

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 2 Crisis Nurseries SB 855 (Chapter 664, Statutes of 2004)

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 29, 2006, as follows:

November 29, 2006  
Office Building # 9  
744 P St. Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 29, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 7-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586 FACSIMILE: (916) 654-3286

E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

CHAPTERS 7.5 (Crisis Nurseries); Article 1. (General Requirements and Definitions), Section 86500 (General), and Section 86501 (Definitions); Article 2. (License Required), Section 86505 (License Required), Section 86505.1 (Crisis Nursery License Requirements), Section 86506 (Operation without a License), Section 86507 (Exemption from Licensure), Section 86508 (Licensing of Integral Facilities), Section 86509 (Availability of a License), Section 86510 (Limitations on Capacity and Ambulatory Status), Section 86511 (Advertisement and License Number) and Section 86512 (False Claims); Article 3. (Application Procedures), Section 86517 (Applicant Nondiscrimination), Section 86518 (Application for License), Section 86519 (Criminal Record Clearance), Section 86519.1 (Criminal Record Exemption), Section 86519.2 (Child Abuse Central Index), Section 86520 (Fire Clearance), Section 86521 (Water Supply Clearance), Section 86522 (Plan of Operation), Section 86523 (Emergency Plan), Section 86524 (Waiver and Exceptions), Section 86526 (Safeguards for Personal Property and Valuables), Section 86527 (Initial Application Review), Section 86528 (Capacity Determination), Section 86529 (Withdrawal of an Application), Section 86531 (Issuance of a License), Section 86531.1 (Issuance of a Provisional License), Section 86531.2 (Issuance of a Permanent License), Section 86534 (Submission of a New Application), Section 86535 (Conditions for Forfeiture of a Community Care Facility License), and Section 86536 (Application Processing and Annual License Fees); Article 4. (Administrative Actions), Section 86540 (Denial Of a License), Section 86542 (Revocation or Suspension of a License), Section 86544 (Inspection Authority of the Licensing Agency), Section 86545 (Evaluation Visits), and Section 86546 (Exclusions); Article 5. Enforcement Provisions, Section 86522 (Deficiencies in Compliance), Section 86553 (Follow-up Visits to Determine Compliance), Section 86554 (Penalties), Section 86555 (Administrative Review), Section 86555.1 (Denial or Revocation of License for Failure to Pay Civil Penalties), Section 86558 (Unlicensed Facility Penalties), and Section 86559 (Unlicensed Facility Administrative Appeal); Article 6. Continuing Requirements, Section 86561 (Reporting Requirements), Section 86562 (Finances), Section 86563 (Accountability), Section 86564 (Administrator Qualifications and Duties), Section 86565 (Personnel Requirements), Section 86565.2 (Personnel Duties), Section 86565.5 (Staff to Child Ratios), Section 86566 (Personnel Records), Section 86568.1 (Intake Procedures), Section 86568.2 (Initial Assessment Plan), Section 86568.4 (Removal and Discharge Procedures), Section 86570 (Children's Records), Section 86572 (Personal Rights), Section 86572.1 (Discipline Policies and Procedures), Section 86572.2 (Complaint Procedures), Section 86574 (Transportation); Section 86575 (Health Related Services), Section 86576 (Food Services) Section 86577 (Personal Services), Section 86578 (Responsibility for Providing Care and Supervision), Section 86578.1 (Sanitation Requirements), Section 86579 (Planned Activities), and Section 86580 (Crisis Daycare); Article 7. Physical Environment, Section 86586 (Alterations to Existing Buildings or New Facilities), Section 86587 (Buildings and Grounds), Section 86587.1 (Outdoor Activity Space), Section 86587.2 (Indoor Activity Space), and Section 86588 (Fixtures, Furniture, Equipment, and Supplies).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Crisis nurseries, a type of temporary or emergency care for children at risk of abuse and/or neglect, were first developed in the early 1970's. Crisis nursery programs were also designed to offer an array of support services to the families and caregivers of these children.

Recognizing the effectiveness of crisis nursery care and the need for additional programs, in 1986 Congress passed the *Temporary Child Care for Children with Disabilities and Crisis Nurseries Act*. This Act established federal funding to create temporary child care demonstration projects including crisis nursery services.

Since 1988, competitive grants have been awarded to private and public agencies across the United States to assist them in developing crisis nursery services. However, federal funding for crisis nurseries was recently reduced creating a financial hardship for the few California facilities providing the crisis nursery services. As a remedy, a collaboration of these facilities that are licensed as Group Homes for Children under six years of age, requested certain waivers to the regulations to help off-set rising cost because they maintain their programs and goals are different than those of other group homes. The children placed in their facilities are voluntarily placed by a parent experiencing stress in their life. They argued that the group home requirements were making it difficult for them to remain solvent.

SB 855, Chapter 664, Statutes of 2004, creates a new community care licensing category for crisis nurseries. Crisis nurseries are defined as facilities providing short-term, 24-hour nonmedical residential care and supervision for children under six years of age who are voluntarily placed for up to 30 days by their parents/guardian due to a family crisis or stressful situation or, who are temporarily placed by a county child welfare services agency for no more than 14 days.

Some unique aspects of crisis nurseries allowed by statute are:

- Can accept voluntary and AFDC/FC children (on a limited basis)
- Fully trained volunteers may be counted in their staff-to-child ratio.
- Maximum licensed capacity of 14.
- Crisis nurseries are required to provide a monthly report to the Department indicating the total number of voluntarily placed children and those children placed by a child welfare services agency and length of stay for each child.
- Crisis nurseries may provide day care services for children less than six years of age at the same site as the crisis nursery.

As required by statute, the Department has developed emergency regulations that establish minimum health and safety standards for children cared for by crisis nurseries. The intent of developing, adopting and implementing Crisis Nursery Programs Regulations is to provide a safe and supportive environment for children as well as a non-threatening non-punitive resource for parents who may be experiencing a family crisis or stressful situation.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because these regulations do not affect any State agency or program.
2. Costs to Local Agencies or School Districts: No additional costs or savings are anticipated because these regulations make only technical, non-substantive or clarifying changes to current laws and regulations.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No fiscal impact exists because these regulations do not affect any federally funded State agency or program.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will result in no additional costs or savings because these regulations make only technical, non-substantive or clarifying changes to current laws and regulations.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are applicable only to crisis nurseries that are non-profit entities and not considered small businesses.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1516, 1516(k), 1530, and 1548; and Welfare and Institutions Code Section 11400(t). Subject regulations implement and make specific Health and Safety Code Sections 1501, 1502, 1503, 1503.5, 1505, 1506, 1507, 1508, 1509, 1511, 1513, 1516, 1520, 1520.3, 1520.5, 1520.11, 1522, 1522.1, 1522.04, 1522.41(b)(4), 1523.1, 1524, 1524(e), 1524.5, 1525, 1525.5, 1526, 1526.5, 1526.8, 1530, 1530.5, 1531, 1533, 1534, 1536.1, 1538, 1538.5, 1540, 1540.1, 1541, 1547, 1548, 1549, 1550.5, 1551, 1558, 1558.1, 1562, 1596.782, and 1596.866; and Welfare and Institutions Code Sections 11400, 11402(h), 11406(c), 11467.1, 16001.9, 17710, and 17730; Government Code Section 13143; Senate Bill 855, (Chapter 664, Statutes of 2004); Unruh Civil Rights Act, Civil Code Section 51; and Gresher v. Anderson (2005) 127 Cal. App. 4th 88.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED  
REGULATION

Contact Person: Rick Torres, ORD Analyst (916) 657-2586  
Backup: Alison Garcia (916) 657-2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.