CHAPTER 126

MANUAL OF REQUIREMENTS FOR FAMILY CHILD CARE REGISTRATION

STATE OF NEW JERSEY
DEPARTMENT OF CHILDREN AND FAMILIES

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N.J.A.C. 10:126

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SUBCHAPTER 1. GENERAL PROVISIONS

N.J.A.C. 10:126-1

§ 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.

§ 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.

"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 "nonrenewal" 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.

§ 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.

§ 10:126-1.4 Public access to records

(a) The Office of Licensing shall make the following items in its files available for public review:

1. Correspondence between the Office of Licensing and the sponsoring organization or other parties in matters pertaining to the Office of Licensing's review and inspection of the sponsoring organization;

2. Inspection/violation reports, where applicable, reflecting results of Office of Licensing inspections/reinspections of the sponsoring organization or of providers;

3. Forms and other standard documents used to collect routine data on the sponsoring organization and its program as part of its record of compliance with the Manual of Requirements;

4. Enforcement letters from the Office of Licensing requiring abatement of violations of the Manual of Requirements;

5. Completed complaint investigation reports, except for child abuse/neglect investigations or other information restricted from public access under the requirements of the State Child Abuse and Neglect Law or other State law; and

6. Any other documents, materials, reports or correspondence that would normally be included as part of the public record.

(b) The sponsoring organization shall make the following items in its files available for public review:

1. Applications for Certificates of Registration and related materials/documentation;

2. Copies of temporary and regular Certificates of Registration;

3. Correspondence between the sponsoring organization and the provider or other parties in matters pertaining to the sponsoring organization's monitoring or registration of the provider;

4. Evaluation/monitoring reports, where applicable, reflecting the results of the sponsoring organization's evaluation/monitoring of the provider;

5. Forms and other standard documents used to collect routine data on the provider as part of the provider's record of compliance with the Manual of Requirements;

6. Enforcement letters from the sponsoring organization requiring abatement of violations of the Manual of Requirements;

7. Correspondence to the sponsoring organization from the Office of Licensing regarding enforcement actions against the provider;

8. Chronological lists of events about the provider on compliance/enforcement matters;

9. Completed complaint investigation reports, except for child abuse/neglect investigations or other information restricted from public access under the requirements of the State Child Abuse and Neglect Law or other State law; and

10. Any other documents, materials, reports or correspondence that would normally be included as part of the public record.

(c) The Office of Licensing and the sponsoring organization shall keep confidential and not part of the public record the following:

1. Records, reports or correspondence that pertain to child abuse/neglect investigations that are restricted from public access under the requirements of the State Child Abuse and Neglect Law or other State law;

2. Records, reports, correspondence or forms containing names and/or any other information pertaining to children, parents or providers that are restricted from public access under the requirements of the State Child Abuse and Neglect Law or other State law;

3. Records, reports, correspondence or forms containing names of enrolled children and/or their parents;

4. Confidential information with regard to specific sponsoring organization personnel;

5. Memoranda and other internal correspondence between and among public agencies, including internal communication between the Office of Licensing and the Office of the Attorney General;

6. Any items that deal with reports of inspections and/or complaint investigations that are still in progress;

7. Health care provider's statements and results of Mantoux tests or chest X-rays received from providers, applicants and others, as specified in N.J.A.C. 10:126-5.2(b) and (c);

8. Disclosures of criminal convictions received from providers, applicants and others, as specified in N.J.A.C. 10:126-5.2(a)10; and

9. Other material required by State law to be maintained as confidential.

SUBCHAPTER 2. ADMINISTRATION OF SPONSORING ORGANIZATIONS

N.J.A.C. 10:126-2

§ 10:126-2.1 Sponsoring organization eligibility

(a) Any public agency or private not-for-profit agency or organization may apply to become a family child care sponsoring organization, provided the agency meets the eligibility requirements specified in (b) below.

(b) A family child care sponsoring organization, in order to secure, maintain or renew a contract to provide registration services, shall:

1. Demonstrate the capability of providing administrative services, including, but not limited to, training, technical assistance, consultation, inspection, supervision and monitoring of family child care providers.

2. Meet the contracting requirements of the Department of Human Services, as specified in the Department of Human Services' Contract Policy and Information Manual and Cost Reimbursement Manual and all applicable requirements of the Manual of Requirements; and

3. Comply with all performance provisions and level of service provisions, as specified in the executed contract and its annexes.

§ 10:126-2.2 Administrative responsibility

(a) A privately operated sponsoring organization shall have a governing board that has the authority to:

1. Set overall administrative and operational policies for the sponsoring organization;

2. Ensure the financial viability of the sponsoring organization;

3. Establish policies pertaining to, but not limited to:

i. Program services; and

ii. Personnel recruitment, selection, training and performance evaluation; and

4. Oversee fiscal operations, including budget and resource development.

(b) A publicly operated sponsoring organization shall have an advisory board or committee that offers advice and counsel to the sponsoring organization on the fiscal and administrative operation of the family child care registration program.

(c) The sponsoring organization shall delegate responsibility for day-to-day operations to an executive director or administrator and clearly delineate in writing the respective duties of the governing or advisory board and of the executive director or administrator.

(d) The sponsoring organization shall appoint an appeals committee, which shall:

1. Hear appeals made by providers or provider applicants on actions taken by the sponsoring organization to deny, suspend, revoke or refuse to renew a Certificate of Registration;

2. Exclude from its membership staff members responsible for decisions regarding the denial, suspension, revocation or refusal to renew a Certificate of Registration; and

3. Maintain on file documentation of its findings, as specified in N.J.A.C. 10:126-2.4(a)1ix.

(e) The sponsoring organization shall provide family child care registration services throughout all municipalities in its designated geographic area.

(f) The sponsoring organization may subcontract for the provision of services to providers and/or provider applicants. The sponsoring organization shall ensure that:

1. An agency under subcontract complies with all applicable requirements of the Manual of Requirements in the delivery of services to providers and/or provider applicants;

2. An agency under subcontract to register providers does not deny a Certificate of Registration to any provider applicant who is in full compliance with the applicable requirements of the Manual of Requirements; and

3. A copy of the subcontract between the sponsoring organization and the agency subcontracted to perform services related to family child care registration is maintained on file, as specified in N.J.A.C. 10:126-2.4(a) 1xi.

(g) The Office of Licensing will notify the sponsoring organization in writing whenever the Office of Licensing determines that the sponsoring organization is operating in violation of any of the requirements of the Manual of Requirements, in which case the notification will specify the corrective action that must be taken by the sponsoring organization in order to abate the violation(s).

§ 10:126-2.3 Reporting requirements

(a) The sponsoring organization or any staff member shall notify verbally the Department's State Central Registry at 1-877 NJ-ABUSE (1-877-652-2873) immediately, whenever there is reasonable cause to believe that a child has been subjected to abuse/neglect by a provider or any other person, pursuant to the State Child Abuse and Neglect Law (N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14).

(b) The sponsoring organization or any staff member shall notify the Office of Licensing at 1-877-667-9845 immediately of any imminent danger(s) or hazard(s) that threaten the health and safety of children in the provider's home.

(c) The sponsoring organization shall notify the Department and the Office of Licensing, verbally, at 1-877-667-9845 of any of the following changes or events by the next working day after the sponsoring organization learns of their occurrence:

1. Injury that results in the admittance of a child to a hospital while in the care of a provider;

2. The death of a child while in the care of a provider;

3. Damage to the sponsoring organization's offices that affects the operation of family child care registration;

4. Any criminal conviction(s) of the staff of the sponsoring organization or of a provider, alternate provider, substitute provider, provider assistant, or member of a provider's household;

5. Cancellation of the sponsoring organization's general/comprehensive liability insurance coverage; and

6. Unanticipated permanent or temporary closing of the sponsoring organization.

(d) The sponsoring organization shall notify the Department and the Office of Licensing, verbally, at 1-877-667-9845 within three working days, of any changes in the name, location, executive director or administrator of the sponsoring organization.

§ 10:126-2.4 Sponsoring organization records

(a) The sponsoring organization shall maintain in files located at its office the following records:

1. Administrative records:

i. The Manual of Requirements for Family Child Care Registration;

ii. The document providing information to parents, as specified in N.J.A.C. 10:126-4.9(a);

iii. Staff records, as specified in N.J.A.C. 10:126-3.1(g);

iv. Documentation of training sessions provided to staff members, as specified in N.J.A.C. 10:126-3.4(a)2;

v. A copy of the sponsoring organization's insurance policy/policies, as specified in the Department of Human Services' Contract Policy and Information Manual;

vi. Financial records, as specified in the Department of Human Services' Contract Policy and Information Manual;

vii. Documentation of provider training sessions, as specified in N.J.A.C. 10:126-4.2(f);

viii. Files documenting denials, suspensions, revocations and nonrenewals of Certificates of Registration, as specified in N.J.A.C. 10:126-4.6(d);

ix. Documentation of findings by the appeals committee, as specified in N.J.A.C. 10:126-2.2(d)3;

x. Documentation of registration fees collected from providers, as specified in N.J.A.C. 10:126-4.5(b); and

xi. A copy of contracts between the sponsoring organization and any subcontracted agency to perform services related to family child care registration, as specified in N.J.A.C. 10:126-2.2(f)3.

2. Records on providers:

i. The provider's completed application form, as specified in N.J.A.C. 10:126-5.2(a);

ii. A copy of the provider's Certificate of Registration, as specified in N.J.A.C. 10:126-5.4 and 5.5;

iii. Health records received for the provider or applicant and the alternate provider and provider assistant, if any, as specified in N.J.A.C. 10:126-5.2(b) through (d);

iv. Letters of reference received for the provider or applicant and the alternate provider, if any, as specified in N.J.A.C. 10:126-5.2(e);

v. Disclosure(s) of criminal conviction(s) if any, as specified in N.J.A.C. 10:126-5.2(a)10;

vi. A written report of each visit by the sponsoring organization to the home of the provider or applicant, as specified in N.J.A.C. 10:126-4.1(c)5 and 4.7(d);

vii. A record of pre-service and in-service training sessions completed by the provider or applicant and the alternate provider, if any, as specified in N.J.A.C. 10:126-4.2(f);

viii. A record of any complaints of alleged violations of the Manual of Requirements against the provider, as specified in N.J.A.C. 10:126-4.6(d) and the findings of each complaint investigation;

ix. Files on providers who have discontinued family child care services; and

x. Additional information as may be received regarding the provider's compliance with the requirements of the Manual of Requirements.

(b) The sponsoring organization shall provide to the Office of Licensing upon request:

1. A list of names, addresses and telephone numbers of all registered providers; and

2. Statistical records, including:

i. The number of providers registered; and

ii. The number and ages of the children served.

(c) The administrative records specified in (a)1 and 2 above shall be maintained by the sponsoring organization for two calendar years.

(d) The sponsoring organization shall contact all registered providers at least twice a year to confirm the provider's name, address, telephone number and continued participation in the registration program.

§ 10:126-2.5 Complaints against a sponsoring organization

(a) Whenever the Office of Licensing receives a complaint questioning the compliance of a sponsoring organization with the requirements of the Family Day Care Provider Registration Act or of the Manual of Requirements, the Office of Licensing will initiate an investigation of the allegation within 10 working days to determine whether the complaint is substantiated.

(b) The Office of Licensing will notify the sponsoring organization of the results of the complaint investigation within 15 working days after the report of the Office of Licensing's investigation has been finalized. Such notification shall include the results of the investigation, in keeping with the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 to 4), with the exception of any information not permitted to be disclosed under the State Child Abuse and Neglect Law (N.J.S.A. 9:6-8 et seq.) or other State law.

(c) If the complaint is substantiated or if any violations are cited as a result of the complaint investigation, the sponsoring organization shall abate the violation(s), in accordance with the time frame established by the Office of Licensing.

(d) Any individual filing a complaint against a sponsoring organization may do so anonymously. If the complainant reveals his or her identity, the name of the complainant shall be included in the Office of Licensing's records.

(e) A description of the complaint allegations and the substantiation or non-substantiation of each allegation shall be included in the Office of Licensing's records and shall be available for public review upon completion of the investigation by the Office of Licensing, with the exception of any information not permitted to be disclosed under the State Child Abuse and Neglect Law or other State law.

(f) The sponsoring organization shall cooperate with the Office of Licensing whenever complaint investigations are conducted.

§ 10:126-2.6 (Reserved)

SUBCHAPTER 3. STAFF REQUIREMENTS FOR SPONSORING ORGANIZATIONS

N.J.A.C. 10:126-3

§ 10:126-3.1 General staff requirements

(a) The executive director or administrator and every staff member of a sponsoring organization shall:

1. Be of good character and reputation;

2. Be in sufficient physical, mental and emotional health to perform his or her duties satisfactorily; and

3. Possess skills, attributes and characteristics conducive to and suitable for directing a sponsoring organization and/or providing services to parents and providers, as specified in the Manual of Requirements.

(b) Prior to the employment or utilization of the executive director/administrator or a staff member, the sponsoring organization shall require the applicant for executive director/administrator and each staff applicant to complete and sign an application for employment, indicating the applicant's:

1. Name, address and telephone number;

2. Education and work experience; and

3. Disclosure of criminal convictions, if any.

(c) Prior to the executive director/administrator's or any staff member's employment, the sponsoring organization shall obtain two references, either in writing or verbally, from former employers or other persons who have knowledge of the applicant's work experience, education, and character.

(d) The executive director/administrator and every staff member shall notify the sponsoring organization by the end of the sponsoring organization's next working day, of any criminal convictions during their employment or utilization by the sponsoring organization.

(e) Evidence of conviction for crimes of violence, anti-social behavior, child abuse/neglect or other crimes which may relate adversely to the operation of the sponsoring organization shall be among those actions that are considered in determining an individual's fitness and suitability to serve as executive director/administrator or as a staff member.

(f) Evidence of conviction of a crime, in itself, shall not automatically preclude an individual from serving as executive director/administrator or as a staff member and shall not automatically result in the removal or termination of the executive director/administrator or a staff member from his or her position or job. Such determination shall be made on a case by case basis, in keeping with the provisions of the State Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.), which provides that a person convicted of a crime may not be disqualified or discriminated against by a licensing authority unless the conviction relates adversely to the occupation, trade, vocation, profession or business for which a license is sought.

(g) The sponsoring organization shall maintain on file for the executive director/administrator and for each staff member:

1. A completed employment application;

2. Written documentation of references; and

3. Disclosure(s) of criminal convictions, if any.

§ 10:126-3.2 Types and responsibilities of staff

(a) Each sponsoring organization shall have an executive director or administrator who is responsible for the overall management and administration of the sponsoring organization's family child care registration program. The executive director or administrator shall designate a person to assume this responsibility in his or her absence.

(b) The sponsoring organization shall have sufficient staff to carry out the family child care registration program.

(c) The executive director/administrator may also serve as a staff member.

(d) The executive director/administrator or designee shall ensure:

1. That the sponsoring organization operates in full compliance with all applicable requirements of the Manual of Requirements;

2. That each provider operates in full compliance with all applicable requirements of the Manual of Requirements;

3. The supervision of all staff members assigned to the sponsoring organization's family child care registration program;

4. The development and implementation of policies and procedures for the day-to-day operation of the sponsoring organization's family child care registration program;

5. The orientation of staff members to the policies and procedures of the sponsoring organization;

6. The development and maintenance of administrative, fiscal and program records;

7. The training of staff members, as specified in N.J.A.C. 10:126-3.4, and providers, as specified in N.J.A.C. 10:126-4.2; and

8. The development and implementation of a program of outreach and public relations, as specified in N.J.A.C. 10:126-4.11, and technical assistance, as specified in N.J.A.C. 10:126-4.8.

§ 10:126-3.3 Staff qualifications

(a) The executive director/administrator designated in N.J.A.C. 10:126-3.2(a) shall possess the following:

1. A bachelor's degree; or

2. Three years of managerial and/or supervisory experience in the field of human services, child care services, child development, education, nursing, social work, or business.

(b) Staff members responsible for provider evaluation, monitoring, support, technical assistance and training shall possess the following:

1. An associate's degree in human services, child care services, child development, education, nursing or social work and one year of experience working with children; or

2. A high school diploma or General Education Development (GED) diploma and three years of experience in the field of human services, child care services, child development, education, nursing, or social work.

§ 10:126-3.4 Staff training

(a) The executive director/administrator shall:

1. Provide staff members with access to a copy of the Manual of Requirements for Family Child Care Registration; and

2. Ensure that staff, as appropriate, are trained in:

i. Recognizing and reporting child abuse/neglect, as specified in N.J.A.C. 10:126-2.3(a);

ii. Evaluating provider applicants, as specified in N.J.A.C. 10:126-4.1;

iii. Conducting pre-service and in-service training sessions for providers, as specified in N.J.A.C. 10:126-4.2;

iv. Monitoring providers, as specified in N.J.A.C. 10:126-4.7;

v. Providing technical assistance to providers, as specified in N.J.A.C. 10:126-4.8;

vi. Procedures for identification and referral of special needs children, as specified in N.J.A.C. 10:126-4.9(b);

vii. Implementing outreach and public relations for family child care, as specified in N.J.A.C. 10:126-4.11; and

viii. The requirements of the Manual of Requirements for Family Child Care Registration.

SUBCHAPTER 4. SERVICE REQUIREMENTS FOR SPONSORING ORGANIZATIONS

N.J.A.C. 10:126-4

§ 10:126-4.1 Evaluation of family child care provider applicants

(a) The sponsoring organization shall provide to each applicant for a Certificate of Registration the following:

1. A copy of the Manual of Requirements for Family Child Care Registration;

2. An application form;

3. The names and addresses of all family child care networks known to the sponsoring organization and serving the applicant's geographic area; and

4. The name, address, and telephone number of the local resource and referral agency of the New Jersey Child Care Resource and Referral System serving the applicant's area, if other than the sponsoring organization.

(b) The sponsoring organization shall evaluate each applicant prior to the issuance of a Certificate of Registration.

(c) The sponsoring organization's evaluation of each applicant shall include a review of:

1. The application form;

2. Disclosures by the provider or applicant, the substitute provider, all members of the provider's household who are at least 14 years old, and the provider assistant and the alternate provider, if any, of any criminal conviction(s), as specified in N.J.A.C. 10:126-5.2(a)10;

3. Letters of reference received for the provider or applicant and the alternate provider, if any, as specified in N.J.A.C. 10:126-5.2(e);

4. Health records submitted by the provider or applicant, the alternate provider and provider assistant, if any, and any household members who are present during the care of enrolled children as specified in N.J.A.C. 10:126-5.2(b) and (c);

5. A written report of the evaluation visit to the applicant's family child care home, as specified in (d) below;

6. Evidence showing that the applicant and the alternate provider, if any, have completed pre-service training, as specified in N.J.A.C. 10:126-4.2; and

7. Documentation for the applicant and alternate provider, if any, of current certification in Cardiopulmonary Resuscitation (CPR) and completion of a first aid course taken every three years if there is no expiration date.

i. Cardiopulmonary Resuscitation (CPR) training shall be certified through one of the following: American Heart Association; American Red Cross; National Safety Council: Infant and Toddler CPR (if care is limited to infants and toddlers) or Medic Pediatric Course;

ii. The child care provider shall maintain current CPR and first aid certification, as long as the provider maintains their Certificate of Registration.

iii. The first aid training and CPR certification shall be applicable to any of the ages of the children enrolled in the Family Child Care Home at any given time.

iv. The CPR card and first aid certificate shall be available for review upon request.

(d) The sponsoring organization shall visit each applicant's home to evaluate the applicant's compliance with all applicable requirements of the Manual of Requirements.

(e) The sponsoring organization shall complete and maintain on file a Home Inspection/Violation Report designated by the Office of Licensing for each home evaluated, identifying the date the violation was cited, the nature of the violation and the date that the reinspection occurred or will occur.

§ 10:126-4.2 Training of family child care providers

(a) The sponsoring organization shall provide eight hours of pre-service training for each provider or applicant and alternate provider prior to the issuance of a regular Certificate of Registration.

(b) The sponsoring organization shall ensure that the pre-service training includes information regarding, but is not limited to, the following subjects:

1. Child growth and development;

2. Discipline;

3. Safety, first aid and emergency evacuation procedures;

4. Health and sanitation;

5. Nutrition;

6. Program activities;

7. Parent-provider communication;

8. Recognizing and reporting child abuse and neglect;

9. Reducing the risk of Shaken Baby Syndrome;

10. Preventing Sudden Infant Death Syndrome;

11. Administering medication to children;

12. Including children with special needs in the family child care home;

13. Understanding New Jersey's family child care registration regulations; and

14. Understanding sponsoring organization operations, policies and procedures.

(c) The pre-service training session(s) for providers, applicants and alternate providers shall include group or individual instruction provided by persons with expertise in areas listed in (b) above, and may be supplemented by:

1. Printed materials;

2. Television broadcasts; or

3. Audio-visual materials.

(d) The sponsoring organization shall also provide in-service training for providers on a semi-annual basis by means of group or individual instruction and written material. In-service training shall include continued reinforcement of the subjects listed in (b) above. A total of at least eight hours of in-service training shall be offered to providers each year.

(e) The sponsoring organization shall arrange each pre-service and in-service training session in an appropriate location that is accessible to the providers.

(f) The sponsoring organization shall maintain on file documentation of all pre-service and in-service training, including for each training session:

1. A description;

2. A schedule; and

3. Attendance lists.

(g) The sponsoring organization shall provide to each provider:

1. Prior to the issuance of a Certificate of Registration, a copy of appropriate informational materials supplied by the Office of Licensing; and

2. From time to time, any other available materials that may assist the provider in operating a family child care home.

(h) The sponsoring organization shall inform providers about available sources of training in first aid and cardiopulmonary resuscitation.

§ 10:126-4.3 Issuance of a Certificate of Registration

If the sponsoring organization determines that the provider applicant is in full compliance with all applicable requirements of the Manual of Requirements, the sponsoring organization shall issue a regular Certificate of Registration.

§ 10:126-4.4 Issuance of a temporary Certificate of Registration

(a) If the sponsoring organization determines that the provider applicant is in substantial compliance with the applicable requirements of the Manual of Requirements, and provided that there are no serious or imminent hazards to the health, safety and well-being of the children, the sponsoring organization shall issue a temporary Certificate of Registration.

(b) When a temporary Certificate of Registration is issued, the sponsoring organization shall explain in writing what the provider must do to secure a regular Certificate of Registration.

(c) In determining the expiration date of the first regular Certificate of Registration, the sponsoring organization shall compute the three-year registration period from the date of the issuance of:

1. The first temporary Certificate of Registration, if any; or

2. The regular Certificate of Registration, if no temporary Certificate of Registration has been issued.

§ 10:126-4.5 Collection of registration fees

(a) The sponsoring organization shall collect a registration fee of $ 25.00 from the provider upon the issuance of an initial temporary, or initial or renewal regular Certificate of Registration.

(b) The sponsoring organization shall retain the funds generated by registration fees and shall maintain a record of the registration fees collected from the providers, in accordance with Department of Human Services contract requirements.

(c) The sponsoring organization shall ensure and document that the registration fees collected are directed to the maintenance or improvement of the sponsoring organization's family child care registration program.

§ 10:126-4.6 Complaints and violations

(a) When the sponsoring organization receives a complaint of alleged violation(s) of the Manual of Requirements by a provider, other than child abuse/neglect, the sponsoring organization shall investigate the complaint and shall require the provider to abate any violations found. The sponsoring organization shall advise complainants that complaints may be made anonymously. The sponsoring organization's investigation shall include an inspection of the home whenever such an inspection is necessary to substantiate the complaint.

(b) If, during the course of investigating an allegation of child abuse/neglect, the Department determines that in order to protect the children it is necessary for the Department to remove children from a provider's home, the sponsoring organization shall suspend the Certificate of Registration, if the Office of Licensing recommends such action.

(c) When the sponsoring organization proposes to deny an application or to suspend, revoke or refuse to renew a Certificate of Registration, the sponsoring organization shall follow the procedures specified in N.J.A.C. 10:126-5.8.

(d) The sponsoring organization shall maintain on file documentation of complaints against providers and of denials, suspensions, revocations, and nonrenewals of Certificates of Registration.

§ 10:126-4.7 Monitoring of family child care providers

(a) The sponsoring organization shall monitor each provider at least once every two years to evaluate the provider's compliance with the applicable requirements of the Manual of Requirements.

(b) The sponsoring organization shall annually monitor no less than 20 percent of the providers on a random basis.

(c) The sponsoring organization shall monitor each provider prior to renewing the provider's Certificate of Registration.

(d) The sponsoring organization shall maintain on file a written report of each monitoring visit to the provider's home.

§ 10:126-4.8 Technical assistance

(a) The sponsoring organization shall provide technical assistance to providers and parents of enrolled children, which shall address, but not be limited to, the following areas:

1. Improving the provider's care of and service to children in the home;

2. Improving and strengthening communications between providers and parents;

3. Educating parents and providers in child care and child development; and

4. Answering providers' and parents' questions regarding family child care.

(b) The sponsoring organization shall maintain a listing of support services available in the community and shall refer providers and parents of enrolled children upon request.

(c) The sponsoring organization shall make the following information available to providers:

1. A list of physical symptoms or conditions that indicate a child may have a communicable disease;

2. Guidelines for administration of medication, if applicable, which shall include that:

i. All medication shall be kept in its original container;

ii. The provider shall maintain, at the home, documentation of the child's name and written authorization from the parent or legal guardian for the provider to administer medication or health care procedures; and

iii. The provider shall maintain, at the home, documentation of the date and time medication or a health care procedure was administered to a child and the name of the person who administered it;

3. Guidelines for the care of sick children, if applicable; and

4. A list of services to which a provider is entitled, including:

i. Participating in at least two provider in-service training sessions per year offered by the sponsoring organization; and

ii. Receiving technical assistance from the sponsoring organization.

§ 10:126-4.9 Information to parents

(a) The sponsoring organization shall supply to providers sufficient copies of a written Information to Parents Statement designated by the Office of Licensing for the parents of all enrolled children. The Information to Parents Statement shall indicate that:

1. The provider has received a Certificate of Registration;

2. The provider is required to display the Certificate of Registration in a prominent location within the family child care home during its operating hours;

3. The provider is required to comply with all applicable requirements of the Manual of Requirements;

4. Parents may receive a copy of the Manual of Requirements by contacting the sponsoring organization;

5. Parents may report alleged violations of the Manual of Requirements to the sponsoring organization or to the Office of Licensing;

6. Any person who has reasonable cause to believe that a child enrolled in the family child care home has been or is being subjected to any kind of child abuse/neglect by any person, whether in the family child care home or not, is required by State law to report such allegations to the Department's State Central Registry at 1-877 NJ-ABUSE (1-877-652-2873). Such reports may be made anonymously;

7. Parents of enrolled children shall be permitted to visit the family child care home at any time when enrolled children are present without having to secure the prior approval of the provider. Parents may be restricted to visit only those areas of the home designated for family child care;

8. The operation of the family child care home is subject to monitoring by the sponsoring organization at least once every two years and by the Office of Licensing;

9. The provider is required to comply with the inspection/investigation functions of the sponsoring organization and the Office of Licensing, including the interviewing of adults and children in the family child care home;

10. Parents may request that the sponsoring organization provide technical assistance to the parent or the provider, and referrals to appropriate community resources; and

11. The provider shall notify the parents in writing when a substitute or alternate provider will be caring for the children, unless there is an emergency on a particular day, in which case the provider shall verbally notify the parent.

(b) When an enrolled child has been identified as or is suspected of having a developmental delay or disability, the sponsoring organization shall:

1. Inform the parent of the child's right to early intervention and special education services, if eligible;

2. For preschool special education services, refer the parent to the New Jersey Department of Education Project Child Find at 1-(800) 322-8174 (toll-free) in order to refer a child for an evaluation to determine eligibility, and if eligible, the development of an Individualized Education Plan to address the child's need for preschool education services; and

3. Refer the parent of a child under 13 years of age with special health care needs to the New Jersey Department of Health and Senior Services, Special Child Health and Early Intervention Services Program at (609) 777-7778 for information about programs and services.

§ 10:126-4.10 Referral procedures

(a) The sponsoring organization shall provide to the New Jersey Child Care Resource and Referral System the names, addresses, and telephone numbers of all providers who have agreed to receive referrals through that system.

(b) The sponsoring organization shall refer requests from parents seeking family child care or other child care services to the New Jersey Child Care Resource and Referral System serving the area(s) for which the parent is seeking child care information.

(c) The sponsoring organization may also refer parents seeking family child care services to any registered provider.

§ 10:126-4.11 Outreach and public relations

The sponsoring organization shall provide information on family child care registration to agencies, organizations and the general public.

SUBCHAPTER 5. PROVIDER REGISTRATION AND OPERATION PROCEDURES

N.J.A.C. 10:126-5

§ 10:126-5.1 Provider eligibility

(a) A family child care provider, in order to be eligible for a Certificate of Registration, shall:

1. Be at least 18 years of age;

2. Be of good character and reputation, with sufficient knowledge, intelligence, stability, energy and maturity to maintain a family child care home and to care for children;

3. Be in sufficient physical, mental and emotional health to care properly for children to be placed in the home;

4. Reside in the family child care home; and

5. Demonstrate to the satisfaction of the sponsoring organization and the Office of Licensing that he or she complies with all applicable requirements of the Manual of Requirements.

§ 10:126-5.2 Application for registration

(a) An applicant for an initial or renewal Certificate of Registration shall submit to the sponsoring organization a completed application form, which shall include:

1. The provider applicant's name, address and telephone number;

2. A statement indicating:

i. The provider applicant, the alternate provider, if any, and the substitute provider are at least 18 years of age; and

ii. The provider assistant, if any, is at least 14 years of age;

3. A list of all adults residing in the provider applicant's household;

4. The number and ages of all children under 18 years of age residing in the provider applicant's household;

5. The hours in which the provider applicant plans to provide child care;

6. The name, address and telephone number of the provider assistant and the alternate provider, if any, and the substitute provider;

7. A statement from the provider applicant indicating that all pets are domesticated, free from disease, non-aggressive and meet all applicable State and local codes or ordinances pertaining to the keeping of pets and, as applicable:

i. All household pets shall be vaccinated; and

ii. Proof of current vaccination(s) as documented by a veterinarian shall be kept on the premises;

8. An indication as to whether the provider applicant wishes to be listed with either or both of the following:

i. The New Jersey Child Care Resource and Referral System; and

ii. A list of registered providers that is available to the public through the Office of Licensing;

9. A disclosure of information about and circumstances surrounding any previous denial, suspension, revocation or nonrenewal of a Certificate of Registration as a family child care provider in New Jersey or of a license, certificate or other approval as a family child care provider in any other state; and

10. A disclosure of the presence or absence of criminal convictions by the provider applicant, the substitute provider, all members of the provider's household who are at least 14 years old, and the alternate provider and the provider assistant, if any.

i. Evidence of conviction of a crime, in itself, shall not automatically preclude an individual from serving as a provider, provider assistant, alternate provider or substitute provider, and shall not automatically result in denying the application or revoking, suspending or refusing to renew the Certificate of Registration. Such determination shall be made on a case by case basis, in keeping with the provisions of the State Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.) which provides that a person convicted of a crime may not be disqualified or discriminated against by a licensing authority unless the conviction relates adversely to the occupation, trade, vocation, profession or business for which a license is sought.

ii. The provider shall notify the sponsoring organization by the end of the sponsoring organization's next business day of any criminal conviction(s) during the three-year registration period by the provider, the substitute provider, a member of the provider's household who is at least 14 years old, and the alternate provider and the provider assistant, if any.

(b) An applicant for an initial or renewal Certificate of Registration shall also submit to the sponsoring organization a health care provider's statement(s) for the applicant, the alternate provider and the provider assistant, if any, and the substitute provider, as applicable, verifying the applicant, the alternate provider, the provider assistant and the substitute provider are in good health, free from communicable disease and able to care for children. Such statement(s) shall be based on a medical examination conducted within the six months immediately preceding the submission of the application.

(c) An applicant for an initial Certificate of Registration shall also submit to the sponsoring organization written proof of the results of either (c)1 or 2 below for the applicant, the alternate provider and the provider assistant, if any:

1. A Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin, conducted within the six months immediately preceding the submission of the application; or

2. A chest x-ray if the individual has had a previous positive Mantoux tuberculin test or has a medical contraindication that precludes a Mantoux test.

(d) The provider, the alternate provider and the provider assistant shall obtain additional Mantoux tests when required by the Office of Licensing based on a recommendation by the New Jersey Department of Health and Senior Services.

(e) An applicant for an initial Certificate of Registration shall also submit to the sponsoring organization one of the following, for both the applicant and the alternate provider, if any:

1. Two letters of reference, dated within three years immediately preceding the submission of the application, including at least one from a person who can attest to the individual's character, reputation and suitability to work with children; or

2. The names, addresses and telephone numbers of at least two persons who can provide letters of reference upon request.

(f) The provider applicant shall permit and participate in an announced or unannounced evaluation of the applicant's home by the sponsoring organization. The evaluation shall include:

1. Inspection of all rooms, furniture and equipment in areas designated for use by enrolled children; and

2. Access to all areas not designated for use by enrolled children, to observe whether any hazards to children exist.

(g) The provider applicant and the alternate provider, if any, shall attend eight hours of pre-service training provided by the sponsoring organization.

(h) The sponsoring organization shall process all applications for a Certificate of Registration without regard to the applicant's race, national origin, religion, sex, age, or geographic location.

§ 10:126-5.3 Child Abuse Record Information background check procedures

(a) Prior to the issuance or renewal of a Certificate of Registration, the applicant or provider shall obtain written consent from the applicant or provider, substitute provider, provider assistant and alternate provider, if any, and all members of the applicant's or provider's household who are at least 14 years of age, for the Office of Licensing 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 (a) above shall complete a signed consent form provided by the Office of Licensing that indicates the identifying information necessary to conduct a CARI background check, including the person's name, address, date of birth, sex, race and Social Security number. Pursuant to the Federal Privacy Act of 1974 (P.L. 93-579), the Office of Licensing will 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 applicant or provider shall submit to the sponsoring organization the consent forms specified in (a)1 above for all persons specified in (a) above.

3. The provider shall inform the sponsoring organization of any additional persons at least 14 years of age who begin living or working in the home during the three-year registration period, and expect to remain in the home longer than 15 consecutive days, or on a frequent intermittent basis. The provider shall submit to the sponsoring organization a signed consent form as specified in (a)1 above for each such person.

(b) If any person specified in (a) above refuses to consent to a CARI background check, the sponsoring organization shall deny the application or suspend, revoke or refuse to renew the Certificate of Registration, as applicable, in keeping with P.L. 1993, c. 350. The applicant or

provider may choose to remove or replace the person who refuses to consent to a CARI background check, if other than the applicant or provider, before the denial, suspension, revocation or nonrenewal takes effect. If the applicant or provider removes or replaces such person, and submits a signed statement attesting to the person's removal, the sponsoring organization shall continue the registration process.

(c) The sponsoring organization shall submit the completed consent forms specified in (a)1 above to the Office of Licensing upon receipt of the forms from the applicant or provider. The Office of Licensing will conduct a search of its records for child abuse and neglect incidents for which the perpetrator was afforded an opportunity to appeal the substantiation. Within 30 working days of receipt of the completed forms from the sponsoring organization, the Office of Licensing will inform the sponsoring organization in writing as to whether a substantiated incident of child abuse or neglect by any person specified in (a) above has been found. If such an incident has been found, the Office of Licensing will inform the sponsoring organization in writing of the name of the perpetrator.

(d) If the CARI background check reveals no substantiated incident of child abuse or neglect involving a person specified in (a) above, the sponsoring organization may issue or renew the Certificate of Registration, provided that all other applicable requirements of N.J.A.C. 10:126, this chapter, have been met.

(e) If the CARI background check reveals that an incident of child abuse or neglect has been substantiated against a person specified in (a) above, the sponsoring organization shall deny the application or suspend, revoke or refuse to renew the Certificate of Registration, as applicable, in accordance with P.L. 1993, c.350.

1. The sponsoring organization shall notify the applicant or provider in writing that the denial, suspension, revocation or nonrenewal is based on the results of a CARI background check.

2. The sponsoring organization shall disclose to the applicant or provider the name of the perpetrator, but shall not disclose any other information concerning the incident.

3. The applicant or provider may choose to remove or replace the perpetrator, if other than the applicant or provider, before the denial, suspension, revocation or nonrenewal takes effect. If the applicant or provider removes or replaces such a perpetrator, the sponsoring organization shall continue the registration process.

4. The sponsoring organization and the applicant or provider shall keep confidential and shall not disclose to any other person the identity of the perpetrator and all other information concerning the incident, in accordance with the confidentiality provisions of the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a.

(f) The sponsoring organization shall inform the applicant or provider in writing that he or she may appeal the denial, suspension, revocation or nonrenewal to the Office of Licensing, as specified in N.J.A.C. 10:126-5.8.

§ 10:126-5.4 Issuance of a Certificate of Registration

(a) If the sponsoring organization determines that the provider or applicant is in full compliance with all applicable requirements of the Manual of Requirements, the sponsoring organization shall issue a regular Certificate of Registration. The sponsoring organization's determination shall include a visit to the provider's or applicant's home when one or more enrolled children are present.

(b) Each registration period shall be three years, and may include the issuance of a regular Certificate of Registration, or one or more temporary Certificates of Registration and a regular Certificate of Registration.

(c) The Certificate of Registration shall be posted in a prominent location within the family child care home during the hours enrolled children are in the home.

(d) The Certificate of Registration shall be issued to a specific provider at a specific location and shall not be transferable.

(e) If it is necessary to change any information noted on the application, other than a change of residence, after the Certificate of Registration has been issued, the provider shall advise the sponsoring organization in writing no later than 15 calendar days after the change.

(f) If the provider changes residence:

1. The provider shall notify the sponsoring organization in advance, or by no later than the beginning of the sponsoring organization's next working day, as specified in N.J.A.C. 10:126-5.10(b)5;

2. The Certificate of Registration at the previous residence shall be void;

3. The provider shall submit a new application for registration to the sponsoring organization;

4. The provider shall permit and participate in an evaluation of the new residence; and

5. A new Certificate of Registration shall be issued by the sponsoring organization if the new residence meets all applicable requirements of the Manual of Requirements.

(g) The provider shall permit and participate in all monitoring inspections by the sponsoring organization and by the Office of Licensing. Monitoring inspections shall be conducted at least once every two years.

(h) The provider shall not claim in advertising or in any written or verbal announcement to be registered with the Department of Children and Families or the State of New Jersey unless a Certificate of Registration is currently in effect.

§ 10:126-5.5 Issuance of a temporary Certificate of Registration

(a) If the sponsoring organization determines that the provider applicant is in substantial compliance with the applicable requirements of the Manual of Requirements, and provided that there are no serious or imminent hazards to the health, safety, and well-being of the children, the sponsoring organization shall issue a temporary Certificate of Registration.

(b) A temporary Certificate of Registration may be issued for a period not to exceed six months. The sponsoring organization may issue as many temporary Certificates of Registration as it deems necessary. However, a provider shall not operate pursuant to temporary Certificates of Registration for more than one year.

§ 10:126-5.6 Registration fees

(a) At the time the regular Certificate of Registration is issued, the provider shall pay a non-refundable registration fee of $ 25.00 in the form of a check or money order made payable to the sponsoring organization.

(b) If the provider is issued a temporary Certificate of Registration, the registration fee shall be payable at that time, with no additional registration fee required upon the issuance of a regular Certificate of Registration.

(c) An additional registration fee shall not be required if a change in information on a current Certificate of Registration occurs before the expiration date of the current Certificate of Registration.

§ 10:126-5.7 Renewal of a Certificate of Registration

(a) The regular Certificate of Registration shall be subject to renewal upon the expiration of the three-year registration period.

(b) The sponsoring organization shall send a renewal application packet to the provider no later than 90 days prior to the expiration of the current Certificate of Registration.

(c) No later than 45 days prior to the expiration of the current Certificate of Registration, the provider shall submit to the sponsoring organization:

1. A completed application form, as specified in N.J.A.C. 10:126-5.2(a); and

2. Health care provider's statement(s) for the provider, the alternate provider and the provider assistant, if any, as specified in N.J.A.C. 10:126-5.2(b).

(d) The provider shall permit and participate in an inspection prior to renewal of the Certificate of Registration.

(e) Prior to the renewal of a Certificate of Registration, the provider and alternate shall provide documentation of attendance at 20 hours of in-service training, other than first aid or CPR training, provided or approved by the sponsoring organization, during the last three-year registration period.

§ 10:126-5.8 Denials, suspensions, revocations, nonrenewals and provider appeal procedures

(a) The sponsoring organization may deny an application for a Certificate of Registration or suspend, revoke or refuse to renew a Certificate of Registration for good cause, including:

1. Failure to comply with the provisions of the Family Day Care Provider Registration Act and/or the requirements of the Manual of Requirements;

2. Use of fraud or misrepresentation in obtaining a Certificate of Registration or in the subsequent operation of the family child care home;

3. Any conduct and/or activity which adversely affects or presents a serious hazard to the health, safety, and general well-being of an enrolled child, or which otherwise demonstrates unfitness by a provider to operate a family child care home;

4. Refusal to furnish the sponsoring organization or Department of Children and Families with records;

5. Refusal to permit a parent of an enrolled child or an authorized representative of the sponsoring organization or Department of Children and Families to gain admission to the family child care home during normal operating hours;

6. A determination by the Department of Children and Families' Institutional Abuse Investigation Unit or Division that children in the home are at risk of harm;

7. Refusal by any person specified in N.J.A.C. 10:126-5.3(a) to consent to a Child Abuse Record Information background check; or

8. A Child Abuse Record Information background check that reveals an incident of child abuse or neglect that has been substantiated against any person specified in N.J.A.C. 10:126-5.3(a).

(b) When a provider or applicant is found to be in violation of any of the provisions of (a) above, the sponsoring organization shall notify the provider or applicant of the violation(s) in writing and shall afford the provider or applicant an opportunity to abate the violation(s). If the provider or applicant fails to abate the violation(s), or commits the same or another violation subsequently, the sponsoring organization may deny the application or suspend, revoke or refuse to renew the Certificate of Registration.

(c) When the sponsoring organization proposes to deny an application or to suspend, revoke or refuse to renew a Certificate of Registration, the sponsoring organization shall give written notice to the provider or applicant, specifying the reason for such action, either by hand-delivery or by certified mail with return receipt requested.

1. The notice shall afford the provider or applicant an opportunity for a review before the sponsoring organization's appeals committee, except as specified in (c)2 below.

2. If the action specified in the notice is based on an investigation or substantiation by the Department of Children and Families of alleged child abuse or neglect, or on a criminal conviction, the sponsoring organization's appeals committee shall not review the matter, in keeping with the confidentiality requirements of the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a, and the rules of the Department of Law and Public Safety, as specified in N.J.A.C. 13:59-1.8. In such a case, the notice shall afford the provider or applicant an opportunity to appeal directly to the Office of Licensing, which will follow the procedures specified in (f) below.

3. The notice shall advise the provider or applicant of the provisions specified in (d) through (g) below.

4. If the provider or applicant does not appeal to either the appeals committee or the Office of Licensing, the action specified in the notice shall take effect.

(d) The sponsoring organization's appeals committee shall review within 15 days each appeal presented to it and shall afford the provider or applicant an opportunity to be heard. The appeals committee shall issue a written report of its findings to the provider or applicant within five working days after completing its review.

(e) If the provider or applicant is not satisfied with the sponsoring organization's appeals committee's findings, the provider or applicant may appeal to the Office of Licensing, which will review the matter and, as appropriate, refer the matter through the Department of Children and Families to the Office of Administrative Law for 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).

(f) If the provider or applicant does not want the matter reviewed by the sponsoring organization's appeals committee, or if the action specified in the notice is based on an investigation or substantiation by the Department of Children and Families of alleged child abuse or neglect, or on a criminal conviction, the provider or applicant may appeal directly to the Office of Licensing, which will review the matter and, as appropriate, refer the matter through the Department of Children and Families to the Office of Administrative Law for an administrative hearing.

(g) If the provider or applicant is not satisfied with the decision of the Department of Children and Families, the provider or applicant may appeal the final decision or action of the Department of Children and Families within 45 days from the date of service of the decision or notice of the action taken, to the Appellate Division of the Superior Court of New Jersey.

(h) As long as the Department of Children and Families determines that children are not at risk and no serious or imminent hazards exist, a provider who has requested an appeal, as specified in (d) through (f) above, may be permitted to operate if the provider complies with monitoring inspections by the sponsoring organization until a final decision is rendered as a result of the appeal.

(i) If the provider's Certificate of Registration is suspended, revoked or refused for renewal, the sponsoring organization shall ensure that the parent of each enrolled child is notified in writing within 10 days of the action.

(j) An applicant whose application has been denied, or a provider whose Certificate of Registration has been revoked or refused for renewal, shall be prohibited from reapplying for registration for one year from the date of the denial, revocation or refusal to renew. After the one-year period has elapsed, the provider or applicant may submit a new application for registration.

§ 10:126-5.9 Special requirements to prevent child abuse and neglect

(a) When the Department of Children and Families determines that an imminent danger or hazard exists that threatens the health or safety of a child in a family child care home, the Office of Licensing may direct the sponsoring organization to deny an application or to suspend, revoke or refuse to renew a Certificate of Registration immediately.

(b) The Office of Licensing may institute a civil action in a court of competent jurisdiction for injunctive relief to enjoin the operation of a family child care home for good cause, including any imminent danger(s) or hazard(s) that threaten the health and safety of the children in the home.

(c) The Department of Children and Families, during the course of investigating an allegation of child abuse or neglect, may determine that corrective action is necessary to protect the children whenever:

1. The provider or another person in the home has been found by the Department of Children and Families to pose a risk of harm to children;

2. An allegation has been received by the Department of Children and Families that the provider or another person in the home has committed an act of child abuse or neglect; or

3. The provider or another person in the home has been convicted of an act of child abuse or neglect.

(d) Whenever the Department of Children and Families determines that such corrective action is necessary to protect the children in the home, the sponsoring organization shall ensure that the provider carries out the Department of Children and Families' recommendation for corrective action. Such corrective action may include:

1. Removal or suspension of the affected person from the home, or reassignment to other duties that do not involve contact with the children; or

2. Removal of the affected person from the home for a period of time extending from one hour prior to the arrival of the children until one hour after the children have left; or

3. Suspension of the provider's Certificate of Registration.

(e) Such removal, suspension or reassignment, as specified in (d) above, shall remain in effect until the results of the Department of Children and Families' investigation have been determined, and a final decision in the matter has been rendered by the Office of Licensing.

(f) If the allegation of child abuse or neglect is substantiated by the Department of Children and Families, the sponsoring organization shall deny the application for registration or suspend, revoke or refuse to renew the Certificate of Registration, as applicable, as specified in N.J.A.C. 10:126-5.3(e) and (f).

§ 10:126-5.10 Provider reporting requirements

(a) The provider shall verbally notify the Department's State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873) immediately whenever there is reasonable cause to believe that a child has been or is being subjected to any kind of child abuse/neglect by any person, pursuant to the State Child Abuse and Neglect Law (N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14).

(b) The provider shall report the following incidents to the sponsoring organization as soon as possible, but by no later than the beginning of the sponsoring organization's next working day:

1. Any injury that results in the admittance of a child to a hospital while in the provider's care;

2. The death of a child while in the provider's care;

3. Any damage to the provider's home that affects the provider's compliance with the requirements of the Manual of Requirements;

4. Any criminal conviction(s) of the provider, the substitute provider, a member of the provider's household who is at least 14 years old, and the alternate provider and the provider assistant, if any, as specified in N.J.A.C. 10:126-5.2(a)10;

5. A change of residence by the provider; and

6. The termination of all family child care services by the provider.

(c) A Certificate of Registration issued by the sponsoring organization to a provider is the property of the State of New Jersey. The provider shall surrender the Certificate of Registration to the sponsoring organization immediately if any of the following occurs or becomes effective:

1. The provider voluntarily closes the family child care home;

2. The registration is revoked;

3. The registration is suspended; or

4. The provider has not applied for a renewed registration.

§ 10:126-5.11 Provider record requirements

(a) The provider's records shall be open for inspection by authorized representatives of the sponsoring organization and of the Department of Children and Families.

(b) The provider shall maintain on a file a signed statement from each parent, affirming receipt of the Information to Parents statement, as specified in N.J.A.C. 10:126-6.21(a).

(c) The provider shall maintain an individual record for each child in care. This record shall include:

1. The child's full name, address and birth date;

2. Name, address, and telephone number of each parent;

3. Name, address and telephone number of each parent's place of employment;

4. Name, address and telephone number of one or more persons designated by the parent(s) to be called in case of emergency when a parent cannot be reached;

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.

SUBCHAPTER 6. SAFETY, HEALTH AND PROGRAM REQUIREMENTS FOR PROVIDERS

N.J.A.C. 10:126-6

§ 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.

§ 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.

§ 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.

§ 10:126-6.4 Emergency preparedness

(a) The provider shall maintain and post in a prominent location a written plan for the emergency evacuation, relocation, shelter-in-place, or lockdown of the children in the event of natural or civil disaster or other emergency, which shall include:

1. The location of the first aid kit and any additional first aid supplies;

2. An anticipated relocation site able to provide adequate, safe shelter for providers and enrolled children;

3. The hospital or clinic to which injured or ill children will be taken;

4. The telephone numbers for obtaining police, fire, ambulance, and poison control services; including the National Poison Emergency Hotline at (800) 222-1222;

5. The location of written authorization from parent(s) for emergency medical care for each child;

6. A diagram showing how the home is to be evacuated in case of emergency;

7. Procedures for notifying each child's parent of the relocation, shelter-in-place, or lockdown, including the procedures for communicating with each parent before and during the emergency and ensuring family reunification after the emergency;

8. The local law enforcement agency or emergency management office to be notified of the provider's identifying information as required in (b) below;

9. The procedure for obtaining emergency transportation for children, including those with special needs; and

10. Procedures to address the needs of the individual children; such as assistance for infants, toddlers, and children with special needs or chronic medical conditions.

(b) In the event of an evacuation, shelter-in-place, or lockdown, the registered family child care provider shall notify the appropriate local law enforcement agency or emergency management office of:

1. The name of the family child care provider;

2. The location of the family child care home;

3. The number of children, age, and special needs, if any, of each child enrolled and each child residing in the home;

4. The number of adults in the home;

5. The need for emergency transportation;

6. The location to which children will be evacuated;

7. The plan for a lockdown; and

8. The plan for reuniting each child with his or her parents.

(c) The provider shall practice fire and evacuation drills with each child on a monthly basis. Documentation of the fire and evacuation drills shall include date, time, total amount of time taken to evacuate the home, and the number of children and providers present.

(d) 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.

§ 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.

§ 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.

§ 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.

(d) The provider shall maintain on file a record of blanket permission slips for walks and signed individual permission slips for field trips, outings or special events.

§ 10:126-6.8 Health examinations for children

(a) Each child shall have had a health examination performed by a health care provider within:

1. Six months prior to or within one month following admission to the home for children who are 2 1/2 years of age or younger; or

2. One year prior to or within one month following admission to the home for children who are above 2 1/2 years of age.

(b) A record of the health examination shall be provided by the child's parent to the provider upon or within one month following admission to the home. The record shall include:

1. The name and address of the health care provider;

2. A statement by the health care provider indicating, when applicable:

i. Information on any condition or handicap affecting the child; and

ii. Any recommendations for needed medical treatment or special requirements as to diet, rest, allergies, avoidance of certain activities and other care;

3. An up-to-date immunization record in accordance with the recommended immunization schedule established by the Advisory Committee on Immunization Practice of the Center for Disease Control and Prevention, as provided by the New Jersey Department of Health and Senior Service at N.J.A.C. 8:57-4. The immunization record shall be appropriate to the child's age or shall document that the child is under a prescribed medical program to obtain immunizations and a timetable for doing so; and

4. For children enrolled in a public or private school, the provider shall obtain a written statement from each child's parent indicating:

i. That the child is in good health and can participate in the normal activities of the program; and

ii. Any conditions or specific needs that may require special accommodations.

(c) If immunizations are not given to a child for medical reasons, the provider shall require the parent to submit a written statement from a health care provider attesting to:

1. The reason the immunization is medically contraindicated; and

2. The specific time period that the immunization is medically contraindicated.

(d) A child shall be exempted from a physical examination, immunization or medical treatment if the parent objects thereto in a written statement submitted to the provider, signed by the parent, explaining how the examination, immunization or medical treatment conflicts with the child's exercise of bona fide religious tenets or practices.

(e) The immunization exemption may be suspended during the existence of a health emergency, as determined by the Commissioner of the State Department of Health and Senior Services.

(f) After admission, each child shall have an annual physical health examination, including age-appropriate screenings and up-to-date immunizations. Such examination shall be performed by a health care provider within the preceding year period.

§ 10:126-6.9 Sick children

(a) The provider shall inform the sponsoring organization and the parents of enrolled children regarding the circumstances under which:

1. Sick children will be admitted to or excluded from the home; and

2. Medication will or will not be administered to children.

(b) The provider shall follow policies and procedures recommended by the sponsoring organization if the provider chooses to:

1. Care for sick children in the home; and/or

2. Administer medication to children.

(c) The provider shall inform the parents of all enrolled children when any person in the home has a communicable disease as indicated by the New Jersey Department of Health and Senior Services requiring such notification (a list of the communicable diseases and the reporting requirements can be found on New Jersey Department of Health and Senior Services web site at www.state.nj.us/health). The sponsoring organization shall make such information available to the providers.

§ 10:126-6.10 Injury to a child while in the provider's care

(a) When an incident resulting in injury to a child occurs while in the provider's care, the provider shall take the necessary action to protect the child from further harm and arrange for any necessary emergency medical attention. The provider shall notify the child's parent(s):

1. Immediately in the event of an injury that requires professional medical attention; or

2. By the end of the operating day, if the injury does not require professional medical attention.

(b) Basic first aid supplies shall be in the home, and shall be stored out of children's reach but readily accessible to the provider, and shall minimally include: adhesive tape, band-aids, gauze pads, gauze roller bandage, disposable, non-latex gloves, cold pack, scissors, tweezers and thermometer.

(c) Telephone numbers of the nearest police department, fire department, ambulance service or rescue squad, and poison control center, the provider's address, and the telephone number through which the provider can be reached shall be posted in a readily accessible area of the home.

(d) The provider shall maintain on file a record of injuries sustained by a child while under the provider's care that receive professional medical attention. The record shall include:

1. The name of the injured child;

2. The date, time and location of the incident;

3. A written description of the:

i. Incident;

ii. Injury to the child;

iii. Follow-up action taken by the provider, including application of first aid and consultation or treatment by a medical professional, if applicable; and

iv. Names of witnesses to the incident.

(e) The provider shall provide to the child's parent a copy of the record specified in (d) above by the end of the next working day after the incident or injury.

§ 10:126-6.11 Environmental sanitation and personal hygiene

(a) The provider shall ensure that children wash their hands with soap and running water as follows:

1. Before eating;

2. Immediately after using the toilet;

3. Immediately after coming into contact with blood, saliva and other body secretions and/or fluids; and

4. After caring for animals or their equipment or after coming in contact with an animal's body secretions.

(b) The provider shall ensure that an infant's hands are washed with soap and water immediately after a diaper change.

(c) The provider and all other adults caring for children in the home shall wash their hands with soap and running water immediately:

1. Before preparing or serving food;

2. After diapering a child;

3. After toileting;

4. After assisting a child in toileting;

5. After contact with blood, diarrhea, vomit or other body secretions and/or fluids; and

6. After caring for animals or their equipment or after coming in contact with an animal's body secretions.

(d) The provider shall ensure that each child is supplied with:

1. A clean towel and washcloth for his or her exclusive use; or

2. Disposable towels and washcloths.

(e) The provider shall ensure that:

1. A change of clothing is provided for each child;

2. A child's clothing is changed when wet or soiled; and

3. Each child's personal hygiene items, such as toothbrushes, hairbrushes, and combs, are stored separately from those of others.

(f) The provider shall use disposable rubber gloves, which shall be discarded after each use, when cleaning up blood, vomit, urine, fecal matter or other body secretions.

(g) The provider shall ensure that areas in the home, bedding, furniture, carpeting and clothing that come into contact with blood, vomit, urine, fecal matter or other body or animal secretions are cleaned with soap and water and disinfected with a commercially prepared disinfectant. This solution shall be used in accordance with label instructions.

(h) The following equipment items or surfaces shall be cleaned with soap and water and disinfected with commercially prepared disinfectant after an incident, as specified in (g) above occurs:

1. Toilet seats;

2. Sinks and faucets;

3. Mops that were used in the clean-up;

4. Washcloths, towels and sponges that were used in the clean-up; and

5. Thermometers.

§ 10:126-6.12 Activities for children

(a) Activities for the children shall be structured to include:

1. Active and quiet play;

2. Indoor and outdoor play;

3. Rest or sleep; and

4. Meals and snacks.

(b) The provider shall supply safe toys, play equipment and creative materials to ensure each child the opportunity to participate in a variety of activities appropriate for the ages, interests and number of children present.

1. Programs for pre-school age children shall offer materials from the following categories:

i. Dramatic play and language development (for example, dress-up clothes, puppets, books, play telephones and unbreakable dishes);

ii. Visual and small muscle development (for example, mobiles, unbreakable mirrors, blocks, rattles, puzzles, sorting and stacking toys);

iii. Auditory development (for example, records, musical instruments and tapes);

iv. Creative expression (for example, clay, non-toxic paint, paper and blunt scissors); and

v. Large muscle development (for example, swings, balls, bicycles, large boxes and wagons).

2. Programs for infants and toddlers shall include the applicable items for (b)1 above, and a daily routine adapted to the individual needs of each infant and toddler that fits, as much as possible, into the schedule set up by the parent.

3. The provider shall maintain on file a written schedule of daily activities and provide a copy for the parents.

(c) The provider shall ensure that children are supervised while in swings, high chairs or stationary activity centers and do not remain in such equipment for more than 30 consecutive minutes; and that the majority of every child's waking hours are spent out of cribs and playpens in a safe, clean place where he or she may move and explore freely.

(d) The provider shall plan the day to allow for time to offer each child individual attention, affection and comfort.

(e) Television shall be used with discretion and shall not be used as a substitute for planned activities.

§ 10:126-6.13 Rest and sleep

(a) The provider shall plan a daily rest or sleep period for each child in a clean, safe area, according to the child's individual needs.

(b) Children under 18 months old and any child unable to walk unassisted shall sleep in a crib, playpen, cot, bed with side rails or on a mat at least one inch thick placed on the floor.

(c) Cribs, port-a-cribs and playpen with more than 2 and 3/8 inches between slats or between the side and end panels are not permitted.

(d) Cribs with decorative cutout areas in crib-end panels or tall decorative knobs on the corner posts that can entrap the child's head or catch the child's clothing shall not be used.

(e) Mattresses shall be tight-fitting with no more than one inch between the mattress and crib.

(f) Drop-side latches shall hold sides securely and not be accessible by the child in the crib.

(g) Pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads and other soft products shall not be permitted in infant cribs, playpens or port-a-cribs.

(h) When a provider has one or more bunk beds for the use by enrolled children, the provider shall ensure that no child under seven years of age is placed in a top bunk:

1. Guardrails are required on both sides of the upper bunk;

2. The upper edge of the guardrails shall be no less than five inches above the top surface of the mattress when a mattress of the maximum thickness specified by the bed manufacturer's instructions is on the bed; and

3. A ladder shall be used for entering or leaving the upper bunk.

(i) Each child shall have sheets, blankets and other coverings for his or her exclusive use, which shall be:

1. Immediately replaced when wet, soiled or damaged; and

2. Laundered at least once a week.

(j) During rest and sleep periods, only one child shall occupy a crib, playpen, bed, cot or mat at one time.

(k) Beds not used solely for a specific child shall have linens and blankets replaced with clean linens and blankets before each use.

(*l*) The provider shall ensure that each child below one year of age is placed on their back in a face-up sleeping position unless a different sleeping position is indicated in writing by the child's

health care provider. Such documentation of these sleeping positions shall be maintained at the family child care home.

§ 10:126-6.14 Food and nutrition

(a) The provider shall ensure that all enrolled children receive nutritious meals that have been prepared by:

1. The provider;

2. The parent(s) of an enrolled child; or

3. Another source.

(b) The provider shall ensure the provision of:

1. Breakfast for all children who:

i. Have not eaten breakfast; and

ii. Are present during the hours of 7:00 A.M. to 10:00 A.M.;

2. Lunch for all children who:

i. Have not eaten lunch;

ii. Are present during the hours of 10:00 A.M. to 1:00 P.M.; and

iii. Are under the provider's care for at least five consecutive hours;

3. Dinner for all children who:

i. Have not eaten dinner;

ii. Are present during the hours of 5:00 P.M. to 7:00 P.M.; and

iii. Are under the provider's care for at least five consecutive hours; and

4. A snack for all children who are under the provider's care for at least three consecutive hours, or who have arrived from school.

(c) The provider shall consult with each child's parent(s) regarding the feeding schedule, nutritional needs and introduction of new foods for each child.

(d) Drinking water shall be made available to the children at all times.

§ 10:126-6.15 Bottle and cup feeding

(a) Formula, prepared from concentrate or in an opened container, and expressed breast milk shall be refrigerated.

(b) Bottles and sipping cups shall be clearly identified for use by a specific child.

(c) When a child is feeding, the bottle shall not be propped at any time.

§ 10:126-6.16 Toilet training and diaper changing

(a) The provider shall discuss and agree upon toilet training methods with the parent(s) of each child being toilet trained.

(b) The provider shall ensure that:

1. Diapers are changed promptly when wet or soiled;

2. A clean nonporous surface or pad is used for diaper changes and sanitized after each use;

3. Caregivers wash their hands thoroughly with soap and warm water after each diaper change;

4. Sufficient quantities of clean diapers are available; and

5. A container with a lid for soiled diapers is used.

(c) The diaper changing area and potty chairs shall be cleaned and disinfected after each use.

§ 10:126-6.17 School age children

(a) The provider shall give each school age child opportunities to:

1. Participate in outdoor, active play;

2. Rest, relax and enjoy quiet socialization;

3. Complete homework assignments, if necessary; and

4. Participate in indoor play, table games, cooking and arts and crafts activities.

(b) A school age child shall be permitted to leave the provider's supervision only with written permission from the child's parent(s).

(c) The provider and the parent(s) shall discuss and agree upon:

1. The child's use of the telephone, television, computer and electronic devices; and

2. Time allocated for the child's homework assignments.

§ 10:126-6.18 Children with special needs

(a) When a provider identifies or suspects an enrolled child as having a developmental delay or disability, the provider shall inform the child's parent and contact the sponsoring organization for technical assistance in meeting the child's needs.

(b) When the provider enrolls a child with special needs:

1. The provider shall request that the parent provide written recommendations from the child's physician or any other person who has evaluated or treated the child regarding the specialized care or accommodations that a child with special needs requires; and

2. The provider shall make reasonable accommodations to serve a child with special needs unless such accommodations impose an undue hardship on the family child care home. If the accommodations cause undue hardship, written notification shall be provided to the parent and the

sponsoring organization regarding the reasons for not enrolling the child. A copy of which shall be maintained by the provider.

§ 10:126-6.19 Supervision

(a) The provider shall be responsible for supervising the children and ensuring their safety at all times. Children who are asleep shall be within hearing and easy access of the provider, alternate provider, provider assistant or substitute provider.

(b) The provider shall not engage in any activity while on duty during operating hours that distracts his or her attention from providing family child care services. Such activities shall include, but not be limited to, other employment, volunteer services, recreation, hobbies or frequent or prolonged socialization with adults.

(c) The provider shall not leave the premise of the family child care home unless an approved caregiver is present with the children.

(d) The provider shall be scheduled to care for children at least 75 percent of the home's operating hours. When a provider and an alternate provider share child care responsibilities, the provider shall be scheduled to care for children at least 50 percent of the home's operating hours.

(e) When a family child care home operates 24 hours a day, an alternate provider is required. No caregiver may work more than 16 consecutive hours.

(f) If the provider cannot be present, the designated substitute or the alternate provider, if any, as specified in N.J.A.C. 10:126-5.2(a)6, shall assume the provider's responsibility for supervision of the children.

1. The substitute provider and the alternate provider, if any, shall be familiar with all applicable requirements of the Manual of Requirements.

2. When the provider is absent for six or more consecutive weeks and enrolled children continue to receive care in the home, another registered provider or the alternate provider, if any, shall temporarily assume the provider's responsibility for operating the home.

(g) When a provider assistant is present, the provider shall ensure that:

1. The provider assistant and the provider are involved in direct interaction with the children for a major portion of the day;

2. The provider assistant is familiar with all applicable requirements of the Manual of Requirements;

3. An assistant under 18 years of age is not left alone with the children except in an emergency; and

4. An assistant under 16 years of age:

i. Does not work in the home at any time when his or her school is in session;

ii. Does not work an excessive number of hours to the detriment of his or her health or schoolwork; and

iii. Obtains working papers as required by State law.

(h) No provider nor any other person in the home or while transporting children shall:

1. Consume alcoholic beverages when supervising children or within sight of children; or

2. Smoke within sight of children or while supervising children.

(i) No provider nor any other person shall supervise children when he or she:

1. Has a communicable disease or illness, as specified in the chart in N.J.A.C. 10:126-6.9(c); or

2. Appears to be physically, emotionally or mentally impaired, or appears to have a drug-induced or alcohol-induced condition that would endanger the health, safety or well-being of a child in the home.

(j) Children shall be released from the home only to:

1. The child's parent(s); or

2. A person designated by the parent(s) in writing or by telephone.

(k) When a child's parent or person designated by the parent(s), as specified in (g)2 above, appears to be physically, emotionally or mentally impaired, or appears to have a drug-induced or alcohol-induced condition that would endanger the health, safety or well-being of the child, the provider shall:

1. Attempt to prevent the child's release to such an impaired individual; and

2. Attempt to contact the child's other parent or an alternate person authorized by the parent(s).

(*l*) The provider shall call the Department's State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873) if:

1. The provider's attempts to prevent the child's release to an impaired person, as specified in (h)1 above, are unsuccessful; or

2. The provider's attempts to make alternative arrangements for the child's care, as specified in (h)2 above, are unsuccessful, and the provider can not continue to care for the child in the home.

§ 10:126-6.20 Guidance and discipline

(a) The method of guidance and discipline used by the provider shall:

1. Be positive;

2. Be consistent with the age and needs of the child; and

3. Help the child maintain self control.

(b) The provider shall not subject a child to:

1. Humiliating or frightening treatment;

2. Loud, profane or abusive language;

3. Derogatory remarks about the child or the child's family;

4. Spanking, hitting, kicking, biting, shaking or inflicting physical pain in any manner;

5. Deprivation of food, sleep, or toilet access;

6. Force feeding;

7. The withholding of emotional responses or attention;

8. Long periods of enforced silence;

9. Physical or chemical restraints; or

10. Isolation in any area that cannot be seen and supervised by the provider.

(c) Napping, toilet training or eating shall not be associated with punishment.

(d) The provider and the child's parent(s) shall discuss and agree upon positive methods of discipline, in accordance with the provisions of (a), (b), and (c) above.

§ 10:126-6.21 Communicating with parents

(a) The provider shall supply each parent of an enrolled child with an Information to Parents statement that has been supplied to the provider by the sponsoring organization.

(b) The provider shall discuss the child's daily activities and routines with each child's parent(s) upon enrollment and periodically thereafter.

(c) The provider shall inform each child's parent(s) of the names of the provider assistant and the alternate provider, if any, the substitute provider and any other persons caring for children in the home.

(d) The provider shall inform each child's parent(s) upon enrollment about:

1. The presence of pets in the home; and

2. Smoking by any person in the home.

(e) The provider shall permit the parents of enrolled children to visit the home at any time when enrolled children are present. Parents may be restricted to visit only those areas of the home designated for family child care.

(f) The provider shall inform parents that they may request the sponsoring organization to provide technical assistance or referral to appropriate community resources.

§ 10:126-6.22 Night time child care

(a) The provider, substitute or alternate provider shall be awake and alert to meet the needs of the children at all times.

(b) If a child is in the care of the provider after 6:00 P.M., the provider shall establish a bedtime routine, in consultation with that child's parent(s) or guardian(s) and taking into account the age and developmental needs of the child and the time of the child's scheduled pick-up from the home.

(c) The provider shall provide, or shall ensure that each enrolled child's parent(s) or guardian(s) provide, appropriate clothing for the child to wear while sleeping;

(d) If a provider has one or more bunk beds for the use of enrolled children, the provider shall ensure that no child under seven years of age is placed in a top bunk, and the bunk bed meets requirements as specified in N.J.A.C. 10:126-6.13(h).

(e) The provider shall ensure that no enrolled child shares a sleeping room with an adult.

(f) The provider shall ensure that all beds, cots, cribs and mattresses have firm surfaces and meet the standards established by the Consumer Product Safety Commission, which can be found at http://www.cpsc.gov/.

(g) Breakfast shall be served to each child who goes directly to school from nighttime care, unless breakfast is provided by the school or by the parent(s) or guardian(s).