

**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1983 Revisions: Chapter 126 was repealed effective December 19, 1983 by R.1983 d.587.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.

Subchapter 6, Safety, Health and Program Requirements for Providers, was renamed Safety, Health, and Program Requirements by R.2014 d.111, effective July 7, 2014. See: 45 N.J.R. 1987(a), 46 N.J.R. 1643(b).

**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 child care provider applicants
- 10:126-4.2 Training of family child 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 child 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 Emergency preparedness
- 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 Injury to a child while in the provider's care
- 10:126-6.11 Environmental sanitation 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 and cup feeding
- 10:126-6.16 Toilet training and diaper changing
- 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
- 10:126-6.22 Night time child care

## 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 Child Protection and Permanency, in the New Jersey Department of Children and Families.