

## UPDATED INFORMATIVE DIGEST

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.

Written testimony was received as a result of the November 29, 2006, public hearing. As a result of testimony received and at the Department's discretion, amendments have been made to the regulations. A summary of the changes are as follows:

- Definition section - was amended to concur with public comments by removing and simplifying language that is unnecessary as it relates to SSI/SSP recipients. The Department also added language in the definition section that clarified "feeding" as it relates to the care of children and infants.
- Plan of Operation - language was amended in the visitation policy to promote family participation and included language that clarifies the visitation policy necessary to promote family participation in caregiving.
- Personnel Requirements - were amended to enhance the level of supervision required during water or other dangerous activities; the educational component was amended to include the study of abused and drug exposed babies, but does not require the class to exclusively focus on those subject matters.
- Criminal Record Background Check requirements were amended to comply with the Greshner court decision and to provide clarity and consistency with all licensing programs.
- Emergency Plan - added the requirement that the plan must be posted in the facility.
- Initial Application Review - clarified the Department's deadline to respond to an application by adding language and supporting documentation requirements.
- Care and Supervision - a requirement that staff share information about children during staff shift changes was added to assist children with the transition from one caregiver to another.
- Food Service - was changed to conform to a recently approved regulation package for Adult Day Programs by deleting the ability to serve home canned goods. In addition, language that was not relevant and pertained to food served for children over the age of six was deleted.
- Finances and Children's Records - were both amended to specify the Department's authority to copy and remove records.

- Personal Rights - amended the language to reflect general time, place and manner restrictions for telephone use to more accurately reflect the needs of children ages six and under.

In addition to the items noted above, non-substantive grammatical, formatting, and minor editorial changes are made in order to provide consistency and conformity to the regulations.

Pursuant to Government Code Section 11346.8, a 15-day renote and complete text of modifications made to the regulations were made available to the public following the public hearing from May 3, 2007 to May 18, 2007. The following documents were provided as supporting documents or information relied upon by CDSS:

- Form LIC 165 (10/06) Board of Director's Statement
- Form LIC 200 (8/04) Application For A Community Care Facility Or Residential Care Facility For The Elderly License
- Form LIC 309 (6/01) Administrative Organization
- Form LIC 9182 (12/06) Criminal Background Clearance Transfer Request
- Form LIC 9198 (12/06) Criminal Record Exemption Transfer Request

At the Department's discretion, additional non-substantive grammatical, formatting, and minor editorial changes are made following the 15-day renote period.

#### •ADDENDUM TO THE UPDATED INFORMATIVE DIGEST

As a result of the Office of Administrative Law's August 7, 2007, disapproval of the Certificate of Compliance for these regulations, the regulations were refiled on an emergency basis as allowed by statute (SB 855, Statutes of 2004, Chapter 64, Section 11), effective August 7, 2007. The 120-days provided for in the Administrative Procedures Act allows the Department to correct any deficiencies cited by OAL for the disapproval.

To address those deficiencies the Department:

- Notified the public of a 2nd 15-Day Renote that clearly identified the regulations originally noticed in the November 29, 2006, public hearing; the regulations revised, as a result of public testimony received and at the Department's discretion, in the 1st 15-Day Renote; and all final revisions made to the regulations, including forms used by the Department in administering crisis nurseries.
- Includes a second Addendum to the Final Statement of Reasons to clearly address "authority," "clarity," "consistency" and "necessity" issues identified by OAL in their Letter of Disapproval. The original Addendum to the Final Statement of Reasons was submitted to

OAL to address minor Certificate of Compliance deficiencies that were fixable at that time.