

ASSEMBLY BILL

No. 589

Introduced by Assembly Member Lopez

February 24, 2015

An act to add Chapter 3.67 (commencing with Section 1597.80) to Division 2 of the Health and Safety Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 589, as introduced, Lopez. Online child care job posting services: consumer education.

Existing law prohibits a person, firm, partnership, association, or corporation from operating, establishing, managing, conducting, or maintaining a child day care facility without a current valid license.

Existing law requires the Community Care Licensing Division of the State Department of Social Services to regulate child care licensees. Existing law requires the department to establish a registry of child care providers who have undergone criminal background checks. These providers are known as registered trustline child care providers. Existing law also requires a licensed child day care facility to make available to the public licensing reports and other licensing documents that pertain to a facility visit or a substantiated complaint investigation, among other licensing issues.

Existing law establishes in the State Treasury the Child Health and Safety Fund. Existing law authorizes the department to allocate the funds, upon appropriation by the Legislature, for purposes that include site visits of day care centers and family day care homes.

This bill would require an online child care job posting service to include specified information regarding each child care provider on the Internet Web site profile or page that lists child care provider

information, including a description of the trustline registry and the toll-free telephone number and the link to the Internet Web site for the registry, a description of the availability of free child care referrals in every county, and, if the service provides background checks, an easy-to-understand overview of what is included in the background check and what is not included. The bill would impose a fine of \$1,000 for a 2nd or subsequent violation of these requirements, after written notice and an opportunity for a hearing. The bill would provide that fines collected pursuant to these provisions would be deposited in the Child Health and Safety Fund. The bill would also require the department to develop regulations for these purposes as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.67 (commencing with Section 1597.80)
2 is added to Division 2 of the Health and Safety Code, to read:

3
4 CHAPTER 3.67. ONLINE CHILD CARE JOB POSTING SERVICES

5
6 1597.80. For purposes of this chapter, the following definitions
7 apply:

8 (a) "Online child care job posting service" means any person
9 or business that provides or offers to provide parents or child care
10 consumers with lists of, or profile information regarding, child
11 care providers who are not required to be licensed pursuant to
12 Section 1596.792, who are commonly referred to as nannies or
13 babysitters, or a person or business that has an Internet Web site
14 platform for these child care providers to publicize their availability
15 to provide care or supervision of children.

16 (b) "Owner" means to a person or business that provides or
17 offers an online child care job posting service.

18 1597.81. (a) An online child care job posting service posting
19 information on an Internet Web site shall include the following
20 information regarding each child care provider profile or Internet
21 Web page that lists child care provider information:

22 (1) A description of the trustline registry pursuant to Section
23 1596.60 with the following statement: "Trustline is California's
24 official background check for child care providers that are not

1 required to be licensed (i.e. babysitters and nannies). It is the only
2 authorized screening program for babysitters and nannies in the
3 state with access to fingerprint records at the California Department
4 of Justice and the Federal Bureau of Investigation and access to
5 the Child Abuse Central Index”.

6 (2) The trustline registry toll-free number: 1-800-822-8490.

7 (3) A link to the trustline registry: Web site www.trustline.org.

8 (4) A description of the availability of free child care referrals
9 in every county with the following statement:

10
11 “In every county, the state-funded child care resource and referral
12 program (R&R) provides free child care planning services that
13 include child care referrals to licensed caregivers, and information
14 on choosing child care, community resources, and help paying for
15 child care. To find your local R&R call 1-800-KIDS-793.”

16
17 (5) The child care connection toll-free number: 1-800-KIDS-793.

18 (6) The child care connection Web site:
19 www.mychildcareplan.org.

20 (7) The following statement about Oliver’s Law (enacted by
21 Chapter 545 of the Statutes of 2006):

22 “Pursuant to Oliver’s Law, parents have the right to receive
23 information regarding any substantiated or inconclusive complaint
24 about any child care provider. That information is public and can
25 be acquired by calling a local licensing office. Contact information
26 for the local licensing office can be obtained by calling
27 1-800-KIDS-793 or by visiting www.ccl.d.ca.gov.”

28
29 (b) If the online child care job listing service provides a
30 background check for the child care providers listed on its site or
31 provides the ability for parents to request a background check
32 using a background check service contracted by or referred by the
33 owner of the Web site, the Internet Web site shall provide by means
34 of a one-click link on each child care provider profile or Internet
35 Web page that lists the child care provider’s information, a written
36 description of the background check offered or provided that
37 includes at a minimum:

38 (1) An easy-to-understand overview of what is included in the
39 background check and what is not included.

1 (2) A chart that lists each county in California and the databases
2 that are checked for each county, including the following
3 information for each database, as applicable:

4 (A) The source of the data, the name of the database used, and
5 a brief description of the data included in the database.

6 (B) The date range of the oldest data and the most recent data
7 included.

8 (C) How often the information is updated.

9 (D) How the databases are checked (i.e. by name, social security
10 number, fingerprints, etc.).

11 (E) A clear indication in the chart that notes the counties for
12 which no data is available.

13 (F) A summary statement that clearly communicates the number
14 of counties for which there is no background check data available.

15 (3) A list of any statewide or national background checks
16 conducted and the information described in subparagraphs (A) and
17 (B) of paragraph (2).

18 (4) A list of any other background checks conducted and the
19 information described in subparagraphs (A) and (B) of paragraph
20 (2).

21 1597.82. (a) Upon a complaint received by the Community
22 Care Licensing Division, the department shall review the Internet
23 Web site named in the complaint. If the department determines
24 that an online child care job posting service is in violation of this
25 chapter or any rules or regulations promulgated under this chapter,
26 a notice of violation shall be served upon the owner using the
27 contact information provided on the Internet Web site. Each notice
28 of violation shall be in writing and shall specify the nature of the
29 violation and the statute, rule, or regulation alleged to have been
30 violated, describe the opportunity for a fair hearing pursuant to
31 regulations developed by the department consistent with the
32 requirements described in subdivision (b), and specify the potential
33 fine that may be imposed for a second or third violation pursuant
34 to subdivision (c).

35 (b) In the first case of alleged noncompliance, the department
36 shall provide written notice of the violation to the owner. The
37 owner shall have 30 calendar days to correct the violation or request
38 a hearing on the matter. If the owner has evidence that the site in
39 question is in compliance, the owner shall submit proof of that
40 compliance directly to the department. Evidence of compliance

1 may be in the form of printouts, Internet Web links, screen shots,
2 or other means determined to be acceptable by the department.
3 The department shall develop regulations to govern the notice, the
4 hearing, and the submission of evidence, for purposes of this
5 section, consistent with due process.

6 (c) For second and subsequent violations, after reasonable notice
7 and time to correct the violation, and the opportunity for a fair
8 hearing on the matter, pursuant to regulations developed by the
9 department, if the owner is found to be in violation of this chapter,
10 the department shall impose a fine of one thousand dollars (\$1,000)
11 per violation.

12 (d) Any fines and penalties imposed and collected pursuant to
13 this chapter shall be deposited into the Child Health and Safety
14 Fund, as described in Section 18285.