

AMENDED IN SENATE APRIL 25, 1995

AMENDED IN SENATE APRIL 17, 1995

SENATE BILL

No. 265

Introduced by ~~Senator O'Connell~~ *Senators O'Connell and Leslie*

February 8, 1995

An act to amend Section 1596.78 of, and to add Section 1596.775 to, the Health and Safety Code, relating to day care.

LEGISLATIVE COUNSEL'S DIGEST

SB 265, as amended, O'Connell. Family day care homes.

Existing law provides for the licensure of family day care homes, and defines, in part, a large family day care home as providing day care for 7 to 12 children, and a small family day care home as providing day care for 6 or fewer children.

This bill would revise the definition of family day care homes to allow a large family day care home to care for no more than 14 children and a small family day care home to care for no more than 8 children, provided that certain prescribed conditions are met.

Existing law provides that the willful or repeated violation of the provisions regulating child day care facilities is subject to criminal sanction.

By changing the definition of a family day care home to increase the number of children authorized to be cared for, this bill would expand the class of facilities subject to the standards for family day care homes thereby changing the

definition of a crime and imposing a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

Vote: 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 1596.775 is added to the Health
2 and Safety Code, to read:

3 1596.775. The Legislature finds and declares all of the
4 following:

5 (a) There is a severe shortage of child care for
6 schoolage children throughout California, with many
7 schoolage children going home to an empty,
8 unsupervised setting after school.

9 (b) For nearly five years several counties have
10 participated in a pilot program that allows for a family day
11 care home to care for two additional children above the
12 current number allowed pursuant to licensing
13 regulations.

14 (c) As part of the pilot program, a study was conducted
15 by the Assembly Office of Research. The results of the
16 study demonstrated that the pilot program achieved all
17 of the following results:

- 18 (1) Increased access to care for schoolage children.
- 19 (2) Participating providers encountered few
20 problems and strongly support expansion of the program.
- 21 (3) Parents of children in the pilot program family day
22 care homes strongly support the program.
- 23 (4) Participating providers with additional children
24 were no more likely to receive substantiated complaints
25 from licensing officials than nonparticipants.
- 26 (5) Local governments and planning officials saw little
27 or no impact on their licensing policies and procedures.



1 (6) Overall quality of care was not adversely affected.
2 SEC. 2. Section 1596.78 of the Health and Safety Code
3 is amended to read:

4 1596.78. “Family day care home” means a home that
5 regularly provides care, protection, and supervision of 14
6 or fewer children, in the provider’s own home, for periods
7 of less than 24 hours per day, while the parents or
8 guardians are away, and includes the following:

9 (a) “Large family day care home” means a home that
10 provides family day care to 7 to 12 children, inclusive,
11 including children under the age of 10 years who reside
12 at the home, as defined in regulations.

13 A large family day care home may include up to 14
14 children if at least two of the children are at least six years
15 of age and during that time no more than three infants are
16 cared for. *If a large family day care home accepts to care*
17 *for 13 or 14 children, the licensee shall notify each parent*
18 *that they are caring for two additional school age children*
19 *and that there may be up to 13 or 14 children in the home*
20 *at one time.*

21 (b) “Small family day care home” means a home that
22 provides family day care to six or fewer children,
23 including children under the age of 10 years who reside
24 at the home, as defined in regulations.

25 A small family day care home may include up to eight
26 children, without an additional adult attendant, if at least
27 two of the children are at least six years of age and during
28 that time no more than two infants are cared for. *If a small*
29 *family day care home accepts to care for seven or eight*
30 *children, the licensee shall notify each parent that they*
31 *are caring for two additional school age children and that*
32 *there may be up to seven or eight children in the home*
33 *at one time.*

34 SEC. 3. No reimbursement is required by this act
35 pursuant to Section 6 of Article XIII B of the California
36 Constitution because the only costs that may be incurred
37 by a local agency or school district will be incurred
38 because this act creates a new crime or infraction,
39 eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section



1 17556 of the Government Code, or changes the definition
2 of a crime within the meaning of Section 6 of Article
3 XIII B of the California Constitution.

4 Notwithstanding Section 17580 of the Government
5 Code, unless otherwise specified, the provisions of this act
6 shall become operative on the same date that the act
7 takes effect pursuant to the California Constitution. Code
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