/or one letter of approval, shall be three years.

1. In determining the expiration date of the first letter of approval, the Office of Licensing shall compute the three-year approval period from the date of issuance of the first letter of approval or temporary approval.

2. In determining the expiration date of a renewed approval, the Office of Licensing shall compute the three-year approval period from the date on which the sponsoring organization’s previous letter of approval expired.

(i) The letter of approval or temporary approval shall be maintained on file at the sponsoring organization’s offices.

(j) An authorized representative of the Office of Licensing may make an announced or unannounced visit at any time during the sponsoring organization’s normal operating hours to inspect the sponsoring organization and/or review files, reports or records to determine its compliance with provisions of this chapter and/or to investigate a complaint.

(k) A sponsoring organization’s approval may be denied or revoked for any activity, policy or conduct that presents a serious or imminent hazard to the health, safety and well-being of a child or that otherwise demonstrates the sponsoring organization’s unfitness or inability to operate a sponsoring organization or to administer the family child care registration program in accordance with the provisions of this chapter and with sound and effective administrative and financial policies, procedures and practices.

(l) When a sponsoring organization is found to be in violation of any provision(s) of this chapter, the Office of Licensing will notify the sponsoring organization of the violation(s) in writing and afford the sponsoring organization an opportunity to abate the violation(s). If the sponsoring organization fails to abate the violation(s), the Office of Licensing may deny, suspend, revoke or refuse to renew the sponsoring organization’s approval.

(m) When the Office of Licensing proposes to deny, suspend, revoke or refuse to renew a sponsoring organization’s approval, the Office of Licensing will:

1. Notify the sponsoring organization in writing of the reasons for such action; and

2. Afford the sponsoring organization an opportunity to request 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.

Amended by R.1994 d.404, effective July 17, 1995.

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

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

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

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

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

5. Name, address and telephone number of the child's health care provider;
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 child 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(c)1;
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 health care provider, hospital or emergency care unit as appropriate in the event of a child's illness or injury while in the provider's care.

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

(f) The provider shall ensure that daily attendance records are maintained for children, which identify the hours of the children's attendance each day.

(g) The provider shall maintain the records noted above for at least one year following the discontinuance of child care services for each child.

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).

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), amended the N.J.A.C. reference; in (c), substituted "health care provider" for "physician" in 5; in (d), substituted "health care provider" for "physician", inserted "as appropriate" following "care unit", deleted "accident," preceding "illness", and inserted "while in the provider's care" at the end.

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), substituted "Department of Children and Families" for "Division"; in (c)13, updated the N.J.A.C. reference; and added (f) and (g).

SUBCHAPTER 6. SAFETY, HEALTH AND PROGRAM REQUIREMENTS FOR PROVIDERS

10:126-6.1 Maximum number of children

(a) The provider shall care for no more than 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 child 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.

(c) The sponsoring organization may restrict the maximum number of children who may be in care on a specific date or time in a family child care home when:

1. The useable indoor and outdoor space does not permit safety and comfort;

2. There is insufficient equipment to meet the needs of the children;

3. The number and ages of the provider's own children limit the ability to provide adequate supervision;

4. There are additional responsibilities of the provider to care for another household member who may require special attention or care including, but not limited to, an elderly person or a child with a serious medical, physical, emotional or behavioral condition;

5. There are restrictions regarding the fire, zoning, health, environmental or other codes; or

6. Other factors that may cause a risk to a child's health, safety or welfare, such as damage to the home, construction or renovations.

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 (a), substituted "care for no more than" for "be permitted to care for a maximum of".

Amended by R.2009 d.355, effective December 7, 2009.
See: 41 N.J.R. 1368(b), 41 N.J.R. 4438(b).
Added (c).

10:126-6.2 Ages of children

(a) The provider shall care for no more than the following numbers of infants and toddlers unless a second caregiver is present:

1. Three children below one year of age; or
2. Four children below two years of age, of whom no more than two shall be below one year of age.

(b) Both the provider and a second caregiver (either the alternate provider, substitute provider or provider assistant) shall be present whenever one or more children below six years of age are present in addition to the maximum number of infants or toddlers specified in (a) above.

(c) All children present who are below six years of age, including those who reside with the provider, alternate provider, substitute provider or provider assistant, shall be included in the provisions in (b) above for determining when a second caregiver shall be present.

New Rule, 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).
Rewrote (a) and (b).

10:126-6.3 Physical environment

(a) The provider shall ensure that:

1. Adequate floor space is available for the children's activities.
 - i. The provider shall arrange the play space and the furniture within the family child care home in order to allow adequate room for active and quiet play and for individual and group activities.
 - ii. Program space shall not include the food preparation areas within the kitchen, bathrooms, hallways, stairways, closets, laundry rooms or areas, furnace rooms and storage spaces;
2. The temperature of rooms used by children is maintained at a minimum of 65 degrees Fahrenheit;
3. Floors, walls, ceilings, furniture, equipment and other surfaces are kept clean and in good repair;
4. Adequate ventilation is provided by means of open windows, fans, air conditioning or other mechanical ventilation systems;
5. Warm and cold running water are available;
6. Working indoor toilets are easily accessible to children;

7. Play equipment, materials and furniture for indoor and outdoor use are of sturdy and safe construction, non-toxic, easy to clean and free of hazards that may be injurious to young children;

8. Electricity is in service in the home;

9. The home contains sufficient furniture and equipment to accommodate the needs of the children in care;

10. A telephone shall be in service in the home at all times when children are in care; and

11. Pesticides for indoor and outdoor use shall be used according to the manufacturer's directions and in keeping with the applicable provisions specified in N.J.A.C. 7:30-10, Pesticide Control Code.

- i. No pesticides shall be applied while children are present.
- ii. Before applying pesticides, all toys and play equipment shall be removed from the area.
- iii. Children shall be removed from the area until the pesticide has dried or as long as recommended on the label.

Recodified from 10:126-6.2 and 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 (a), rewrote 11.
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)1, substituted a period for a semicolon at the end; added (a)1i and (a)1ii; deleted former (a)9 and (a)11; recodified former (a)10 as (a)9; in (a)9, deleted "and" from the end; and added new (a)10 and (a)11.

10:126-6.4 Fire safety

(a) The provider shall have a written plan for the emergency evacuation of the children from the home, which shall be posted in a prominent location when enrolled children are present.

1. Fire/evacuation drills shall be practiced with the children on a monthly basis.
2. Documentation of the fire/evacuation drills shall include date, time, total amount of time taken to evacuate the home and the number of children and adults present.

(b) The provider shall ensure that:

1. At least one working smoke detector is installed on each floor of the home;
2. All interior doors that can be locked from the inside have a means to be unlocked from the outside in case of emergency;
3. All heating or cooling devices are adequately vented, protected by guards or barriers and kept clear of combustible materials;

4. Wood burning stoves have protective barriers and are not accessible to children;

5. Portable liquid fuel-burning heating appliances are not in use when children are in care;

6. Stairways, hallways and exits from rooms and from the home are unobstructed, except for safety barriers.

i. Each room used for child care has at least two means of egress.

ii. The second means of egress may be an unobstructed, operable window not less than 820 square inches and large enough to allow all adults and children to escape.

iii. The provider shall not allow rest and sleep in a basement unless there are two approved means of egress that meet the International Building Code and the New Jersey Uniform Fire Code as specified in N.J.A.C. 5:70.

iv. Security bars, when present, must be hinged with a quick release mechanism inside the home that requires one motion to operate.

v. Every stairway is maintained free of obstructions and provides safe passage.

vi. Stairways within the exits with four or more steps have a railing;

7. Electrical cords are maintained in good condition;

8. Major appliances shall be plugged directly into electric outlets; and

9. Approved carbon monoxide detectors shall be located and installed on every level in the family child care home in accordance with the provisions of the State codes and guidelines.

Recodified from 10:126-6.3 and 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.2009 d.355, effective December 7, 2009.

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

Added (a)1 and (a)2; in (b)4, substituted "Wood burning" for "Woodburning"; in (b)6, substituted a period for "; and" at the end; added (a)6i through (a)6vi; in (b)7, substituted a semicolon for a period at the end; and added (b)8 and (b)9.

10:126-6.5 General safety

(a) The provider shall ensure that:

1. The home and its furnishings present no hazard to the health and safety of the children in care;

2. All items that may be hazardous to children, including medicines, poisonous plants, toxic substances, tobacco products, matches and sharp objects, are stored out of the reach of children;

3. Safety barriers are installed to prevent children from falling from stairs, ramps, balconies, porches (when used

for child care activities), elevated play areas and any areas that subject children to falls;

4. All electrical outlets that are accessible to the children are covered with safety caps, ground fault interrupters or have safety outlets installed;

5. A working flashlight is available for emergency lighting;

6. All firearms, other weapons and ammunition are stored in locked areas out of the reach of children;

7. The home shall be free of exposed lead-based paint surfaces, which are flaking, peeling or chipped;

8. Unfinished areas of the home including, but not limited to, attics, basements and additions shall not be used for the care of children; and

9. Portable fans shall be kept out of reach of children.

Recodified from 10:126-6.4 and 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 (a)3, deleted "or" following "porches" and inserted ", and any areas that subject children to falls".

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)3, inserted "(when used for child care activities)" and deleted a comma following "play areas"; in (a)4, substituted "are covered with safety caps, ground fault interrupters or have safety outlets installed" for "have protective covers"; in (a)5, deleted "and" from the end; in (a)6, substituted a semicolon for a period at the end; and added (a)7 through (a)9.

10:126-6.6 Outdoor space

(a) The provider shall ensure that an adequate, safe outdoor play area is available either adjacent to or within walking distance of the home.

(b) Swimming pools, wading pools, hot tubs, whirlpools and other containers and natural bodies of water at the family child care home shall be physically inaccessible to children except when they are supervised as specified in (c) below and document that all local ordinances that apply to a swimming pool or natural bathing area have been met.

(c) The following supervision requirements shall apply whenever enrolled children use a pool or other container or body of water at the family child care home or any other location:

1. For pools and other bodies of water that are 24 inches or more in depth:

i. One person at least 18 years old shall directly supervise up to two children;

ii. Two people, one of which is at least 18 years old shall directly supervise three or more children; and

iii. Maintain a ring buoy with a rope, extension pole or other device that can be used to rescue a swimmer in distress;

2. For pools and other containers or bodies of water that are less than 24 inches in depth, one person at least 18 years old shall directly supervise all the children. When the number of children using the pool requires a second caregiver to be present, as specified in N.J.A.C. 10:126-6.1(b)2 or 6.2(b), both caregivers shall directly supervise the children; and

3. At least one person providing supervision shall be certified in Cardiopulmonary Resuscitation (CPR).

(d) The provider shall obtain written consent from the parent(s) of each enrolled child before the child uses a pool or other body of water as specified in (c) above.

(e) The provider shall ensure that each child riding a bicycle, using roller skates, inline skates, skate boards or who is a passenger on a bicycle, or towed by a bicycle, wears a safety helmet, as specified in the State Bicycle Helmet Law, N.J.S.A. 39:4-10.1.

(f) The provider shall ensure that outdoor equipment, such as swings, slides and climbing apparatus:

1. Are installed and in keeping with the manufacturer's specifications and instructions; and

2. Are in good repair and shall ensure that:

i. Openings do not pose entrapment hazard;

ii. Equipment and apparatus shall be used only by the children for whom it is developmentally appropriate; and

iii. All fencing shall be maintained in good condition.

(g) All garbage and refuse will be collected, stored and disposed of in a manner, which will not attract rodents or insects.

Recodified from 10:126-6.5 and 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), inserted "other containers and" preceding "natural bodies"; in (c), inserted "container or" following "use a pool or other" in the introductory paragraph, and inserted "containers or" preceding "bodies of water" and amended the first N.J.A.C. reference in 2.

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

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

In (b), inserted "and document that all local ordinances that apply to a swimming pool or natural bathing area have been met"; in (c)i, substituted "18" for "14" and a semicolon for a period at the end; in (c)ii, substituted "; one of which is at least 18" for "at least 14" and "; and" for a period at the end; added (c)iii; in (c)2, substituted "18" for "14", deleted "N.J.A.C. 10:126-" preceding "6.2(b)" and substituted "; and" for a period at the end; added (c)3; in (e), inserted ", using roller skates, inline skates, skate boards or who is a passenger on a bicycle, or towed by a bicycle," and "safety"; and added (f) and (g).

10:126-6.7 Transportation and trips

(a) Whenever the provider transports enrolled children, the provider shall comply with all applicable State laws and/or rules regarding:

1. The use of infant seats, child passenger restraint systems and seat belts pursuant to New Jersey Motor Vehicle Commission Law (N.J.S.A. 39:3-76.2a);

2. The possession of a valid automobile driver's license and valid vehicle inspection sticker; and

3. The possession of vehicle liability insurance.

(b) The provider shall ensure that the parents of all enrolled children are informed when their children are taken on walks away from the home. The provider may utilize a blanket permission slip for taking children on walks only if:

1. Walks are within the provider's neighborhood;

2. The provider makes arrangements for the handling of visits or calls from parents either by:

i. Having someone remain at the home; or

ii. Utilizing a cellular telephone or telephone answering machine, and posting a notice on the entrance door of the home to inform parents of the children's location;

3. The route of the walk involves no safety hazards; and

4. The walk involves no entrance into a facility unless the facility has been indicated on the blanket permission slip.

(c) The provider shall inform the parent(s) of enrolled children in advance of any field trip(s), outing(s) or special event(s) involving the transportation of children away from the home, including whether a school bus, school vehicle or private passenger vehicle is used, and whether the driver will be a staff member, a parent or another person. Before taking a child on such a field trip, outing or special event, the provider shall either:

1. Secure individual permission slips signed by a parent for his or her child(ren) for each proposed trip, outing or special event;

2. Post a notice of a proposed individual field trip, outing or special event in a place of prominence within the home, on which a parent shall be asked to sign consent for his or her child to attend; or

3. Issue to every parent a written schedule of all field trips, outings or special events to be taken during any given time frame (that is, weekly, monthly, yearly). A parent shall be asked to sign this schedule indicating his or her consent for any or all field trips, outings or special events listed.