ASSEMBLY, No. 4625

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 22, 2018

Sponsored by:
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District 4 (Camden and Gloucester)
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SYNOPSIS
Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning family day care providers and amending
P.L.2017, c.89.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. Section 5 of P.L.2017, c.89 (C305B-25.9) is amended to
read as follows

5. a. The Commissioner of Children and Families is authorized
to exchange fingerprint data with, and to receive information from,
the Division of State Police in the Department of Law and Public
Safety and the Federal Bureau of Investigation.
b. Upon receipt of criminal history record information from the
Federal Bureau of Investigation and the Division of State Police, for
each of the parties identified in subsection a. of section 2 of
P.L.2017, c.89 (C.30:5B-25.6), the Department of Children and
Families shall notify the family day care provider, in writing, of the
department’s decision to approve or deny the family day care
provider’s application for a certificate or renewal of registration, or
its decision to revoke the family day care provider’s existing
registration, as the case may be. The department shall also advise
the family day care provider, the family day care sponsoring
organization, and any person, other than the provider, who was the
subject of the criminal history record background check, within a
reasonable timeframe, of the results of any criminal history record
background check that is conducted under section 3 of P.L.2017,
c.89 (C.30:5B-25.7).
c. If the department denies an application for a certificate or
renewal of registration, or revokes an existing registration, because
the family day care provider, or other relevant party listed in
subsection a. of section 2 of P.L.2017, c.89 (C.30:5B-25.6), has
been determined to have a disqualifying record of convictions, as
provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7), the
convictions that constitute the basis for such denial or revocation
shall be identified in the written notice of disqualifying convictions
that is provided to all parties the family day care provider or
other person who was the subject of the criminal history record
background check under subsection b. of this section. In such a
case, the family day care provider or other person who was the
subject of the criminal history record background check shall have
14 days from the date of the written notice to challenge the
accuracy of the criminal history record information upon which the
denial or revocation was based. If no challenge is filed, or if a
challenge is filed, but the denial or revocation is upheld, the
department shall notify the family day care sponsoring organization

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
that the family day care provider's registration has been denied or revoked [on the basis of disqualifying criminal history record information].

d. The Division of State Police shall promptly notify the department whenever a person who was the subject of a criminal history record background check under section 3 of P.L.2017, c.89 (C.30:5B-25.7), is convicted of a crime or offense in this State after the date on which the background check was performed. Upon receipt of such notification, the department shall determine whether to revoke the family day care provider’s certificate of registration. (cf: P.L.2017, c.89, s.5)

2. This act shall take effect immediately.

STATEMENT

If it has been determined that a prospective or current family day care provider or other relevant party who has undergone a criminal history record background check as part of the family day care provider certification process has a disqualifying record of convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7), current law requires the Department of Children and Families (DCF) to provide the family day care provider or other relevant party with written notice of the disqualifying convictions.

This bill amends section 5 of P.L.2017, c.89 (C.30:5B-25.9) to clarify that DCF is required to provide a written notice of disqualifying convictions to a prospective or current family day care provider or other person who was the subject of a criminal history record background check, as part of the family day care provider certification process, if it is determined the family day care provider or the other person has a disqualifying record of convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7).