

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. These emergency regulations implement and make specific the Department of Social Service's policy that parents should be informed in the most expeditious manner possible whether persons caring for their children in licensed child care have been granted a criminal record exemption. More specifically, these emergency regulations require child care providers, upon request, to notify parents of the name and duties of any person associated with their facility who have been granted a criminal record exemption. This includes the licensee, staff persons, or other adults associated with child care facilities, including adults living in family child care homes.
2. These emergency regulations would ensure that parents and authorized representatives of children in child care facilities have immediate access to information, upon request, about child care staff and providers to allow them to make informed decisions regarding the placement and continued care of their children.
3. The Department will now inform the public if someone in a child care center or family child care home has a criminal record exemption. This is a result of a lawsuit filed against the CDSS by CBS Broadcasting Inc., and in accordance with the Court of Appeal of the State of California, Second Appellate District's decision filed August 21, 2001. (CBS, INC v. The Superior Court of Los Angeles County, State Department of Social Services (2001) 91 Cal.App.4th 892.)
4. The CBS Appellate Court Order has opened the door to a parent's right to know if anyone caring for their child has been granted a criminal record exemption. These emergency regulations are necessary because parents should be able to obtain this information directly from their child's provider whom they see on a regular basis. Parents need this information in the fastest manner possible to avoid disruption and delay in their ability to make informed decisions about their child care needs.
4. The non-emergency rulemaking process set forth in the Administrative Procedure Act is sufficiently lengthy that it is not possible to implement regulation changes on an immediate basis.
5. These emergency regulations include a parental rights form that providers are required to utilize.

6. Therefore, in order to protect the health and safety of children in child care facilities; regulations are adopted on an emergency basis to be effective upon filing with the Secretary of State.

INFORMATIVE DIGEST

These amendments are necessary to implement the Department of Social Services policy requiring child care licensees to inform parents of their right to information about any adults associated with the facility who have been granted a criminal record exemption. These required parental rights are now listed in this regulation section along with other parental rights information that was previously only listed in the Health and Safety Code and other regulation sections. These regulations require licensees, upon request by the parent or authorized representative, to provide the name and type of association to the facility of any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.

COST ESTIMATE

1. Costs or Savings to State Agencies: There would be a negligible fiscal impact.
2. Costs to Local Agencies or School Districts: There would be a negligible fiscal impact on local agencies and no fiscal impact on school districts.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded state agency or program.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Section 1596.81 of the Health and Safety Code. Subject regulations implement and make specific Sections 1596.853, 1596.859, 1596.874, 1597.07, and 1597.56 of the Health and Safety Code.