

[Second Reprint]

ASSEMBLY, No. 4746

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2020

Sponsored by:

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District 4 (Camden and Gloucester)

Assemblywoman YVONNE LOPEZ

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Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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**Assemblywomen Downey, Jimenez, Assemblyman Freiman,
Assemblywomen Lampitt, Swain, Assemblyman Tully, Assemblywomen
Vainieri Huttie, Speight, Quijano and McKnight**

SYNOPSIS

Requires that certain provider subsidy payments for child care services be based on enrollment.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 21, 2021.

(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT concerning State subsidies to child care providers and
 2 supplementing chapter 5B of Title 30 of the Revised Statutes.

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. a. Notwithstanding any law, rule, or regulation to the
 8 contrary and in addition to any other criteria set forth by the
 9 Division of Family Development in the Department of Human
 10 Services to determine a provider's subsidy payment for child care
 11 services, the division shall determine the subsidy payment for child
 12 care services issued to a licensed child care provider ¹~~in which 60~~
 13 ~~percent or more of the provider's enrollment is eligible for child~~
 14 ~~care services]~~ ²~~shall be~~ ¹ or a registered family day care provider²
 15 based on the number of children enrolled with the provider who are
 16 eligible for child care services. At no time shall a subsidy payment
 17 for child care services issued to a licensed child care provider ¹~~in~~
 18 ~~which 60 percent or more of the provider's enrollment is eligible~~
 19 ~~for child care services]~~ ¹ ²or a registered family day care provider²
 20 be based on the attendance of eligible children for child care
 21 services.

22 b. ¹A licensed child care provider ²or a registered family day
 23 care provider² for which the subsidy payment is based on
 24 enrollment of children who are eligible for child care services shall
 25 comply at all times with requirements concerning the ratio of staff
 26 to enrolled children, as established pursuant to regulation by the
 27 Office of Licensing in the Department of Children and Families. At
 28 no time shall this ratio be based on the attendance of children
 29 eligible for child care services.

30 c. Within 24 months following the effective date of this act, the
 31 division shall submit a written report to the Governor and, pursuant
 32 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature
 33 comparing the costs of basing child care provider subsidy payments
 34 on the number of children eligible for child care services enrolled
 35 with the provider and basing such subsidy payments on the
 36 attendance of children eligible for child care services.

37 d.¹ The Commissioner of Human Services shall apply for such
 38 State plan amendments or waivers as may be necessary to
 39 implement the provisions of this section and to continue to secure
 40 any available federal financial participation for the applicable child
 41 care programs.

42 ¹~~[c.]e.~~¹ As used in this section, "child care services" means
 43 those services provided to eligible children, as certified by the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AWC committee amendments adopted June 9, 2021.

²Assembly floor amendments adopted June 21, 2021.

1 Division of Family Development within the Department of Human
2 Services, for which the division receives and administers State and
3 federal funding to provide subsidy payments to licensed child care
4 providers ²and registered family day care providers².
5

6 2. The Commissioner of Human Services, pursuant to the
7 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
8 1 et seq.) shall adopt rules and regulations necessary to implement
9 the provisions of this act.
10

11 3. This act shall take effect immediately ¹and shall expire two
12 years after the federal government approves the State’s application for
13 a State plan amendment or waiver, pursuant to section 1 of this act, or
14 the division implements the revised child care subsidy payment rates,
15 whichever occurs earlier.¹