

[Third Reprint]

ASSEMBLY, No. 4746

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2020

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

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District 25 (Morris and Somerset)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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 on December 20, 2021 by the General Assembly pursuant to the Governor's recommendations.

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

AN ACT concerning State subsidies to child care providers and
³supplementing chapter 5B of Title 30 of the Revised Statutes]
making an appropriation³.

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

1. a. ³Notwithstanding] For the period beginning on the
effective date of P.L. , c. (pending before the Legislature as this
bill) and ending June 30, 2022, and notwithstanding³ any law, rule,
or regulation to the contrary and in addition to any other criteria set
forth by the Division of Family Development in the Department of
Human Services to determine a provider's subsidy payment for
child care services, the division shall determine the subsidy
payment for child care services issued to a licensed child care
³provider] center³ ¹in which 60 percent or more of the provider's
enrollment is eligible for child care services] ²shall be¹] or a
registered family day care provider² based on the number of
children enrolled with the provider who are eligible for child care
services. At no time ³during this period³ shall a subsidy payment
for child care services issued to a licensed child care ³provider]
center³ ¹in which 60 percent or more of the provider's enrollment
is eligible for child care services]¹ ²or a registered family day care
provider² be based on the attendance of eligible children for child
care services.

b. ¹A licensed child care ³provider] center³ ²or a registered
family day care provider² for which the subsidy payment is based
on enrollment of children who are eligible for child care services
shall comply at all times with requirements concerning the ratio of
staff to enrolled children, as established pursuant to regulation by
the Office of Licensing in the Department of Children and Families.
At no time shall this ratio be based on the attendance of children
eligible for child care services.

c. Within ³24] ¹²months following the effective date of this
act, the division shall ³conduct a study and³ submit a written report
to the Governor and, pursuant to section 2 of P.L.1991, c.164
(C.52:14-19.1), to the Legislature comparing the costs of basing
child care provider subsidy payments on the number of children
³enrolled who are³ eligible for child care services ³enrolled with
the provider]³ and basing such subsidy payments on the ³number of
children in³ attendance ³of children] who are³ eligible for child
care services. ³As part of the study and report, the division may

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.

³Assembly amendments adopted in accordance with Governor's
recommendations December 20, 2021.

1 consider other measures that may be taken with respect to the
2 payment of subsidies to licensed child care centers and registered
3 family day care providers to ensure stability for providers and best
4 serve families of children eligible for child care services.³

5 d.¹ The Commissioner of Human Services shall apply for such
6 State plan amendments or waivers as may be necessary to
7 implement the provisions of this section and to continue to secure
8 any available federal financial participation for the applicable child
9 care programs.

10 ¹[c.]e.¹ As used in this section, “child care services” means
11 those services provided to eligible children, as certified by the
12 Division of Family Development within the Department of Human
13 Services, for which the division receives and administers State and
14 federal funding to provide subsidy payments to licensed child care
15 ³[providers] centers^{3 2}and registered family day care providers².

16
17 2. ³[The Commissioner of Human Services, pursuant to the
18 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
19 1 et seq.) shall adopt rules and regulations necessary to implement
20 the provisions of this act] There is appropriated from the General
21 Fund to the Department of Human Services the sum of \$400,000 to
22 conduct the study and submit the report required pursuant to
23 subsection c. of section 1 of P.L. , c. (pending before the
24 Legislature as this bill). The Department is authorized to contract
25 with a third party to conduct the study and submit the report
26 required by that subsection.³

27
28 3. This act shall take effect immediately ³[¹and shall expire
29 two years after the federal government approves the State’s
30 application for a State plan amendment or waiver, pursuant to
31 section 1 of this act, or the division implements the revised child
32 care subsidy payment rates, whichever occurs earlier]^{3 1}.