

Senate Bill No. 1004

CHAPTER 549

An act to add Section 1596.8712 to the Health and Safety Code, relating to child care facilities.

[Approved by Governor September 18, 2000. Filed with Secretary of State September 20, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1004, Escutia. Child day care.

Existing law, the California Child Day Care Act, authorizes the department to prohibit any person from being a member of the board of directors, an executive director, or an officer of a licensee or a licensee from employing, or continuing the employment of, or allowing in a licensed facility, or allowing contact with clients of a licensed facility by, any employee, prospective employee, or person who is not a client who has engaged in specified acts.

This bill would require the department to prepare and provide each licensed family day care home provider with an addendum to the notification of parents' rights form identifying any individual or individuals who have been excluded from the licensed family day care home, and would specify further duties of the department in this regard. The bill would also require the licensee to provide this information to the parent or guardian of each child under the licensee's care or supervision, in a specified manner.

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

SECTION 1. It is the intent of the Legislature:

(a) To protect children in licensed child day care facilities from individuals with criminal backgrounds, who may pose a risk to the health and safety of children.

(b) To protect the health and safety of children, by notifying parents and guardians who utilize the services of a licensed family day care home whenever an individual or individuals have been excluded by the State Department of Social Services, pursuant to subdivision (a) of Section 1596.8897, from working or being present in the facility.

(c) To provide parents and guardians with the ability to make informed decisions regarding the health and safety of their children.

(d) To enable parents and guardians to monitor the presence of individuals who are not authorized to be present at these facilities, so that violations may be reported to and investigated by the department.



SEC. 2. Section 1596.8712 is added to the Health and Safety Code, to read:

1596.8712. (a) (1) Whenever an individual is excluded by the department from a licensed family day care home, the department shall prepare and provide to the licensed family day care home from which the individual was excluded, within 45 days, an addendum to the notification of parents' rights form required by Section 102419 of Title 22 of the California Code of Regulations, clearly identifying the name or names of any individual or individuals who have been excluded from the licensed family day care home. The addendum shall also identify the existence and location of a public file maintained by the department explaining the reason for the exclusion.

(2) The department shall revise the addendum if the excluded individual is reinstated by the department pursuant to Section 11522 of the Government Code.

(b) (1) Immediately upon receipt of an addendum from the department, the licensee shall provide the parent or guardian of each child under the licensee's care or supervision with a copy of the addendum identifying the excluded individual or individuals. The licensee shall also obtain the signature of the parent or guardian indicating that the parent or guardian has received a copy of the addendum. A signed copy of the addendum shall be provided to the parent or guardian, and the original signed addendum shall be retained by the licensed day care home provider, and provided to the department during the regular inspection of the home, or at any time upon the request of the department.

(2) This section shall apply to all children currently under the licensee's care or supervision, and to all children who come under the licensee's care or supervision after the implementation of this section.

(c) During its regular inspection of all licensed family day care homes where an individual or individuals have been excluded, the department shall verify that the licensee has obtained a signature from the parent or guardian of each child under the licensee's care or supervision indicating that the parent or guardian has been provided with the addendum identifying the excluded individual or individuals. The department may also request the signed addenda from the licensee at any time.

(d) A licensee shall be assessed an immediate civil penalty of one hundred dollars (\$100) per violation, for failure to do any of the following:

(1) Provide a copy of the addendum to a parent or guardian of any child under the provider's care or supervision.

(2) Obtain a parent or guardian's signature indicating he or she has been provided with the addendum.



(3) Provide signed addenda to the department, when requested for all children under the provider's care.

(e) Failure to comply with this section shall constitute grounds for disciplining the licensee pursuant to Section 1596.885 or Section 1596.886.

(f) This section shall apply to any family day care home from which an individual is excluded after January 1, 2001.

(g) The department shall promulgate regulations and policies, as necessary, to implement the provisions of this section by January 1, 2002.

