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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 4@ Enforcement Provisions

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Section 102395@ Penalties

102395 Penalties

(a)

An immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed for the following: (1) Failure to obtain a California clearance or criminal record exemption, request a transfer of a criminal record clearance or request and be approved for a transfer of an exemption as specified in Section 102370(d) for any individual required to be fingerprinted under Health and Safety Code Section 1596.871 prior to allowing the individual to work, reside or volunteer in the facility. (A) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days. (B) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.99. (2) Failure to provide a copy of the "Addendum to Notification of Parent's Rights Regarding Exclusion" of an individual from the home, to one parent or authorized representative of every child in care. (A) The requirement to provide a copy shall include the parent of each new child enrolled as long as the exclusion is in effect. (B) The copy shall be provided on the next day that the child receives care. (3) Failure to provide a copy of the "Addendum to Notification of Parent's Rights Regarding Reinstatement" permitting an individual to return to the home, to every parent or authorized representative who received a copy of the "Addendum to Notification of Parent's Rights Regarding Exclusion" and whose

child is still in care. (4) Failure to obtain, and keep in the home, a parent's or authorized representative's signature indicating that he/she has been provided with each Addendum. (A) This section shall be cited only if there is evidence that the parent or authorized representative was notified, but a signature was not obtained or was not maintained. (5) Failure to provide signed addenda to the Department, when requested.

(1)

Failure to obtain a California clearance or criminal record exemption, request a transfer of a criminal record clearance or request and be approved for a transfer of an exemption as specified in Section 102370(d) for any individual required to be fingerprinted under Health and Safety Code Section 1596.871 prior to allowing the individual to work, reside or volunteer in the facility. (A) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days. (B) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.99.

(A)

Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.

(B)

The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.99.

(2)

Failure to provide a copy of the "Addendum to Notification of Parent's Rights Regarding Exclusion" of an individual from the home, to one parent or authorized representative of every child in care. (A) The requirement to provide a copy shall include the parent of

each new child enrolled as long as the exclusion is in effect. (B) The copy shall be provided on the next day that the child receives care.

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(3)

Failure to provide a copy of the "Addendum to Notification of Parent's Rights Regarding Reinstatement" permitting an individual to return to the home, to every parent or authorized representative who received a copy of the "Addendum to Notification of Parent's Rights Regarding Exclusion" and whose child is still in care.

(4)

Failure to obtain, and keep in the home, a parent's or authorized representative's signature indicating that he/she has been provided with each Addendum. (A) This section shall be cited only if there is evidence that the parent or authorized representative was notified, but a signature was not obtained or was not maintained.

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(5)

Failure to provide signed addenda to the Department, when requested.

(b)

For purposes of Sections 102395(a)(2), (3) and (4) above, a violation shall be cited for each parent or authorized representative that has not been notified or has not signed the form acknowledging receipt of the notice.

(c)

Progressive civil penalties specified in Health and Safety Code Section 1596.99 shall not apply to penalties assessed for violation of Sections 102395(a)(1) through (5) above.

(d)

Unless otherwise provided, all penalties are due and payable upon receipt of notice for payment, and shall be paid only by check or money order made payable to the agency indicated in the notice.