

## **102401 Denial of a License**

### **(a)**

When the requirements for licensure are not met, the Department shall deny the application within 30 days after receipt of a completed application.

### **(b)**

The Department shall have the authority to deny an application for initial license, if the applicant has failed to pay any civil penalty assessments pursuant to Section 102393, and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the Department have been made.

### **(c)**

Immediately upon the denial of any application for a license, the Department shall notify the applicant in writing. Within 15 days after the Department mails the notice, the applicant may present his or her written petition for a hearing to the Department. Upon receipt by the Department of the petition, the petition shall be set for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

### **(d)**

An application for licensure shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal

punishment, not constituting child abuse, on his/her own child(ren). (1) For the purposes of Section 102401(d), child abuse means a situation in which a child suffers from one or more of the following: (A) Physical injury which is inflicted by other than accidental means on a child by another person. (B) Sexual assault of a child or any act or omission described in Sections 102370(c)(4) and (5). (C) Neglect of a child or abuse in out-of-home care. (D) Serious physical injury inflicted upon the child by other than accidental means. (E) Harm by reason of intentional neglect or malnutrition or sexual abuse. (F) Going without necessary and basic physical care. (G) Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services. (H) Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

**(1)**

For the purposes of Section 102401(d), child abuse means a situation in which a child suffers from one or more of the following: (A) Physical injury which is inflicted by other than accidental means on a child by another person. (B) Sexual assault of a child or any act or omission described in Sections 102370(c)(4) and (5). (C) Neglect of a child or abuse in out-of-home care. (D) Serious physical injury inflicted upon the child by other than accidental means. (E) Harm by reason of intentional neglect or malnutrition or sexual abuse. (F) Going without necessary and basic physical care. (G) Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which

indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services. (H) Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

**(A)**

Physical injury which is inflicted by other than accidental means on a child by another person.

**(B)**

Sexual assault of a child or any act or omission described in Sections 102370(c)(4) and (5).

**(C)**

Neglect of a child or abuse in out-of-home care.

**(D)**

Serious physical injury inflicted upon the child by other than accidental means.

**(E)**

Harm by reason of intentional neglect or malnutrition or sexual abuse.

**(F)**

Going without necessary and basic physical care.

**(G)**

Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.

**(H)**

Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal

development, or capacity for independence.

**(e)**

No limitation shall be imposed on the licensee or printed on the license solely on the basis of a written or oral admission by the licensee to the use of corporal punishment, not constituting child abuse pursuant to Section 102401(d)(1), on his/her own child(ren).