

Assembly Bill No. 222

CHAPTER 431

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

[Approved by Governor September 29, 2010. Filed with
Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 222, 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 appeal.

Existing law authorizes the department to charge a fee to trustline applicants, as specified. 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.

The bill would provide that the fee charged by the department shall be equal to and shall not exceed the total amount required by the department to process applications and maintain the trustline registry.

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

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

SECTION 1. Section 1596.616 of the Health and Safety Code is amended to read:

1596.616. Notwithstanding Section 1596.61, the department shall charge a fee to each trustline applicant who provides care in an ancillary day care center, that is equal to and does not exceed the total amount required by the department to process applications and maintain the trustline registry for these providers.

SEC. 2. Section 1596.656 of the Health and Safety Code is amended to read:

1596.656. (a) A person 18 years of age or older, who provides child care or child care supervision in an ancillary day care center, as defined in Section 1596.60, shall be registered pursuant to Sections 1596.603 and 1596.605. Nothing in this chapter shall be construed to prevent a person under 18 years of age from being employed in an ancillary day care center.

(b) Notwithstanding any provision of law to the contrary, if a person 18 years of age or older is denied trustline registration by the department pursuant to Section 1596.605 or 1596.607, or if the department revokes a person's trustline registration pursuant to Section 1596.608, that person shall be ineligible for employment in a position providing child care or child care supervision in an ancillary day care center.

(c) If an existing employee providing child care or child care supervision in an ancillary day care center, or a prospective employee seeking employment in a position that provides child care or child care supervision in an ancillary day care center, submits an application to the department to become a registered trustline child care provider, that existing or prospective employee shall be deemed to be in compliance with the requirements of this section and permitted to work in a position providing child care or child care supervision pending the department's review of his or her trustline application. The existing or prospective employee shall become ineligible for employment providing child care or child care supervision in an ancillary day care center if the department denies his or her trustline application and any right to appeal the department's denial has been exhausted or has expired.

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

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

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

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