

CIVIL PENALTY ASSESSMENT — BACKGROUND CHECK/CHILD CARE

FACILITY NAME	DATE
FACILITY ADDRESS	CITY STATE ZIP CODE
OPERATOR(S)	FACILITY # IF LICENSED OR PENDING:

Immediate civil penalties can be assessed against any licensee for failure to comply with Caregiver Background Check requirements and against family child care licensees for failure to comply with parent/authorized representative (AR) notification and visit report posting requirements. See the back of this form for specifics.

On this date you have been found in violation of one or more requirements for which an immediate civil penalty is warranted. See the Licensing Report (LIC 809 or LIC 9099) issued on this date. You are hereby notified that a civil penalty has been assessed.

Caregiver Background Check

- \$100 immediate Civil Penalty per person for allowing any person (who is subject to a background check) to work, reside or volunteer without a criminal record clearance or exemption. Maximum of 5 days for the first violation. Maximum 30 days for subsequent violations.
- \$100 immediate Civil Penalty per person for allowing any person (who is subject to a Caregiver Background Check Order of Removal) to work, reside or volunteer.
- \$100 immediate Civil Penalty per person for allowing a cleared or exempted person to work, reside or volunteer before requesting a clearance transfer or before receiving approval of an exemption transfer.

Individual #1	number of days x \$100 = \$ _____	Penalty
Individual #2	number of days x \$100 = \$ _____	Penalty
Individual #3	number of days x \$100 = \$ _____	Penalty

Child Care Facilities Only

- \$100 immediate Civil Penalty per parent/AR for failure to provide "Family Child Care Home (FCCH) Addendum to Notification of Parents' Rights (Regarding Exclusion)". # _____ parent/AR x \$100 = \$ _____ penalty
- \$100 immediate Civil Penalty per parent/AR for failure to provide "Family Child Care Home Addendum to Notification of Parents' Rights (Regarding Reinstatement)". # _____ parent/AR x \$100 = \$ _____ penalty
- \$100 immediate Civil Penalty per parent/AR for failure to obtain signature indicating receipt of Addendum. # _____ parent/AR x \$100 = \$ _____ penalty
- \$100 immediate Civil Penalty for failure to provide signed addendum to the Department when requested.
- \$100 immediate Civil Penalty for failure to comply with posting requirements for 30 consecutive days.
- \$50 immediate Civil Penalty for failure to return "Confirmation of Removal" form to Licensing within 5 days. (FCCH only)

Total Penalty Assessed \$ _____

YOU WILL RECEIVE AN INVOICE IN THE MAIL. DO NOT SEND MONEY UNTIL YOU RECEIVE YOUR INVOICE.

NAME OF LICENSING PROGRAM ANALYST	SIGNATURE OF LICENSING PROGRAM ANALYST	DATE
NAME OF FACILITY REPRESENTATIVE/TITLE	SIGNATURE OF FACILITY REPRESENTATIVE	DATE
SUPERVISOR REVIEW/SIGNATURE (FOR INTERNAL USE ONLY)	TITLE	DATE

IMMEDIATE CIVIL PENALTY ASSESSMENT FORM

EXPLANATION TO LICENSEE

Immediate civil penalties can be assessed against any licensee for:

- Allowing any person who is subject to a background check to work, reside or volunteer who does not have either a criminal record clearance or exemption.
- Allowing a cleared or exempted person to work, reside or volunteer before you have requested a clearance transfer or before you have received approval of an exemption transfer.
- Allowing any person who is subject to a caregiver background check removal order to work, reside or volunteer.

Immediate civil penalties can be assessed against family child care licensees for:

- Not providing a copy of the "Family Child Care Home Addendum to Notification of Parents' Rights (Regarding Exclusion)" or the "Family Child Care Home Addendum to Notification of Parents' Rights (Regarding Reinstatement)": to one or more parents/authorized representatives of child in care.
- Not obtaining or keeping a copy of the Family Child Care Home Addendum to Notification of Parents' Rights with the original signature of one or more parents/authorized representatives.
- Not providing copies of the signed addendum when requested by the Department.
- Not posting the Notice of Site visit Report, or any licensing report indicating a Type A violation, or Proof of Correction of a Type A violation for 30 consecutive days.
- Not returning the "Confirmation of Removal" form to Licensing within 5 days.

As noted on the front of this form a civil penalty has been assessed for one or more of the above.

You will receive an invoice in the mail. Payment is due when billed. Payment must be made by a personal, business or cashier's check or money order made payable to the "California Department of Social Services". Please write the facility number and invoice number on your check and include a copy of your invoice with the payment. You will find the invoice number on your invoice. **DO NOT SEND CASH.**

APPEAL RIGHTS

The licensee has a right without prejudice to discuss any disagreement concerning the proper application of licensing laws and regulations with the licensing agency. The licensee may request a formal administration review of any civil penalty or notice of deficiency, to be conducted by the Regional Manager, following the timeline listed below:

- Within 15 business days of receipt of this form, the licensee may request a formal review of any civil penalty or notice of deficiency. The request must be in writing and should be sent to the Regional Office of jurisdiction over the facility. The licensee must include all available supporting documentation with the request for review.
- Within 30 business days of the request for review, the licensee may submit additional supporting documentation that was unavailable at the time of the initial request.
- Within 30 business days of receiving the initial request from the licensee, the licensing agency may request additional information from the licensee deemed necessary to make its determination.
- Within 30 business days of receiving the licensing agency's request for additional information, the licensee shall provide this additional information.
- Within 60 business days of the date when all necessary information has been provided to the department by the licensee, the licensee shall be notified in writing of the licensing agency's decision.

The licensing agency has a duty to review the facts presented without prejudice. Upon review of the facts and in accordance with applicable statutes or regulations, the licensing agency may amend any portion of the action taken, or may dismiss the violation. Within 15 business days of receiving the Regional Manager's decision, the licensee may further appeal the decision to the Program Administrator. The same timeline as above applies. The Program Administrator's decision is considered final, and concludes the licensee's administrative appeal rights.