

EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u> <input type="checkbox"/> All Day Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Residential Care Evaluator Manual Holders <input type="checkbox"/> All Evaluator Manual Holders	<u>Transmittal No.</u> 99APX-13
	<u>Date issued.</u> December, 1999

Subject:

APX - CCF: 1999 Chaptered Legislation and Implementation

(Appendix Tab A - Community Care Facilities (Children's Residential))

Reason For Change:

This transmits summaries of legislation chaptered in 1999 affecting Community Care Facilities (Children's Residential). The summaries are divided into two sections as follows:

- I. Immediate Action Required - Interim instructions are provided.
- II. Information only - No action required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2000, unless otherwise indicated.

Filing Instructions:

- REMOVE
- INSERT - the attached pages into Appendix A. Do not remove similar document from previous years.

Approved:

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December 29, 1999
 Date

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ACTION REQUIRED

AB 1659 (Committee on Health and Safety), CHAPTER 881, STATUTES OF 1999

Affects: Group Homes, Foster Family Homes, Small Family Homes, Foster Family Agencies and Adoption Agencies

Subject: Fingerprint Background Checks

Summary: This is a Department sponsored statute which reinstates background check requirements for Community Care Facilities that were chaptered out of Senate Bill 933. It amends Health and Safety Code Section 1522. AB 1659 is an emergency bill, however different provisions of the bill became effective on different dates.

Implementation:

The following changes became effective December 9, 1999.

1. Background checks are now required for any staff person, **volunteer**, or employee **who has any client contact**.
2. Fingerprints must be submitted to the California Department of Justice (DOJ) **before** a person's employment, residence, or initial presence in the facility.
3. The licensee is now required to maintain documentation of all individual clearances or exemptions, as part of the individual's personnel file, and make them available for inspection by the Department.
4. Licensees are subject to an **immediate \$100.00 Civil Penalty** for each person whose fingerprints were not submitted on time.
5. Criminal convictions from another state or federal court will be considered as if the criminal offense was committed in California.
6. A request to transfer an individual's criminal record clearance from one state-licensed facility to another must be submitted in writing to the appropriate licensing district office.
 - The licensee, administrator, or manager who is seeking to transfer a person's clearance must confirm the person's identity and include a copy of the person's California driver's license or a valid photo identification issued by another state or the United States government if the person is not a California resident.

- Additionally, the licensee or administrator must submit the transfer request **before** the individual has client contact or the facility will be in violation of the law and subject to the \$100 civil penalty.
 - If the licensee or administrator encloses a stamped self-addressed envelope for this purpose, the Department shall verify whether the individual has a clearance that can be transferred.
7. When the Livescan electronic fingerimaging system becomes "operational", all applicants will be required to obtain a background check clearance or exemption before having any client contact. **The Department will provide a 30-day advance notice before this provision of the law is implemented. For an interim period of time fingerprint cards are still acceptable.** We anticipate it will be several months before Livescan is fully operational based on the definition of the law.

The following changes become effective January 8, 2000.

1. Beginning January 8, 2000, in addition to the California criminal record check and the Child Abuse Central Index check, a Federal Bureau of Investigation (FBI) criminal record check will also be required for all new facility applicants, facility employees, and volunteers. **This is not a retroactive requirement.** The FBI check, which is processed through DOJ, is required of anyone who must have a criminal background check.
2. The issuance of a new license will not be delayed if:
 - All other licensing requirements have been met and the FBI clearance is the only missing item, and
 - Each individual has submitted a signed statement to the Department, as part of the application, that he/she has never been convicted of a crime in the United States, other than a minor traffic violation.
 - If the Department subsequently determines that a person has a criminal record, the Department may then revoke or suspend the license or prohibit an individual's employment or presence in the facility.
3. Subsequent to licensure, persons who are required to submit fingerprints prior to their employment, residence, or initial presence in the facility must also submit a second set of fingerprints for the purposes of searching FBI records.
 - A licensee who fails to submit the required two sets of fingerprints to DOJ prior to the person's employment, residence or initial presence in the facility shall be cited and assessed an immediate civil penalty of \$100 for each person whose prints were not submitted on time.

The Department will begin enforcing the first of these changes on December 9, 1999, and the FBI requirement on January 8, 2000. The licensing regulations are currently being revised to reflect this new law change. In the meantime, use the statutory provisions contained in the Health and Safety Code Section 1522 as the citing authority.

INFORMATION ONLY - NO ACTION REQUIRED

AB 575 (ARONER), CHAPTER 997, STATUTES OF 1999

Affects: Juvenile Court Judges, the Judicial Council, Probation Officers, Minors Adjudicated a Ward of the Juvenile Court, Foster Parents, Relative Caregivers, Legal Guardians, and Preadoptive Parents

Subject: Child Welfare Services

Summary: Establishes proceedings for reviewing the status of and, in certain cases, terminating the parental rights of parents of a minors who have been adjudged wards of the juvenile court and have been placed in foster care. It would require that foster parents, relative caregivers, legal guardians, and preadoptive parents receive notice of when children in their care are taken into custody, or of hearings when children are being adjudged wards of the court. A review of their status would be conducted by the court every six months. Permanency planning hearings would also be required.

AB 705 (ARONER), CHAPTER 772, STATUTES OF 1999

Affects: Transport Escort Services

Subject: Regulation of Private Individuals or Companies that Transport or Accompany Children to Out-Of-State Residential Facilities

Summary: Amends Health and Safety Code Section 1596.653 to require that persons must be TrustLine registered before they can accompany or transport children to any residential facility or institution located outside the state. This requirement does not apply to governmental agency employees or persons who transport minors under the jurisdiction of the juvenile courts, or to family members who transport their relatives.

While the law requires that CCLD process these requests for TrustLine clearance it does not give the Department authority to monitor compliance by the transport escort service agencies, nor is the Department authorized to receive or investigate complaints. These agencies are not licensed or in any way certified by the Department. If a District Office (DO) receives a call from a parent wanting to make a complaint against a transport escort service agency, the DO should explain that the Department does not regulate these agencies. The parent's options are to seek a private attorney or contact their local District Attorney for possible prosecution of the agency for violation of the statute.

ACR 7 (Battin), Chapter 13, Statutes of 1999

Affects: Business, Professional and Community Associations

Subject: Child Abuse Prevention Month

Summary: Establishes April as Child Abuse Prevention Month. It is signified by a Blue Ribbon Campaign to promote public awareness and prevention of child abuse. Partnerships are encouraged to be created between business, professional, and community organizations.

ACR 26 (Wayne), Chapter 27, Statutes of 1999

Affects: Grandparent Care Providers

Subject: California Safe Kids Week

Summary: This resolution established California Safe Kids Week for May 1 through May 8, 1999. Due to the grandparent-focused safety awareness initiative within the National Safe Kids Campaign, brochures will be distributed by retail stores and the Foster Grandparent program to help educate grandparents about safety and injury prevention.

SB 955 (ESCUTIA), CHAPTER 634, STATUTES OF 1999

Affects: Group Home Providers, County Welfare Departments, Foster Parents, and Schools

Subject: Child Welfare Services: Out-of-Home Care

Summary: This statute increases reimbursement rates for certain group home providers for the 1999-2000 fiscal year. This legislation also encourages the state to develop strategies to work more effectively with children who are alleged to be abused or neglected: (1) Allow children to remain in their original schools, (2) Increase the number and quality of foster families, (3) Use a team-based approach that includes the biological family, (4) Ensure that licensing requirements do not create barriers to recruiting appropriate foster homes, and (5) Provide training for foster parents on working effectively with families and communities.