

[Second Reprint]

**SENATE, No. 2478**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED MAY 9, 2022

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

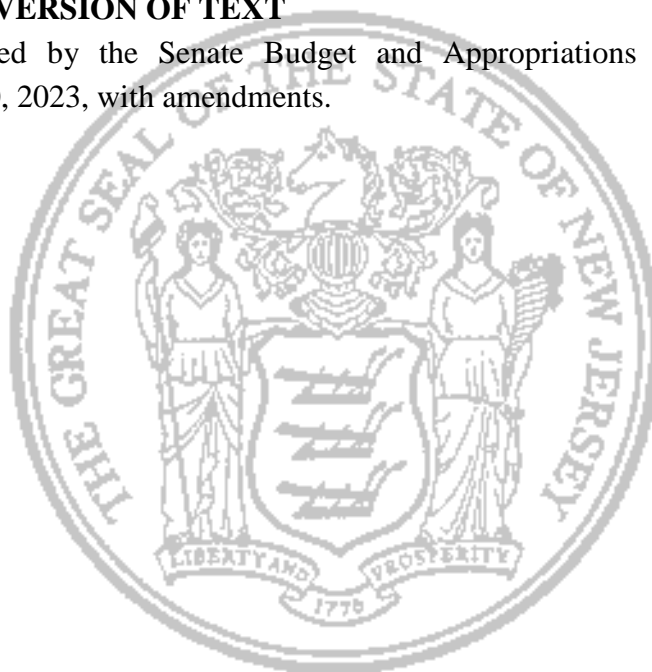
**Senators Cruz-Perez, Cryan, Cunningham, Singleton, Stanfield, Turner,  
Stack and Pou**

**SYNOPSIS**

Extends duration of law requiring 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 November 30, 2023, with amendments.



**(Sponsorship Updated As Of: 12/14/2023)**

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 <sup>1</sup>1. The title of P.L.2021, c.324 is amended to read as follows:

8 AN ACT concerning State subsidies to child care providers,  
9 supplementing Title 30 of the Revised Statutes, and making an  
10 appropriation.<sup>1</sup>

11 (cf: P.L.2021, c.324, Title)

12

13 <sup>1</sup>**[1.] 2.**<sup>1</sup> Section 1 of P.L.2021, c.324 <sup>1</sup>(C.\_\_\_\_)<sup>1</sup> is amended to  
14 read as follows:

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

28 b. <sup>1</sup>(1)<sup>1</sup> A licensed child care center or a registered family day  
29 care provider for which the subsidy payment is based on enrollment  
30 of children who are eligible for child care services shall comply at  
31 all times with requirements concerning the ratio of staff to enrolled  
32 children, as established pursuant to regulation by the Office of  
33 Licensing in the Department of Children and Families. At no time  
34 shall this ratio be based on the attendance of children eligible for  
35 child care services.

36 <sup>1</sup>(2) A licensed child care center or a registered family day care  
37 provider receiving an enrollment-based subsidy payment pursuant  
38 to this section shall pay wages to its staff, and determine the  
39 number of hours worked by staff, based on the number of children  
40 enrolled with the provider who are eligible for child care services.  
41 At no time shall the amount of wages paid to staff or the number of  
42 hours worked by staff be based on the attendance of children  
43 eligible for child care services.<sup>1</sup>

44 <sup>2</sup>(3) A licensed child care center or a registered family day care  
45 provider receiving an enrollment-based subsidy payment pursuant

**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:

<sup>1</sup>Senate SHH committee amendments adopted June 6, 2022.

<sup>2</sup>Senate SBA committee amendments adopted November 30, 2023.

1 to this section shall continue to receive such payments until the  
2 division issues the final report required pursuant to subsection c. of  
3 this section, at which time the division may consider to extend the  
4 payment of enrollment-based subsidies to licensed child care  
5 centers and registered family day care providers in accordance with  
6 P.L.2021, c.324 (C. \_\_\_\_\_).<sup>2</sup>

7 c. **【Within 12 months following the effective date of this act, the**  
8 **division shall conduct a study and submit a written report to the**  
9 **Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-**  
10 **19.1), to the Legislature】** The division shall conduct a study  
11 comparing the costs of basing child care provider subsidy payments  
12 on the number of children enrolled who are eligible for child care  
13 services and basing such subsidy payments on the number of  
14 children in attendance who are eligible for child care services. As  
15 part of the study and **【report】** the <sup>2</sup>**【reports】** report<sup>2</sup> issued pursuant  
16 to this section, the division may consider other measures that may  
17 be taken with respect to the payment of subsidies to licensed child  
18 care centers and registered family day care providers to ensure  
19 stability for providers and best serve families of children eligible  
20 for child care services.

21 The division shall issue <sup>2</sup>**【an initial】** a<sup>2</sup> report on the study to the  
22 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
23 19.1), to the Legislature within <sup>2</sup>**【12 months following the effective**  
24 date of <sup>1</sup>**【this act】** P.L.2021, c.324 (C. \_\_\_\_\_)<sup>1</sup> , and a final report  
25 within three years of the effective date <sup>1</sup>**【this act】】** three years of  
26 the effective date<sup>2</sup> of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
27 Legislature as this bill)<sup>1</sup> .

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

33 e. As used in this section, “child care services” means those  
34 services provided to eligible children, as certified by the Division of  
35 Family Development within the Department of Human Services, for  
36 which the division receives and administers State and federal  
37 funding to provide subsidy payments to licensed child care centers  
38 and registered family day care providers.

39 (cf: P.L.2021, c.324, s.1)

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41 <sup>1</sup>**【2.】** <sup>3.1</sup> This act shall take effect immediately.