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Title 22@ Social Security

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Division 12@ Child Care Facility Licensing Regulations

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Chapter 3@ Family Day Care Homes for Children

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Article 2@ Licensing

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Section 102357@ Operation Without a License

102357 Operation Without a License

(a)

If the Department has reason to believe that family child care is being provided without a license, the licensing agency shall: (1) Conduct a site visit to: (A) Determine whether the home is operating without a license. (B) Determine whether continued operation of the facility will be dangerous to the health and safety of the children in care. (2) Notify the unlicensed provider in writing of the requirements for such licensure. (3) Issue a Notice of Operation in Violation of Law if it is found and documented that continued operation of the family child care home will be dangerous to the health and safety of the children. Situations endangering the health and safety of the children shall include, but not be limited to: (A) Evidence of physical or mental abuse. (B) Children left unattended or left with a minor. (C) Clear evidence of unsanitary conditions. (D) Fire safety/fire hazards. (E) Unfenced or accessible pools or other bodies of water. (F) Hazardous physical plant. (4) Issue a Notice of Operation in Violation of Law if the unlicensed provider does not apply for a license within 15 working days from the date of notification.

(1)

Conduct a site visit to: (A) Determine whether the home is operating without a license. (B) Determine whether continued operation of the facility will be dangerous to the health and safety of the children in care.

(A)

Determine whether the home is operating without a license.

(B)

Determine whether continued operation of the facility will be dangerous to the health and safety of the children in care.

(2)

Notify the unlicensed provider in writing of the requirements for such licensure.

(3)

Issue a Notice of Operation in Violation of Law if it is found and documented that continued operation of the family child care home will be dangerous to the health and safety of the children. Situations endangering the health and safety of the children shall include, but not be limited to: (A) Evidence of physical or mental abuse. (B) Children left unattended or left with a minor. (C) Clear evidence of unsanitary conditions. (D) Fire safety/fire hazards. (E) Unfenced or accessible pools or other bodies of water. (F) Hazardous physical plant.

(A)

Evidence of physical or mental abuse.

(B)

Children left unattended or left with a minor.

(C)

Clear evidence of unsanitary conditions.

(D)

Fire safety/fire hazards.

(E)

Unfenced or accessible pools or other bodies of water.

(F)

Hazardous physical plant.

(4)

Issue a Notice of Operation in Violation of Law if the unlicensed provider does not apply for a license within 15 working days from the date of notification.

(b)

The Department shall have the authority to issue an immediate civil penalty pursuant to Section 102393 and Section 1596.891 of the Health and Safety Code which provides: (1) A person who violates Section 1596.80 of the Health and Safety Code may be liable for an immediate assessment of civil penalties in the amount of two hundred dollars (\$200) per day. (2) The penalty specified in Section 102357(b)(1) shall be imposed if the operator of an unlicensed facility refuses to seek licensure or the operator seeks licensure and is denied but continues to operate.

(1)

A person who violates Section 1596.80 of the Health and Safety Code may be liable for an immediate assessment of civil penalties in the amount of two hundred dollars (\$200) per day.

(2)

The penalty specified in Section 102357(b)(1) shall be imposed if the operator of an unlicensed facility refuses to seek licensure or the operator seeks licensure and is denied but continues to operate.

(c)

Section 102357 shall be applied pursuant to Section 1596.892 of the Health and Safety Code.