

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 401

Introduced by Senator Nguyen

February 25, 2015

An act to ~~amend Section 1516 of, and to add Section 1596.810 to,~~ to the Health and Safety Code, relating to day care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 401, as amended, Nguyen. Day ~~cares-~~ *care facilities*.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities, as defined, ~~and crisis nurseries~~ by the State Department of Social Services. Existing law requires that the maximum licensed capacity for those facilities be based on 35 square feet of indoor activity space per child.

This bill would exempt those facilities from the 35 square footage requirement if the facility is located in an office building.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 ~~SECTION 1. Section 1516 of the Health and Safety Code is~~
- 2 ~~amended to read:~~
- 3 ~~1516. (a) A crisis nursery, as defined in paragraph (17) of~~
- 4 ~~subdivision (a) of Section 1502, shall be licensed by the department~~
- 5 ~~to operate a crisis residential overnight program. Notwithstanding~~
- 6 ~~Section 1596.80, a crisis nursery may also provide crisis day~~
- 7 ~~services.~~

1 ~~(b) A crisis nursery shall be organized and operated on a~~
2 ~~nonprofit basis by either a private nonprofit corporation or a~~
3 ~~nonprofit public benefit corporation.~~

4 ~~(c) A facility licensed on or before January 1, 2004, as a group~~
5 ~~home for children under six years of age with a licensed capacity~~
6 ~~greater than 14 children, but less than 21 children, that provides~~
7 ~~crisis nursery services shall be allowed to retain its capacity if~~
8 ~~issued a crisis nursery license until there is a change in the~~
9 ~~licensee's program, location, or client population.~~

10 ~~(d) Each crisis nursery shall collect and maintain information,~~
11 ~~in a format specified by the department, indicating the total number~~
12 ~~of children placed in the program, the length of stay for each child,~~
13 ~~the reasons given for the use of the crisis nursery, and the age of~~
14 ~~each child. This information shall be made available to the~~
15 ~~department upon request.~~

16 ~~(e) Notwithstanding Section 1596.80, a crisis nursery may~~
17 ~~provide crisis day services for children under six years of age at~~
18 ~~the same site that it is providing crisis residential overnight~~
19 ~~services.~~

20 ~~(1) A child shall not receive crisis day services at a crisis nursery~~
21 ~~for more than 30 calendar days, maximum of 12 hours per day, or~~
22 ~~a total of 360 hours, in a six-month period unless the department~~
23 ~~issues an exception to allow a child to receive additional crisis day~~
24 ~~services in a six-month period.~~

25 ~~(2) The department, upon receipt of an exception request~~
26 ~~pursuant to paragraph (1) and supporting documentation as required~~
27 ~~by the department, shall respond within five working days to~~
28 ~~approve or deny the request.~~

29 ~~(3) No more than two exceptions, in seven-calendar day or~~
30 ~~84-hour increments, may be granted per child in a six-month~~
31 ~~period.~~

32 ~~(f) A crisis nursery license shall be issued for a specific capacity~~
33 ~~determined by the department.~~

34 ~~(1) (A) The maximum licensed capacity for crisis day services~~
35 ~~shall be based on 35 square feet of indoor activity space per child.~~
36 ~~Bedrooms, bathrooms, halls, offices, isolation areas,~~
37 ~~food-preparation areas, and storage places shall not be included~~
38 ~~in the calculation of indoor activity space. Floor area under tables,~~
39 ~~desks, chairs, and other equipment intended for use as part of~~
40 ~~children's activities shall be included in the calculation of indoor~~

1 space. This subparagraph shall not apply to a crisis nursery that is
2 located in an office building.

3 (B) There shall be at least 75 square feet per child of outdoor
4 activity space based on the total licensed capacity. Swimming
5 pools, adjacent pool decking, and natural or man-made hazards
6 shall not be included in the calculation of outdoor activity space.

7 (2) Except as provided in subdivision (c), the maximum licensed
8 capacity for a crisis residential overnight program shall be 14
9 children.

10 (3) A child who has been voluntarily placed in a crisis residential
11 overnight program shall be included in the licensed capacity for
12 crisis day services.

13 (g) Exceptions to group home licensing regulations pursuant to
14 subdivision (c) of Section 84200 of Title 22 of the California Code
15 of Regulations, in effect on August 1, 2004, for county-operated
16 or county-contracted emergency shelter care facilities that care for
17 children under six years of age for no more than 30 days, shall be
18 contained in regulations for crisis nurseries.

19 (h) For purposes of this section, the following definitions shall
20 apply:

21 (1) “Crisis day services” means temporary, nonmedical care
22 and supervision for children under six years of age who are
23 voluntarily placed by a parent or legal guardian due to a family
24 crisis or stressful situation for less than 24 hours per day. Crisis
25 day services shall be provided during a time period defined by the
26 crisis nursery in its plan of operation, but not to exceed a period
27 of 14 hours per day. The plan of operation shall assure sleeping
28 arrangements are available for children there after 7 p.m. A child
29 may not receive crisis day services at a crisis nursery for more
30 than 30 calendar days, or a total of 360 hours, in a six-month period
31 unless the department issues an exception.

32 (2) “Crisis residential overnight program” means short-term,
33 24-hour nonmedical residential care and supervision, including
34 overnight, for children under six years of age who are voluntarily
35 placed by a parent or legal guardian due to a family crisis or
36 stressful situation for no more than 30 days.

37 (3) “Voluntarily placed” means a child, who is not receiving
38 Aid to Families with Dependent Children-Foster Care, placed by
39 a parent or legal guardian who retains physical custody of, and
40 remains responsible for, the care of his or her children who are

1 ~~placed for temporary emergency care. “Voluntarily placed” does~~
2 ~~not include placement of a child who has been removed from the~~
3 ~~care and custody of his or her parent or legal guardian and placed~~
4 ~~in foster care by a child welfare services agency.~~

5 ~~SEC. 2.~~

6 *SECTION 1.* Section 1596.810 is added to the Health and Safety
7 Code, immediately following Section 1596.809, to read:

8 1596.810. A child day care facility, other than a family day
9 care home, shall not be required to meet the square footage
10 requirements of indoor activity space for child care centers if the
11 facility is located in an office building.