

TITLE 10. HUMAN SERVICES

CHAPTER 126A.

DIVISION UTILIZATION OF FAMILY CHILD CARE

PROVIDERS

SUBCHAPTER 1. GENERAL PROVISIONS

§ 10:126A-1.1 Purpose and scope

The purpose of this chapter is to outline the standards under which the Division of Youth and Family Services will authorize family child care services for a child receiving child welfare services, either directly or under a contract with a family child care provider. This chapter requires that any Division-authorized family child care services purchased by the Department of Human Services or its agents be provided by a family child care provider who meets the standards of and is registered in accordance with N.J.A.C. 10:126, Manual of Requirements for Family Child Care Registration. The standards set by this chapter are more stringent than those set by N.J.A.C. 10:126 for registered family child care providers in general because family child care is often utilized by the Division to relieve the effects of and prevent abuse or neglect or to provide supervision or relief needed by a child's family.

§ 10:126A-1.2 Definitions

The words and terms used in this chapter shall have the same meanings as defined in N.J.A.C. 10:126-1.2, Definitions, which is hereby incorporated into this chapter by reference.

SUBCHAPTER 2. DYFS-AUTHORIZED FAMILY CHILD
CARE SERVICES PROGRAM REQUIREMENTS

§ 10:126A-2.1 Eligible providers of DYFS-authorized family child care services funded by the Department of Human Services or its agents

The Division shall utilize the services of only those family child care providers who meet the requirements of and are registered in accordance with the provisions of N.J.A.C. 10:126, Manual of Requirements for Family Child Care Registration.

§ 10:126A-2.2 Maximum number of children

For any family child care provider who receives payment from the Department of Human Services or its agents, either directly or through contract, for family child care services for one or more children, as authorized by the Division, the maximum number of children cared for by the family child care provider shall not exceed five children at a time, regardless of fee-paying or non-fee-paying status. The total of five children

shall include the provider's foster children and own children, only if the foster children or own children are age five or younger. No more than two of the total number of children cared for by the family child care provider shall be age 23 months or younger.

§ 10:126A-2.3 Exception to maximum number of children

(a) The Director or designee may approve, in writing, the care of additional children over the maximum, by a family child care provider who receives payment from the Department of Human Services or its agents, as authorized by the Division, provided all of the following conditions are met:

1. A provider assistant, as defined in N.J.A.C. 10:126-1.2, is present in the home;

2. The limits set by N.J.A.C. 10:126-6.1, Maximum number of children, have not been exceeded; and

3. The approval, in writing, of the Director or designee has been obtained prior to the expansion beyond the limits set by this chapter, of the number of children receiving family child care who are authorized by the Division and funded by the Department of Human Services or its agents.

§ 10:126A-2.4 Use of family child care provider when child abuse or neglect is substantiated

(a) The Division shall stop using, and the Department of Human Services or its agents shall suspend payment to, a family child care provider for each child under the Division's

supervision when the Department of Children and Families' child protection investigator:

1. Completes a child protection investigation of the provider or a family member; and
2. Makes a finding of substantiated in accordance with N.J.A.C. 10:129-7.3(c)1.

(b) When a family child care provider appeals the finding of substantiated, the Division shall not authorize use of the family child care provider for any child supervised by the Division until:

1. All appeals are completed; and
2. The finding of substantiated has been overturned.

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