

[First Reprint]

SENATE, No. 3947

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2021

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 21, 2021, with amendments.



(Sponsorship Updated As Of: 6/30/2021)

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**[shall be]** or
13 a registered family day care provider¹ based on the number of
14 children enrolled with the provider who are eligible for child care
15 services. At no time shall a subsidy payment for child care services
16 issued to a licensed child care provider ¹or a registered family day
17 care provider¹ be based on the attendance of eligible children for
18 child care services.

19 b. A licensed child care provider ¹or a registered family day
20 care provider¹ for which the subsidy payment is based on
21 enrollment of children who are eligible for child care services shall
22 comply at all times with requirements concerning the ratio of staff
23 to enrolled children, as established pursuant to regulation by the
24 Office of Licensing in the Department of Children and Families. At
25 no time shall this ratio be based on the attendance of children
26 eligible for child care services.

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

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

39 e. As used in this section, "child care services" means those
40 services provided to eligible children, as certified by the Division of
41 Family Development within the Department of Human Services, for
42 which the division receives and administers State and federal
43 funding to provide subsidy payments to licensed child care
44 providers ¹and registered family day care providers¹ .

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:

¹Senate SBA committee amendments adopted June 21, 2021.

1 2. The Commissioner of Human Services, pursuant to the
2 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
3 1 et seq.) shall adopt rules and regulations necessary to implement
4 the provisions of this act.

5
6 3. This act shall take effect immediately and shall expire two
7 years after the federal government approves the State’s application for
8 a State plan amendment or waiver, pursuant to section 1 of this act, or
9 the division implements the revised child care subsidy payment rates,
10 whichever occurs earlier.