

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 910

Introduced by Assembly Member Washington

February 25, 1999

An act to add Sections 1538.1 ~~and 1538.4~~, 1538.4, and 1596.847 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 910, as amended, Washington. Foster family homes: *child day care facilities*: unfounded complaints.

Existing law provides for the licensure and regulation of community care facilities by the State Department of Social Services and requires the department to establish regulations for foster family homes.

This bill would prohibit the department from communicating to a placement agency any unfounded complaint against a foster family home.

Existing law, the California Child Day Care Act, provides for the licensure and regulation of certain providers of child care by the department.

This bill would authorize the department to purge unfounded or inconclusive complaints from its files, after a specified time period, if requested in writing by ~~the licensee~~

a foster parent or child day care facility against whom the complaint was filed.

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

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

1 SECTION 1. Section 1538.1 is added to the Health and
2 Safety Code, to read:

3 1538.1. In order to restrict a placement agency from
4 using an unfounded complaint as a basis for an adverse
5 placement decision, the department shall not make
6 available or communicate to a placement agency, as
7 defined in Section 1536.1, any unfounded complaint
8 against a foster family home.

9 SEC. 2. Section 1538.4 is added to the Health and
10 Safety Code, to read:

11 1538.4. (a) Complaints determined by the
12 department to be unfounded may be purged from the
13 files of the department after one year if requested in
14 writing by ~~the licensee~~ a foster parent against whom the
15 unfounded complaint was filed.

16 (b) Complaints determined by the department to be
17 inconclusive may be purged from the files of the
18 department after 10 years if requested in writing by ~~the~~
19 ~~licensee~~ a foster parent against whom the inconclusive
20 complaint was filed.

21 (c) To request that an unfounded or inconclusive
22 complaint be purged, ~~the licensee~~ a foster parent may
23 submit a written request to the department. The
24 department shall notify ~~the licensee~~ a foster parent in
25 writing within 45 days of receipt of ~~the licensee's~~ a foster
26 parent's request whether or not the unfounded or
27 inconclusive complaint will be purged. The department
28 shall, in any notification to a ~~licensee~~ foster parent
29 indicating that the complaint will not be purged, include
30 its reasons for not purging the complaint.

31 SEC. 3. Section 1596.847 is added to the Health and
32 Safety Code, to read:



1 1596.847. (a) Complaints determined by the
2 department to be unfounded may be purged from the
3 files of the department after one year if requested in
4 writing by a child day care facility against whom the
5 unfounded complaint was filed.

6 (b) Complaints determined by the department to be
7 inconclusive may be purged from the files of the
8 department after 10 years if requested in writing by a
9 child day care facility against whom the inconclusive
10 complaint was filed.

11 (c) To request that an unfounded or inconclusive
12 complaint be purged, a child day care facility may submit
13 a written request to the department. The department
14 shall notify a child day care facility in writing within 45
15 days of receipt of the facility's request whether or not the
16 unfounded or inconclusive complaint will be purged. The
17 department shall, in any notification to a child day care
18 facility indicating that the complaint will not be purged,
19 include its reasons for not purging the complaint.

