

AMENDED IN SENATE JUNE 15, 2005

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1601

Introduced by Assembly Member Laird

February 22, 2005

An act to amend Sections 1596.66 and 1596.67 of, and to add ~~Section~~ *Sections* 1596.675 and 1596.8745 to, the Health and Safety Code, relating to child care, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1601, as amended, Laird. Child care: provider registration: background checks.

Existing law establishes a process whereby any license-exempt child care provider, defined as a person 18 years of age or older who provides child care or supervision, or any person providing in-home educational or counseling services to a minor, and who is not otherwise required to be licensed, is authorized to initiate a background examination to become a registered trustline provider.

Existing law requires each license-exempt child care provider who is compensated, in whole or in part, with funds provided pursuant to the Alternative Payment Program or the federal Child Care and Development Block Grant Program, except a provider who is, by marriage, blood, or court decree, the grandparent, aunt, or uncle of the child in care, to be a registered trustline provider in order to be eligible to receive that compensation. Existing law also requires each child

care provider who receives compensation for his or her services under Stage 1 of the CalWORKs Child Care Program, except a provider who is, by marriage, blood, or court decree, the grandparent, aunt, or uncle of the child in care, to be a registered trustline provider in order to be eligible to receive that compensation.

~~This~~

Upon sufficient appropriation in the Budget Act to cover any increased costs, this bill would require trustline provider registration for persons who are, by marriage, blood, or court decree, the aunt or uncle of the child in care who apply to be child care providers, on and after July 1, 2006, to be compensated under the above programs.

In order to become a registered trustline provider, existing law requires that license-exempt child care providers submit fingerprints and a trustline application to the local child care resource and referral agency, which is required to transmit the fingerprints and completed trustline applications to the State Department of Social Services and address any local problems that occur in the registration system.

This bill would require the department and the State Department of Education, by January 1, 2006, to adopt and implement, in coordination with the county welfare department and representatives from the California Child Care Resource and Referral Network and the Alternative Payment Program, regulations to require license-exempt child care providers who are paid for their services through a child care subsidy program to submit a trustline application within 14 days of the start of child care services and to allow an ~~additional 14-day exemption~~ *date the person applied for child care services, with up to a possible additional 14 days that may be granted at the time of application at the option of the Alternative Payment Program or the county welfare department.* By imposing additional duties on a county department, this bill would impose a state-mandated local program.

Before approving the person's trustline provider registration application, existing law requires the department to check the individual criminal history against the child abuse index and requires the department, if the department finds that the trustline applicant has been convicted of a crime other than a minor traffic violation, to deny the application, unless the director grants an exemption. Existing law requires the department to notify the network of these application denials.

By July 1, 2006, for the above application denials, the bill would require the department to provide the network with the name of the appropriate exemption analyst and whether the provider could qualify for an exemption for any violations found. If criminal history or child abuse information is received from the Department of Justice regarding, or is voluntarily provided by, a trustline applicant who is paid through a child care subsidy program, the bill would require that the license-exempt child care provider stop receiving payments pursuant to any child care subsidy program, unless the director grants an exemption.

Existing law requires the California Child Care Resource and Referral Network to notify the applicable local child care resource and referral agencies, alternative payment programs, and county welfare departments of the status of the trustline applicants and registered trustline child care providers.

This bill would authorize the network to transmit that notification electronically.

The existing California Child Day Care Facilities Act provides for the licensing and regulation of child day care facilities by the State Department of Social Services.

The bill would require the department and the State Department of Education, in coordination with licensed child care providers and representatives from the California Child Care Resource and Referral Network and the Alternative Payment Program, to jointly develop an official state informational pamphlet for current and future licensed child care providers and to provide that informational pamphlet to the Assembly and Senate Human Services Committees by ~~June~~ *July* 1, 2006. The bill would require the department to make the informational pamphlet available to all licensed child care providers upon licensure or renewal of their licenses. The bill would require the pamphlet to be developed and distributed with funds raised through foundations and private resources.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1596.66 of the Health and Safety Code
2 is amended to read:

3 1596.66. (a) (1) Each license-exempt child care provider, as
4 defined pursuant to Section 1596.60, who is compensated, in
5 whole or in part, with funds provided pursuant to the Alternative
6 Payment Program, Article 3 (commencing with Section 8220) of
7 Chapter 2 of Part 6 of the Education Code or pursuant to the
8 federal Child Care and Development Block Grant Program,
9 except a provider who is, by marriage, blood, or court decree, the
10 grandparent, aunt, or uncle of the child in care, shall be registered
11 pursuant to Sections 1596.603 and 1596.605 in order to be
12 eligible to receive this compensation. Registration under this
13 chapter shall be required for providers who receive funds under
14 Section 9858 and following of Title 42 of the United States Code
15 only to the extent permitted by that law and the regulations
16 adopted pursuant thereto. Registration under this chapter shall be
17 required for providers who receive funds under the federal Child
18 Care and Development Block Grant Program only to the extent
19 permitted by that program and the regulations adopted pursuant
20 thereto.

21 (2) Notwithstanding paragraph (1), *upon sufficient*
22 *appropriation in the Budget Act to cover any increased costs as*
23 *determined by the department*, this section shall apply to any aunt
24 or uncle of a child in care who applies to be a license-exempt
25 child care provider on and after July 1, 2006, who receives
26 compensation under the Alternative Payment Program or the
27 federal Child Care and Development Block Grant Program for
28 providing child care for a recipient or former recipient.

29 (b) For the purposes of registration of the providers identified
30 in subdivision (a), the following procedures shall apply:

31 (1) Notwithstanding subdivision (a) of Section 1596.603, the
32 provider shall submit the fingerprints and trustline application to
33 the local child care resource and referral agency established

1 pursuant to Article 2 (commencing with Section 8210) of
2 Chapter 2 of Part 6 of the Education Code. The local child care
3 resource and referral agency shall transmit the fingerprints and
4 completed trustline applications to the department and address
5 any local problems that occur in the registration system. If a fee
6 is charged by the local child care resource and referral agency
7 that takes a provider's fingerprints, the provider shall be
8 reimbursed for this charge by the State Department of Education,
9 through the local child care resource and referral agency, from
10 federal Child Care and Development Block Grant funds to the
11 extent that those funds are available.

12 (2) The department shall adhere to the requirements of
13 Sections 1596.603, 1596.605, and 1596.607 and shall notify the
14 California Child Care Resource and Referral Network of any
15 action it takes pursuant to Sections 1596.605 and 1596.607.

16 (3) The California Child Care Resource and Referral Network
17 shall notify the applicable local child care resource and referral
18 agencies, alternative payment programs, and county welfare
19 departments of the status of the trustline applicants and registered
20 trustline child care providers. The network may notify those
21 entities electronically. The network shall maintain a toll-free
22 telephone line to provide information to the local resource and
23 referral agencies, the alternative payment programs, and the child
24 care recipients of the status of providers.

25 (4) By July 1, 2006, for any action taken pursuant to paragraph
26 (2), the department shall provide the Child Care Resource and
27 Referral Network with the name of the appropriate exemption
28 analyst and whether the provider could qualify for an exemption
29 for any violations found.

30 (c) This section shall become operative only if funds
31 appropriated for the purposes of this article from Item
32 6110-196-890 of Section 2 of the Budget Act of 1991 are
33 incorporated into and approved as part of the state plan that is
34 required pursuant to Section 658(E)(a) of the federal Child Care
35 Block Grant Act of 1990 (Sec. 5082, P.L. 101-508).

36 (d) By January 1, 2006, the department and the State
37 Department of Education shall adopt and implement, in
38 coordination with the county welfare department and
39 representatives from the California Child Care Resource and
40 Referral Network and the Alternative Payment Program,

1 regulations to require license-exempt child care providers who
2 are paid for their services pursuant to Sections 1596.66 and
3 1596.67 to submit a trustline application within 14 days of the
4 ~~start of child care services and to allow an additional 14-day~~
5 ~~exemption. The additional 14-day exemption shall be granted by~~
6 ~~the Alternative Payment Program or county welfare department~~
7 ~~only under circumstances developed, in coordination with the~~
8 ~~department and the State Department of Education, and~~
9 ~~implemented universally by both departments. *date the person*~~
10 ~~*applied for child care services, with up to a possible additional*~~
11 ~~*14 days that may be granted at the time of application at the*~~
12 ~~*option of the Alternative Payment Program or the county welfare*~~
13 ~~*department, based upon criteria jointly developed by the*~~
14 ~~*department and the State Department of Education in*~~
15 ~~*consultation with interested parties, and implemented universally*~~
16 ~~*by both departments.*~~

17 SEC. 2. Section 1596.67 of the Health and Safety Code is
18 amended to read:

19 1596.67. (a) (1) To the extent permitted by federal law, each
20 child care provider, as defined by Section 1596.60, who receives
21 compensation, in whole or in part, under Stage 1 of the
22 CalWORKs Child Care Program pursuant to Article 15.5
23 (commencing with Section 8350) of Chapter 2 of Part 6 of the
24 Education Code, for providing child care for a recipient or former
25 recipient, except a provider who is, by marriage, blood, or court
26 decree, the grandparent, aunt, or uncle of the child in care, shall
27 be registered pursuant to Sections 1596.603 and 1596.605 in
28 order to be eligible to receive this compensation. Active trustline
29 registration is required for providers who receive compensation
30 under Stage 1 of the CalWORKs Child Care Program pursuant to
31 Article 15.5 (commencing with Section 8350) of Chapter 2 of
32 Part 6 of the Education Code, for providing child care for a
33 recipient or former recipient only to the extent permitted by that
34 law and the regulations adopted pursuant thereto. This section
35 applies only to a license-exempt child care provider, as defined
36 by Section 1596.60, who registers for payment under Stage 1 of
37 the CalWORKs Child Care Program pursuant to Article 15.5
38 (commencing with Section 8350) of Chapter 2 of Part 6 of the
39 Education Code, for providing child care for a recipient or former

1 recipient after the implementation of the trustline registration
2 system in those programs.

3 (2) Notwithstanding paragraph (1), *upon sufficient*
4 *appropriation in the Budget Act to cover any increased costs as*
5 *determined by the department*, this section shall apply to any aunt
6 or uncle of a child in care who applies to be a child care provider
7 on and after July 1, 2006, who receives compensation under
8 Stage 1 of the CalWORKs Child Care Program for providing
9 child care for a recipient or former recipient.

10 (3) A provider, as defined by Section 1596.60, who was
11 exempted from trustline registration because the provider was not
12 compensated, in whole or in part, with funds provided under
13 Stage 1 of the CalWORKs Child Care Program pursuant to
14 Article 15.5 (commencing with Section 8350) of Chapter 2 of
15 Part 6 of the Education Code, for providing child care for a
16 recipient or former recipient shall be registered, at no cost to the
17 provider, pursuant to Sections 1596.603 and 1596.605 when
18 either of the following ~~occur~~ *occurs*:

19 (A) The provider begins to provide child care to an eligible
20 family for which he or she has not provided care.

21 (B) The provider begins to provide child care to an eligible
22 family subsequent to a lapse in providing care that is
23 compensated under Stage 1 of the CalWORKs Child Care
24 Program pursuant to Article 15.5 (commencing with Section
25 8350) of Chapter 2 of Part 6 of the Education Code, for providing
26 child care for a recipient or former recipient.

27 (b) Payment provided pursuant to subdivision (a) shall cease if
28 the provider has a criminal conviction for which the department
29 has not granted a criminal record exemption pursuant to
30 subdivision (f) of Section 1596.871.

31 (c) Subdivision (a) shall not be implemented unless funding
32 for trustline registration is appropriated to the department for this
33 purpose in the annual Budget Act or in other legislation. The
34 department shall enter into a contract with the California Child
35 Care Resource and Referral Network to administer the trustline
36 as it relates to providers who are compensated under Stage 1 of
37 the CalWORKs Child Care Program pursuant to Article 15.5
38 (commencing with Section 8350) of Chapter 2 of Part 6 of the
39 Education Code, for providing child care for a recipient or former
40 recipient.

1 SEC. 3. Section 1596.675 is added to the Health and Safety
2 Code, to read:

3 1596.675. If criminal history or child abuse information is
4 received from the Department of Justice regarding, or is
5 voluntarily provided by, a trustline applicant who is paid
6 pursuant to Sections 1596.66 and 1596.67, that license-exempt
7 child care ~~provider's facility~~ *provider* shall stop receiving
8 ~~payments~~ *payment* pursuant to any child care subsidy program,
9 unless the director grants an exemption pursuant to subdivision
10 (f) of Section 1596.871. The provider shall be ineligible to
11 receive payment until he or she is a registered trustline provider.

12 SEC. 4. Section 1596.8745 is added to the Health and Safety
13 Code, to read:

14 1596.8745. (a) The department and the State Department of
15 Education, in coordination with licensed child care providers and
16 representatives from the California Child Care Resource and
17 Referral Network and the Alternative Payment Program, shall
18 jointly develop an official state informational pamphlet for
19 current and future licensed child care providers by ~~June~~ *July* 1,
20 2006.

21 (b) The departments shall provide that informational pamphlet
22 to the Assembly and Senate Human Services Committees by
23 ~~June~~ *July* 1, 2006.

24 (c) The department shall make the informational pamphlet
25 available to all licensed child care providers upon licensure or
26 renewal of their licenses.

27 (d) The pamphlet shall serve as an information resource guide
28 for licensed child care providers and shall include, but not be
29 limited to, the following information:

30 ~~(1) How child care licensing works.~~

31 ~~(2)~~

32 *(1) What roles the department and the State Department of*
33 *Education play in the child care field.*

34 ~~(3) An overview of state regulations and laws that are~~
35 ~~applicable to licensed child care providers.~~

36 ~~(4) Instructions on what to do in case of an emergency.~~

37 *(2) The role licensed child care providers play in California's*
38 *child care system.*

39 (e) The guidebook shall be developed and distributed with
40 funds raised through foundations and private resources.

1 SEC. 5. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

6 ~~SEC. 6. This act is an urgency statute necessary for the~~
7 ~~immediate preservation of the public peace, health, or safety~~
8 ~~within the meaning of Article IV of the Constitution and shall go~~
9 ~~into immediate effect. The facts constituting the necessity are:~~

10 ~~To improve and streamline the trustline provider registry~~
11 ~~process as soon as possible, it is necessary that this act go into~~
12 ~~effect immediately.~~