

# *Child Care Regulations in New Jersey*

## **Overview**

A summary of child care regulations in New Jersey.

- Types of care that must be licensed
- Types of care that may be registered
- Types of care that may operate without a license
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Family child care homes

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In New Jersey, the Department of Human Services, Office of Licensing, Division of Youth and Family Services, licenses child care centers and registers family child care providers who choose to be regulated. Other types of local regulation, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in New Jersey. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

## **Types of care that must be licensed**

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The New Jersey Department of Human Services, Office of Licensing, Division of Youth and Family Services, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In New Jersey, the following form of child care must be licensed:

- *Child care centers.* Full- or part-time care in a residential or nonresidential setting for six or more children under 13 years old for fewer than 24 hours per day. In New Jersey, this includes nursery schools, preschools, pre-kindergartens, and religiously affiliated centers.

### **Types of care that may be registered**

Child care registration is a form of regulation that typically emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities. The New Jersey Division of Youth and Family Services inspects and approves Family Child Care Sponsoring Organizations. These organizations then inspect, monitor, and register providers. Each organization is responsible for inspections in a designated geographical area, which includes one, or several, counties.

In New Jersey, the following form of child care may choose to be registered:

- *Family child care homes.* Full- or part-time care in a residence for at least 15 hours a week for between one and five children, not including the children living in the home.

More detailed information about child care centers and family child care homes may be found later in this guide.

### **Types of care that may operate without a license**

Some types of child care are not required to be licensed or registered by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In New Jersey, the following forms of child care are exempt from licensing:

- Care provided in the child's home
- Care for five or fewer children in a home or center if the provider does not choose to register
- Specialized activity or instruction programs where there is no responsibility for care
- Private infant or preschool programs approved by the Department of Education to serve disabled children
- Drop-in programs where children stay two hours or fewer and parents are on the premises
- A child care program owned or operated by the federal government
- Programs operated by the board of education of a public school district and that are responsible for their own implementation and management
- Programs operated by, and whose employees are paid by, a private school that is run solely for educational purposes, including kindergarten programs, pre-kindergarten programs, or child care centers that are an integral part of a private

educational institution or system offering elementary education in kindergarten through sixth, seventh, or eighth grade

The Department of Health and Senior Services regulates summer camps. When children's programs are run by public elementary school systems, the local school board is responsible for regulating them. When they are part of private elementary school systems for kindergarten to at least sixth grade, they are exempt from regulation. Children's programs run by government agencies must meet the state's licensing requirements.

### **Age-group definitions**

- *Infant*: child between birth and 18 months
- *Toddler*: child between 18 and 30 months
- *Preschooler*: child between 30 months and 6 years
- *School-age*: child 6 years and older

### **Subsidized child care**

The New Jersey Division of Family Development makes funds available to assist some families with their child care expenses. Family income determines whether a family can receive partial or total child care assistance. To qualify, recipients of these funds must be working or in training for employment. Families who are eligible may receive assistance whether their child is in a family child care home or a child care center, as long as the type of care complies with state regulations.

For further information about program availability and how to qualify, contact the New Jersey Division of Family Development at 609-588-2163.

### **Whom to contact**

For more detailed information regarding child care regulations in New Jersey, to obtain a copy of the state standards, or to report licensing violations, contact:

#### **New Jersey Department of Human Services**

##### **Office of Licensing**

P.O. Box 707

Trenton, NJ 08625-0707

877-667-9845

<http://www.state.nj.us/humanservices/ool/index.htm>

For Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren counties, call 609-987-2027.

For Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, Salem, and Union counties, call 609-987-2013; fax 609-987-2086.

### **Child abuse reporting**

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the division's Office of Child Abuse Control or the district office, to the state or to police. To report suspected child abuse, call 877-NJ ABUSE (877-652-2873), or go to the Web site at [www.state.nj.us/humanservices/ocs/abusedocs.htm](http://www.state.nj.us/humanservices/ocs/abusedocs.htm).

## *Child care centers*

### **Licenses**

- License is required and must be renewed every three years.
- License must be posted.
- General liability insurance is required.

### **State inspection**

- Unannounced inspections are made at initial licensing and renewal, annually, and after a complaint.

### **Hours of care**

- Care for a child on a regular basis may not exceed 12 hours within any given 24-hour period during waking hours.
- Care for a child on a regular basis may not exceed 16 hours within any given 24-hour period during sleeping hours.

### **Staff:child ratios**

- Birth to 18 months: one staff for up to four children (1:4)
- 18 to 30 months: one staff for up to six children (1:6)
- 30 months to 4 years: one staff for up to 10 children (1:10)
- 4 years: one staff for up to 12 children (1:12)
- 5 years: one staff for up to 15 children (1:15)
- 6+ years: one staff for up to 18 children (1:18)

The ratio for mixed-age groups is computed to the nearest tenth decimal of the ratio required for each child in the group.

Staffing requirements are based on attendance not enrollment.

Two caregivers are required when six or more children under 6 years old or more than 12 school-age children are in care.

More stringent ratios are applied when more than 50 percent of the children have special needs or when sick children are included.

Less stringent requirements may be applied during naptime, meal time, outdoor activities, special events, and circle time.

### **Maximum group size**

- Birth to 6 years: 20
- School-age: 30

### **Staff qualifications**

#### **Director**

- Qualifications range from a high school diploma and two years of experience (supervisory and child related) to a master's degree and no employment experience. Qualifications depend on the type and size of the program.

#### **Head teacher**

- Must have one of six alternative qualifications, but all six require at least a bachelor's degree, experience, and college credit in child development.

#### **Group teacher**

- One year of teaching experience in a group program for children under 6 years old, which may include supervised practice teaching or student teaching.
- Must also meet one of six other options for educational credentials, such as various certifications, college credits, or an associate's degree.

### **Staff training**

- All staff must have eight hours per year in-service training in child growth and development, positive guidance and discipline, and health and safety procedures.
- Supervisory staff is required to have an additional twenty hours per year in program management.

### **CPR and first aid**

- One person trained in CPR and first aid must be present at all times.

### **Staff medical requirements**

- Must have a physical exam, including TB test.

- Immunizations for measles and hepatitis B are not required.
- AIDS test is not required.
- Drug and alcohol tests are not required.

#### **Staff background checks**

- Must have two references and a statement, signed by the sponsor or director, that there is no criminal record.
- Division of State Police will make the final determination regarding the employment of a sponsor or staff member with a criminal conviction.
- Child Abuse Record Information background check is required.
- Fingerprinting and criminal checks are required.

#### **Discipline**

- Must post statement of discipline philosophy.
- Certain methods of discipline, including corporal punishment, are prohibited.

#### **Parents' rights**

- Parents must be fully informed of all policies.
- Parents of children younger than 6 years old must be offered at least initial and semiannual conferences.
- Parents must be informed of all field trips and must give written consent.
- Parents must be offered involvement in the governing board, an advisory committee, the annual meeting, or an open house.
- Parents may visit unannounced.
- Parents of children younger than 6 years old must have the opportunity to volunteer in the program.

#### **Health and safety requirements**

- Must comply with barrier-free building codes.
- Must hold monthly fire drills.
- Must have a working phone or be able to reach one in the building.
- Must have a written policy on whom children may be released to.
- Must keep stairs free of hazards.
- Must store hazardous or toxic materials in a locked cabinet or in an area inaccessible to children.

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- Must cover electrical outlets if children younger than 6 years old are in care.
- Must install protective guards on all windows and other glass surfaces that are not made of safety glass and that are located within 36 inches of the floor.
- Must have a written, posted emergency evacuation policy.
- Must have a first-aid kit.
- Must have pets domesticated and vaccinated.
- Must not allow pets in areas used for food storage or preparation.
- Must meet the provisions set forth by the Public Recreational Bathing Rules for swimming pools. Pools that are at least 24 inches deep shall be defined as swimming pools; those less than 24 inches deep shall be defined as wading pools.
- Smoking is prohibited in rooms and outside play areas occupied by children.

### **Child medical requirements**

- Must have a physical exam within six months to one year before admittance, depending on age.
- Must be immunized according to the state health code.
- Must have written permission to allow staff to administer medications.

### **Care for sick children**

- Providers may serve sick children exclusively.
- Children who become sick must be removed to a separate area or room until he or she can be removed from the center, or until the director or her or his designee has communicated verbally with a health care provider, who indicates that that the child poses no serious health risk to him- or herself or to the other children.
- Parents must be notified if any person has a communicable disease listed by the state.

## *Family child care homes*

### **Registration**

- Registration is voluntary and must be renewed every three years.
- Certificates of registration must be posted.
- Liability insurance is not required.

### **State inspection**

- 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*.
- Each year, 20 percent of homes are inspected at random.
- Unannounced inspection takes place after a complaint.

### **Staff:child ratios**

- Younger than 12 months: one staff for up to three children (1:3)
- 12 months to 2 years: one staff for up to four children (1:4) with no more than two children under 12 months

### **Maximum group size**

- Up to five children plus three more of provider's own.
- Provider's children over 6 years old are not included in group-size restrictions.
- One provider may care for
  - Up to three children younger than 12 months old
  - Up to four children under 2 years old, if no more than two children are under 12 months old
  - Up to five children in a group consisting of the maximum number of infants or toddlers and additional school-age children
  - Up to five preschool or school-age children and three additional preschool children of the provider
- An assistant is required when caring for more than three children under 12 months old or more than four children under 2 years old.

### **Staff qualifications**

#### **Provider**

- Must be at least 18 years old.
- Must reside in the home.
- Must have eight hours of pre-service training, including child development, discipline, safety, first aid, health, nutrition, program activities, shaken baby syndrome, sudden infant death syndrome (SIDS), and parent-provider communication, as well as additional subjects of training.
- Must be present 75 percent of the time children are in care.

**Assistant**

- Assistants under 18 years may not be left alone with children except in an emergency.

**Staff training**

- Must have eight hours of training prior to registration.
- Must have at least eight hours of training during three-year registration period.

**CPR and first aid**

- No requirements.

**Staff medical requirements**

- Must have a physical exam, including TB test or chest x-ray.
- AIDS test is not required.
- Drug and alcohol tests are not required.

**Staff background checks**

- Two references and a statement, signed by the sponsor, that there is no criminal record for the provider, persons at least 14 years old who live or work in the home, and staff of the sponsoring organization.
- Child Abuse Record Information background check is required for providers and all persons 14 years old and older who live or work in the home.
- Fingerprinting and criminal checks are not required.

**Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.

**Parents' rights**

- Parents must receive information from the sponsoring organization that registers homes.
- Parents must be informed of injury or illness requiring immediate medical attention.
- Parents must be informed of discipline philosophy.
- Parents must have the right to visit all parts of the home used for child care.
- Parents must be informed if there are any smokers or pets in the home.
- Parents must be informed of names of assistants or substitutes.

### **Health and safety requirements**

- Must comply with local zoning ordinances.
- Must have a working phone or be able to reach one within five minutes.
- Must post emergency phone numbers.
- Must have a flashlight and first-aid kit.
- Must have working smoke detectors on each level.
- Must store firearms, weapons, and ammunition in a locked cabinet, out of the reach of children.
- Must keep stairs free of hazards.
- Must store hazardous or toxic materials in a locked cabinet or in an area inaccessible to children.
- Must cover electrical outlets.
- Must have a written, posted emergency evacuation policy.
- Must have pets domesticated and vaccinated.
- Must make swimming pools inaccessible to unsupervised children.
- No smoking is allowed in the presence of children.

### **Child medical requirements**

- Must have a physical exam within six months to one year before admittance, depending on age.
- Must be immunized according to the state health code.
- Must have written permission to allow staff to administer medications.

### **Care for sick children**

- Homes must have their policies approved by the sponsoring organization when caring for sick children.