

AMENDED IN SENATE AUGUST 30, 2010

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JULY 8, 2009

AMENDED IN ASSEMBLY MAY 28, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 222

Introduced by Assembly Member Adams
(Principal coauthor: Senator DeSaulnier)

February 4, 2009

An act to amend Sections 1596.616 and 1596.656 of the Health and Safety Code, relating to child care, ~~and~~ making an appropriation therefor, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 222, as amended, Adams. Child care.

Existing law requires the State Department of Social Services to establish a trustline registry for trustline providers who meet prescribed requirements.

Existing law defines a trustline provider as a person 18 years of age or older who provides child care, supervision, or any person providing in-home educational or counseling services to a minor, and who is not required to be licensed as a child day care provider.

Existing law, commencing January 1, 2011, provides that a person who provides care or supervision in an ancillary day care center, as defined, shall be registered as a trustline provider, and specifically defines a trustline provider as also meaning a person who provides child care or child care supervision in an ancillary day care center, other than the parent or guardian of the child receiving the care.

This bill would, instead, require that, commencing January 1, 2011, a person 18 years of age or older who provides child care or child care supervision in an ancillary day care center, be registered as a trustline provider. It would specifically provide that nothing in the trustline provider provisions shall be construed to prevent a person under 18 years of age from being employed in an ancillary day care center.

This bill would specify that a person is ineligible for employment in a position providing child care or child care supervision in an ancillary day care center if that person is denied trustline registration or has his or her trustline registration revoked, as prescribed. This bill would also permit an employee or prospective employee in an ancillary day care center to work in a position providing child care or child care supervision pending the department's review of his or her trustline application and any related.

Existing law authorizes the department to charge a fee to trustline applicants, as specified. Under existing law, moneys collected by the department to implement the trustline provisions are continuously appropriated to the department without regard to fiscal year for expenditure to implement the trustline provisions. Existing law requires the department to charge a fee to each trustline applicant who provides care in an ancillary day care center equal to the total amount required by the department to process applications and maintain the trustline registry for these providers.

This bill would, instead, require the department, in addition to the fee charged to trustline applicants, to charge a trustline applicant who provides child care or child care supervision in an ancillary day care center the amount of \$35, that may be adjusted annually as prescribed, to cover the department's costs to process applications and maintain the trustline registry for these providers. By increasing the amount of money in a continuously appropriated fund, this bill would make an appropriation.

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

Vote: ~~majority~~^{2/3}. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 1596.616 of the Health and Safety Code
2 is amended to read:
3 1596.616. The department shall charge each trustline applicant
4 who provides child care or child care supervision in an ancillary
5 day care center, in addition to the amount charged pursuant to
6 Section 1596.61, the amount of thirty-five dollars (\$35) to cover
7 the department's costs to process applications and maintain the
8 trustline registry for these providers. The department may annually
9 adjust the additional amount assessed under this section pursuant
10 to the consumer price index, but not to exceed the amount
11 necessary to cover the department's cost of implementing this
12 chapter for these providers.
13 SEC. 2. Section 1596.656 of the Health and Safety Code is
14 amended to read:
15 1596.656. (a) A person 18 years of age or older, who provides
16 child care or child care supervision in an ancillary day care center,
17 as defined in Section 1596.60, shall be registered pursuant to
18 Sections 1596.603 and 1596.605. Nothing in this chapter shall be
19 construed to prevent a person under 18 years of age from being
20 employed in an ancillary day care center.
21 (b) Notwithstanding any provision of law to the contrary, if a
22 person 18 years of age or older is denied trustline registration by
23 the department pursuant to Section 1596.605 or 1596.607, or if
24 the department revokes a person's trustline registration pursuant
25 to Section 1596.608, that person shall be ineligible for employment
26 in a position providing child care or child care supervision in an
27 ancillary day care center.
28 (c) If an existing employee providing child care or child care
29 supervision in an ancillary day care center, or a prospective
30 employee seeking employment in a position that provides child
31 care or child care supervision in an ancillary day care center,
32 submits an application to the department to become a registered
33 trustline child care provider, that existing or prospective employee
34 shall be deemed to be in compliance with the requirements of this
35 section and permitted to work in a position providing child care

1 or child care supervision pending the department’s review of his
2 or her trustline application. The existing or prospective employee
3 shall become ineligible for employment providing child care or
4 child care supervision in an ancillary day care center if the
5 department denies his or her trustline application and any right to
6 appeal the department’s denial has been exhausted or has expired.

7 (d) This section shall become operative on January 1, 2011.

8 *SEC. 3. This act is an urgency statute necessary for the*
9 *immediate preservation of the public peace, health, or safety within*
10 *the meaning of Article IV of the Constitution and shall go into*
11 *immediate effect. The facts constituting the necessity are:*

12 *In order to implement, as soon as possible, the provisions of*
13 *Senate Bill No. 702 of the 2009–10 Regular Session of the*
14 *Legislature ensuring background checks for ancillary daycare*
15 *providers, it is necessary that this act take effect immediately.*