

10:48A-3.7 Appeals

An individual may petition for a hearing on the accuracy of the criminal history record information with the appropriate State or Federal agency or court.

APPENDIX

CERTIFICATION AND PERMISSION FOR BACKGROUND CHECK AND RELEASE OF INFORMATION

I hereby authorize the Department of Human Services to conduct a criminal history background check and I agree to be fingerprinted in order to complete the State and Federal background check process. I further authorize the release of all information regarding the results of my background check to the Department of Human Services. Check one of the options listed below.

Option 1 I hereby certify under penalties of perjury, that I have not been convicted of any of the offenses listed below and no such record exists in the State Bureau of Identification in the Division of State Police or in the Federal Bureau of Investigation, Identification Division.

Option 2 I hereby affirm that I have been convicted of the following offense listed below on (date)

If I have checked Option 2 or the criminal history background check reveals any conviction(s) for the offenses listed below, I understand that I may be subject to termination from employment, or if I am associated with a community care residence, the residence will not be qualified to house individuals.

FOR PROVISIONAL EMPLOYEES ONLY: As a provisional employee, I further understand that I may be employed by the agency for a period not to exceed six months during which time a background check will be completed. I understand that I will work under the supervision of a superior where possible.

Offenses covered under P.L. 1999, c.358:

In New Jersey, any crime or disorderly person offense:

—involving danger to the person as set forth in N.J.S.A. 2C:11-1 et seq. through 2C:15-1 et seq. including the following:

- i. Murder
ii. Manslaughter
iii. Death by auto
iv. Simple assault
v. Aggravated assault
vi. Recklessly endangering another person
vii. Terroristic threats
viii. Kidnapping
ix. Interference with custody of children
x. Sexual assault
xi. Criminal sexual contact
xii. Lewdness
xiii. Robbery

—against the children or incompetents as set forth in N.J.S.A. 2C:24-1 et seq. including the following:

- i. Endangering the welfare of a child
ii. Endangering the welfare of an incompetent person
—a crime or offense involving the manufacture, transportation, sale, possession or habitual use of a controlled dangerous substance as defined in N.J.S.A. 2C:24-1 et seq.

—in any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described above.

FOR COMMUNITY AGENCY HEAD: I understand the results of this background check will be reported to the President of the Board of my agency.

PLEASE LIST THE NAME AND HOME OR BUSINESS ADDRESS OF THE BOARD PRESIDENT.

Three horizontal lines for listing the name and address of the board president.

Signature lines for Name (please print), Signature, Date, Witnessed by (please print), Witness Signature, and Date.

(a)

COMMISSIONER'S OFFICE
Notice of Readoption
Contract Administration

Readoption: N.J.A.C. 10:3

Authority: N.J.S.A. 30:1-12 et seq.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Effective Date: July 24, 2023.

New Expiration Date: July 24, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:3 were scheduled to expire on October 25, 2023. This chapter contains the rules of the Department of Human Services (Department) regarding contract administration.

The chapter is comprised of four subchapters, which are summarized below.

Subchapter 1, Debarment, Suspension, and Disqualification of Person(s), includes definitions of relevant terms referenced throughout the subchapter, such as: affiliates, debarment, DHS contracting, disqualification, person, and suspension. The subchapter also provides the processes causes, conditions, requirements, and lists for debarments, suspensions, and disqualifications. The subchapter addresses the requirements for prior notice and appeals. Lastly, the subchapter states the authority to contract, the impact upon existing rules, and conflict of interest.

Subchapter 2, Capital Funding Program and Funding Agreement, provides guidance for three types of standard contract/agreements that have been developed to consolidate division-specific contracts/agreements. First, the subchapter addresses the Standard Contract/Agreement for Construction, Purchase, or Purchase and Renovation of Community-Based Facilities. Second, the subchapter addresses the Standard Contract/Agreement for Agency-Owned or Leased Community Facilities. Lastly, this subchapter addresses the Funding Agreement for Community-Based Facility Planning and Design Services document to be used by all divisions.

Subchapter 3, Request for Proposal, provides the purpose and scope, defines terms used throughout the subchapter, and addresses the requirements for the request for proposal (RFP). The subchapter provides the circumstances in which services may be obtained through sole sourcing when there are no or only one response to an RFP. Internal controls for proposals, funding proposal requirements, the composition of the RFP review panel, how proposals and applicants are evaluated, the notification of selection requirements, the retention requirements for RFP documents, contract negotiations, and a description of the exceptions that may be allowed in the RFP process are all included in this subchapter. Appendices A, B, C, and D provide an addendum, statement of assurances, a privatization participation disclosure form, and a certification that have been used by the Department.

Subchapter 4 is reserved.

While the Department is readopting these rules, it recognizes that further rulemaking may be necessary to update these rules to reflect current practices. Thus, the Department will continue to review the rules and may consider making substantive amendments prior to the next scheduled expiration. The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required pursuant to Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 52:14B-

5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

## (a)

## DIVISION OF FAMILY DEVELOPMENT

Notice of Readoption  
Child Care Services

## Readoption with Technical Changes: N.J.A.C. 10:15

Authority: N.J.S.A. 30:1-12.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Effective Dates: July 24, 2023, Readoption;  
August 21, 2023, Technical Changes.

New Expiration Date: July 24, 2030.

**Take notice** that, in accordance with N.J.S.A. 52:14B-5.1, the Child Care Services rules at N.J.A.C. 10:15 were scheduled to expire on September 28, 2023. The Division of Family Development (DFD) has reviewed the rules and has determined that the rules should be readopted. In addition to readopting the existing rules, DFD is making technical changes throughout N.J.A.C. 10:15 to reflect the recodifications of: N.J.A.C. 10:122, Manual of Requirements for Child Care Centers, as N.J.A.C. 3A:52; N.J.A.C. 10:122C, Manual of Requirements for Resource Family Parents, as N.J.A.C. 3A:51; and N.J.A.C. 10:126, Manual of Requirements for Family Child Care Registration, as N.J.A.C. 3A:54. These recodifications were made by the Department of Children and Families (DCF) pursuant to the “Department of Children and Families Act,” N.J.S.A. 9:3A-1 et seq., which transferred the functions in those chapters from the Department of Human Services to DCF. The technical changes also include the correction of certain cross-references.

While DFD is readopting these rules with technical changes, it recognizes that further rulemaking may be necessary to update these rules to reflect current practices and procedures. Thus, DFD will continue to review the rules and may consider making substantive amendments prior to the next scheduled expiration date.

DFD has determined that these rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated, and should be readopted with technical changes. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

N.J.A.C. 10:15 sets forth the policies for a unified child care service delivery system inclusive of all child care service programs, including voucher child care programs and contracted child care programs for which identified funding is received by the Department of Human Services (DHS) and administered through the DFD.

The following summaries describe the subchapters at N.J.A.C. 10:15:

N.J.A.C. 10:15-1 provides the purpose of Chapter 15. This subchapter also establishes that the policies and procedures set forth in this chapter are binding on those agencies contracting with DHS to provide services through these child care service programs and that the child care programs will be administered within the framework of Federal and State laws, rules, and regulations. This subchapter also provides the definitions for Chapter 15, and establishes general policies regarding mutual respect, nondiscrimination, and confidentiality.

N.J.A.C. 10:15-2 covers the responsibilities and obligations of the different agencies, parents/applicants, and providers with respect to child care service programs.

N.J.A.C. 10:15-3 delineates that child care services are provided to Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) participants to the extent such services are necessary to permit a TANF family to accept employment, remain employed, or participate in a WFNJ work activity. These services shall be available for WFNJ/TANF eligible dependent children during the recipient’s period of eligibility for cash assistance.

N.J.A.C. 10:15-4 concerns eligibility for transitional child care (TCC) benefits. TCC benefits provide child care services to families whose

eligibility for cash assistance has terminated when the case is closed due to earnings from employment.

N.J.A.C. 10:15-5 concerns the provisions of the New Jersey Cares for Kids (NJCK) program, which provides eligible families with necessary child care services. Full and part-time child care arrangements are available for care of an infant, toddler, preschool child, school-aged child, or child with special needs.

N.J.A.C. 10:15-6 concerns contracted child care centers. DFD requires that certain admissions criteria be observed by contracted child care agencies to ensure that subsidized child care services are provided on a consistent basis Statewide to those eligible children and their families in greatest need of the service. The admissions criteria established at N.J.A.C. 10:15-6 shall apply to all eligible children on behalf of whom subsidized child care is requested. The scope of this subchapter specifically applies to center-based child care provider agency contracts as designated by DFD. This subchapter also provides guidance to parents/applicants regarding their responsibilities in this process as well as the basis for the denial, reduction, or suspension of subsidized services.

N.J.A.C. 10:15-7 provides an overview of the Family Child Care (FCC) Registration Program. Through the State’s voluntary FCC Registration Program, individuals are registered as family child care providers pursuant to N.J.A.C. 3A:54.

N.J.A.C. 10:15-8 is reserved.

N.J.A.C. 10:15-9 provides that families eligible to receive child care services from DHS-administered programs shall pay a fee toward the cost of child care services, except for children in Child Protective Services (CPS) and for families whose income is less than 100 percent of the Federal Poverty Level. A co-payment scale established by DHS shall provide for some level of contribution by most parent/applicants receiving child care. The co-payment scale shall consider family income, family size, hours of care needed, and number of children in care.

N.J.A.C. 10:15-10 concerns payment policies and maximum reimbursement rates for child care. Child care payments are available for care of an infant, toddler, preschool child, school-aged child, or children with special needs in various types of arrangements, including full- and part-time child care and care before and after school.

N.J.A.C. 10:15-11 is reserved.

**Full text** of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 1. GENERAL PROVISIONS

## 10:15-1.2 Definitions

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

...  
 “Appropriate child care” means the child care provider is open for the hours and days the parent would need child care in order to comply with work requirements and the provider is able and willing to provide child care services including addressing any special needs of the child(ren), and meets [DHS] **DCF** requirements set forth at N.J.A.C. [10:122 and 10:126] **3A:52 and 3A:54**.

“Approved home” or “approved home provider” means a child care provider not registered pursuant to the Family [Child] **Day** Care Provider Registration Act (see **N.J.S.A. 30:5B-16 et seq. and** N.J.A.C. [10:126] **3A:54**), whose home has been evaluated and authorized for payment through the DHS child care services programs, using the Self-Arranged Care Inspection and Interview Checklist (see N.J.A.C. 10:15-2.4(a)10) and having the prospective approved home provider and all members of the household who are 14 years of age and older pass a Child Abuse Record Information (CARI) background check.

...  
 “Foster home” or “foster care” means a type of out of home placement in a private family residence with a family approved by the [CP&P or another agency, using standards established by the CP&P, to care for five or fewer children, or who meet the requirements of N.J.A.C. 10:122C-1.9(b) to care for more than five foster children.] **DCF to care for children** whose parents are unable or unwilling to provide appropriate care for them and for whose care the foster family is reimbursed.

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