

# ASSEMBLY, No. 4177

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 2, 2022

**Sponsored by:**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**SYNOPSIS**

Extends duration of law requiring certain provider subsidy payments for child care services be based on enrollment.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning child care subsidies and amending P.L.2021,  
2 c.324.

3

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

6

7 1. Section 1 of P.L. 2021, c.324 is amended to read as follows:

8 1. a. For the period beginning on the effective date of P.L.2021,  
9 c.324 and ending June 30, **[2022]** 2025, and notwithstanding any  
10 law, rule, or regulation to the contrary and in addition to any other  
11 criteria set forth by the Division of Family Development in the  
12 Department of Human Services to determine a provider's subsidy  
13 payment for child care services, the division shall determine the  
14 subsidy payment for child care services issued to a licensed child care  
15 center or a registered family day care provider based on the number  
16 of children enrolled with the provider who are eligible for child care  
17 services. At no time during this period shall a subsidy payment for  
18 child care services issued to a licensed child care center or a  
19 registered family day care provider be based on the attendance of  
20 eligible children for child care services.

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

29 c. **[Within 12 months following the effective date of this act, the**  
30 **division shall conduct a study and submit a written report to the**  
31 **Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-**  
32 **19.1), to the Legislature]** The division shall conduct a study  
33 comparing the costs of basing child care provider subsidy payments  
34 on the number of children enrolled who are eligible for child care  
35 services and basing such subsidy payments on the number of children  
36 in attendance who are eligible for child care services. As part of the  
37 study and [report] the reports issued pursuant to this section, the  
38 division may consider other measures that may be taken with respect  
39 to the payment of subsidies to licensed child care centers and  
40 registered family day care providers to ensure stability for providers  
41 and best serve families of children eligible for child care services.

42 The division shall issue an initial report on the study to the  
43 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
44 19.1), to the Legislature within 12 months following the effective

**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.**

1 date of this act, and a final report within three years of the effective  
2 date this act.

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

7 e. As used in this section, “child care services” means those  
8 services provided to eligible children, as certified by the Division of  
9 Family Development within the Department of Human Services, for  
10 which the division receives and administers State and federal funding  
11 to provide subsidy payments to licensed child care centers and  
12 registered family day care providers.  
13 (cf: P.L. 2021, c.324, s.1)

14

15 2. This act shall take effect immediately.

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#### STATEMENT

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20 This bill extends the applicability of P.L.2021, c.324, which  
21 requires that subsidy payments to licensed child care providers be  
22 based on enrollment of students who are eligible for child care  
23 services, rather than on attendance, to provide that the provisions of  
24 the law continue for an additional three years, instead of expiring on  
25 June 30, 2022 as provided for in existing law.

26 The bill also directs the Division of Family Development in the  
27 Department of Human Services to submit an initial report, to the  
28 Governor and the Legislature, on the study conducted under the  
29 provisions of P.L.2021, c.324 within 12 months following the  
30 effective date of the law and a final report within three years  
31 following the enactment of this bill.

32 Existing law requires the division to study and submit a written  
33 report to the Governor and the Legislature within 12 months of the  
34 effective date of the law. The law does not specify that the division  
35 submit an initial report within the law’s prescribed time limit, nor  
36 does it require that the division submit a final report.