

Date of Hearing: April 24, 2018

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Blanca Rubio, Chair

AB 2702 (McCarty) – As Amended April 2, 2018

SUBJECT: Trustline registry.

SUMMARY: Requires the Department of Social Services (DSS) to create a Web-based TrustLine application process and to make available to consumers on its Internet Web site an applicant's or provider's TrustLine status, along with other information.

Specifically, **this bill:**

- 1) Requires DSS to, through a competitive bidding process, contract with a single live scan fingerprinting service provider certified by the Department of Justice (DOJ) to provide secure, electronic fingerprint scanning services throughout California at locations identified by DSS and further, permits any individual to use these services and requires the selected provider to submit fingerprints to DOJ by electronic transmission, as specified.
- 2) Requires DSS to create a Web-based application process for submitting completed TrustLine applications to DSS and that also allows all of the following:
 - a) Submission of a criminal record statement;
 - b) Payment of required TrustLine application fees, including the ability to submit one payment for multiple applications; and
 - c) Submission of documents and a signed declaration required by current law for the transfer of a criminal record clearance, as specified.
- 3) Requires DSS to make the Web-based application process available to county welfare departments, local child care resource and referral agencies, alternative payment programs, and a number of other specified entities, along with any other entity authorized by DSS.
- 4) Requires DSS to include on its Internet Web site information from the TrustLine registry, as specified, enabling consumers to search and obtain the status of TrustLine applicants and registered TrustLine child care providers using the following information: the first and last name of the applicant or registered provider; and either the individual's driver's license or other specified identification number, or the TrustLine applicant number assigned by DSS.
- 5) Requires the status on the Internet Web site to indicate one of the following: TrustLine applicant; registered TrustLine child care provider; closed; or incomplete.
- 6) Requires DSS to provide consumers with the ability to electronically save, or to print out a document of, the search results for any TrustLine applicant or registered TrustLine child care provider and stipulates certain information that must be included on this electronic file or printed document, including, among other things, the applicant's or registered provider's name and status, registration date for a registered provider, a description of the TrustLine registry, and a toll-free number for obtaining more information about TrustLine or the status of an application, as specified.

- 7) Prohibits DSS from providing any additional, individually identifiable information about TrustLine applicants and registered TrustLine child care providers on the Internet Web site other than the information specified by provisions of this bill.
- 8) Deletes provisions of current law stipulating that a TrustLine provider's failure to maintain a current mailing address with DSS will result in required forfeiture of that provider's registration.
- 9) Stipulates that fulfillment of the requirement in current law that DSS provide the California Child Care Resource and Referral Network with a continually updated record of the status of TrustLine applicants and registered providers, as specified, must occur on each business day, at the least.
- 10) Makes technical changes.

EXISTING LAW:

- 1) Directs DSS to establish and continuously update a TrustLine registry containing information on license-exempt child care providers who have submitted TrustLine background-check information and who have undergone the specified background check. (HSC 1596.60 *et seq.*)
- 2) Requires each person initiating a background examination to be a TrustLine provider to submit an application to DSS (either directly or via a local child care resource and referral agency) and to either, with certain exemptions and as specified:
 - a) Obtain two sets of fingerprints from a law enforcement agency or other local agency on a fingerprint card authorized by DOJ and submit the fingerprints; or
 - b) Send his or her fingerprints to DOJ by electronic transmission in a manner approved by DSS. (HSC 1596.603 (a))
- 3) Requires DSS, upon receipt, to transmit the fingerprint card and copy of the application to DOJ and further, requires DOJ to use the fingerprints and application to search the state and Federal Bureau of Investigation criminal history information and the state Child Abuse Central Index (CACI), as specified. (HSC 1596.603 (c))
- 4) Establishes, for a person who is a current licensee or employee in a facility licensed by DSS, a process for transfer of a criminal record clearance, as specified. (HSC 1596.603 (d))
- 5) Stipulates conditions under which a TrustLine provider's registration must be considered forfeited, including, among other conditions, that a TrustLine provider fails to maintain a current mailing address with DSS. (HSC 1596.608 (b))
- 6) Requires DSS to provide the California Child Care Resource and Referral Network with a continually updated record of the TrustLine applicants, TrustLine applicants that the department denied, the registered TrustLine child care providers, and providers whose registration the department has revoked. (HSC 1596.62 (b))
- 7) Requires the California Child Care Resource and Referral Network to, as specified:

- a) Establish and maintain a toll-free line to enable individuals to determine if a provider is a TrustLine applicant or registered TrustLine child care provider;
- b) Develop a statewide promotion plan and publicize information regarding TrustLine, and distribute TrustLine applications statewide;
- c) Monitor and provide assistance to child care resource and referral agencies regarding carrying out their TrustLine responsibilities;
- d) Seek private financial support for TrustLine; and
- e) Ensure that TrustLine is accessible to everyone in the state, regardless of English proficiency. (HSC 1596.643)

FISCAL EFFECT: Unknown.

COMMENTS:

License-exempt child care: The licensure and operation of child day care centers and family day care homes is governed by the California Child Day Care Facilities Act (Health and Safety Code Sections 1596.70 through 1596.895, 1596.90 through 1597.21, and 1597.30 through 1597.622). Along with attendant regulations located in Title 22 of the California Code of Regulations, the Act establishes general health and safety requirements, provider training requirements, and staff-to-child ratios. DSS's Community Care Licensing Division (CCLD) licenses and oversees the state's licensed child care facilities. These include, as of June 30, 2017, 10,499 day care centers (with the capacity to serve 596,551 children) and 28,679 family day care homes (with the capacity to serve 298,026 children).

Child care, however, is not always provided in licensed day care facilities; many families rely on family, friends, or neighbors to look after and care for their children. Families that access care through the state's subsidized child care system may, in certain cases, be given vouchers to obtain child care. These vouchers can be used to obtain care from family, friends, or neighbors – referred to as “license-exempt” providers – so long as the providers first undergo and pass a background clearance by registering with TrustLine, a registry (described below) used by CCLD to verify an individual's history. The California Department of Education (CDE) reports that, as of April 2017, 34,161 children received subsidized child care from a license-exempt provider; this included: 192 children receiving care in their own homes from a relative, 25 receiving care in their own home from a nonrelative, 20,627 receiving care outside of their home from a relative, 6,865 receiving care outside of their home from a non-relative, and 6,452 receiving licensed-exempt center-based care.

TrustLine: The TrustLine Registry enables parents, guardians, and others to call a toll-free number to determine if a child care provider is listed on the registry; calling this toll-free number (or, in much rarer instances, contacting CCLD's Caregiver Background Check Bureau) is currently the only way to access results from the registry. TrustLine is a registry of license-exempt child care providers who have cleared a criminal background check run by DSS that includes a check of the Child Abuse Central Index (CACI) administered by the Attorney General and DOJ's California Criminal History System, and can involve a check of criminal history records at the Federal Bureau of Investigation. Individuals registered on TrustLine do not have either of the following: disqualifying criminal convictions or substantiated reports of child abuse

found on CACI. The possible statuses that could be obtained regarding a child care provider who has applied for inclusion on the registry include: TrustLine Pending/Applicant, TrustLine/Registered, Closed, or Incomplete. A “Closed” status can result due to these circumstances: an individual was previously active but then became inactive due to voluntary removal from the registry; an individual was previously active but then became inactive due to involuntary removal as a result of a subsequent arrest or conviction; an incomplete application was never completed; registry forfeiture due to actions taken against an individual by CCLD.

In order to become registered on TrustLine, applicants for the registry must complete a form, submit fingerprints, and pay a one-time fee to DSS. Applicants living in California are required to submit fingerprints electronically through a technique and technology referred to as Live Scan, which is offered in various locations across the state. (Out-of-state applicants are permitted to mail in fingerprint cards to DOJ.) Applications must be mailed in or dropped off by individuals, or may be submitted electronically if done with assistance from approved entities, which include resource and referral agencies. Currently, only providers of subsidized child care may use the option of assistance-facilitated online application; all others must mail in or drop off their paper application. Prospective TrustLine providers receive their registry results through the mail; providers of subsidized child care may also receive their results through a secured email from the Resource and Referral Network.

Anyone can apply to be registered on TrustLine, but some providers of child care or individuals who otherwise provide services for children are required to register. These include: license-exempt providers of subsidized child care (described earlier), individuals transporting or accompanying minors via transport escort services, child care providers referred by nanny and babysitter placement agencies, and child care providers who are 18 or older and working at ancillary child care centers (i.e., centers serving clients or customers of businesses, such as in gym child care centers). Additionally, the California Public Utilities Commission requires transport network companies (passenger carriers) that transport minors (e.g., HopSkipDrive) to ensure that their drivers are registered with TrustLine.

DSS reports that there are 456,648 people on the TrustLine Registry as of April 13, 2018; of these, 344,170 are cleared and available to provide care, 6,244 are pending, and 106,234 are closed and not able to provide care. In 2017, approximately 15,000 TrustLine applications were received, and approximately 1,600 of those did not receive clearances. In 2016, approximately 16,000 applications were received, with about 2,000 of those not receiving clearances.

Need for this bill: According to the author, “By allowing license-exempt child care providers, such as babysitters and nannies, to have access to a web-based TrustLine application, we are accelerating the process of children being in the care of background-checked caregivers. This legislation seeks to support employers who are looking to fill a position, and ensure that qualified applicants are employed in a timely manner.”

Recommended amendments: In order to make clear that the modes of TrustLine application and inquiry proposed by this bill supplement, versus supplant, current modes of application and inquiry, to provide additional information for parents and others accessing the registry online, to preserve the requirement that registered providers maintain a current address with DSS but to allow DSS flexibility in determining whether failure to do so shall result in a forfeiture of registration, and to allow additional time for implementation of the provisions of this bill, ***committee staff recommends the following amendments to the bill:***

1) Make the following amendments beginning on line 4 of page 4 of the bill:

P4 1 punishable in the same manner as provided under Section
 2 1596.890.
 3 ~~(e)~~
 4 (f) (1) The department shall create **and make operative, on or before July 1, 2019,** a Web-
 5 based application
 6 process for submitting completed trustline applications to the
 7 ~~department, and department that also allows for all of the~~
 8 following:
 9 (A) The submission of a criminal record statement.
 10 (B) The payment of required trustline application fees, which
 11 shall include the option for submitting multiple applications with
 12 one payment transaction for all applications.
 13 (C) For an applicant who is eligible to transfer his or her
 14 criminal record clearance pursuant to subdivision (e), the
 15 submission of the applicant's completed trustline application, a
 16 copy of his or her identification card described in Section
 17 1596.601, and an electronically signed declaration verifying the
 18 applicant's identity.
 19 (2) The department shall make the Web-based application
 20 process available to county welfare departments, local child care
 21 resource and referral agencies, alternative payment programs,
 22 employment agencies, transport escort services, ancillary child
 23 care centers, entities required by the Public Utilities Commission
 24 to ~~be in use~~ the trustline registry, and any other entity authorized
 by the department.

(3) Nothing in this subdivision shall be construed to limit the ability of an individual to submit a trustline application through other forms and means accepted by the department, including on paper via hand delivery or through the U.S. mail.

2) Make the following amendments beginning on line 29 of page 4 of the bill:

27 1596.606. (a) The department shall include on its Internet Web
 28 site ~~a registry~~ of information from the trustline registry established
 29 pursuant to Section 1596.605, so that consumers may search **for** and
 30 ~~locate~~ obtain the ~~registration~~ status of trustline applicants and
 31 registered trustline child care providers. The Internet Web site
 32 ~~registry~~ shall enable consumers to ~~locate the registration~~ obtain
 33 the status by providing ~~all of the following information to the~~
 34 consumer ~~upon the search of a trustline~~ the first and last name of
 35 the applicant or registered trustline child care ~~provider;~~ provider,
 36 and either his or her identification number on the identification
 37 card described in Section 1596.601 or trustline applicant number
 38 assigned by the department. The **status outcome of the search** provided on the Internet
 39 Web site shall show one of the following statuses:

- 40 ~~(1) Full name.~~
P5 1 ~~(2) Registration number.~~
2 ~~(3) Registration status.~~
3 ~~(4) Registration expiration date.~~
4 (1) Trustline applicant.
5 (2) Registered trustline child care provider.
6 (3) Closed.
7 (4) Incomplete.
8 (b) The department shall provide consumers with the ability to
9 save in an electronic format, or to print out a document of, the
10 search results for any trustline applicant or registered trustline
11 child care provider, which shall include all of the following
12 information:
13 (1) The department logo.
14 (2) The first and last name of the trustline applicant or
15 registered trustline child care provider.
16 (3) The trustline application number assigned by the department.
17 (4) The identification number of the identification card described
18 in Section 1596.601, if provided by the consumer.
19 (5) The status of the trustline applicant or registered trustline
20 child care provider.
21 (6) (A) For a registered trustline child care provider, the
22 registration date.
23 (B) For an applicant with a closed status, the closed date and
24 the following statement: "There are a number of reasons a
25 TrustLine application may be closed. Please contact TrustLine at
26 1-800-822-8490 for more information."
27 (7) A description of the trustline registry, **including a definition of each possible status that
might result from the search of an individual.**
28 (8) The following statement: "For more information about
29 TrustLine or questions regarding the status of an application,
30 please call 1-800-822-8490."
31 ~~(b)~~
32 (c) The department shall not provide any additional, individually
33 identifiable information about trustline applicants and registered
34 trustline child care providers on the Internet Web site registry other
35 than the information specified in ~~subdivision (a)~~. subdivisions (a)
36 and (b).
**(d) Nothing in this section shall be construed to remove the responsibility of the California
Child Care Resource and Referral Network to establish and maintain a toll-free line pursuant
to paragraph (1) of subdivision (a) of section 1596.643 to enable individuals to determine if a
provider is a trustline applicant or a registered trustline child care provider.**
(e) This section shall become operative on or before July 1, 2019.

3) Insert the following after line 23 on page 6 of the bill:

- 13 (b) The trustline provider's registration shall be considered
14 forfeited under either of the following conditions:

15 (1) The trustline provider has had a license or certificate of
 16 approval revoked, suspended, or ~~denied~~ *denied*, as authorized under
 17 Section 1534, 1550, 1568.082, 1569.50, or 1596.885.

18 (2) The trustline provider has been denied employment,
 19 residence, or presence in a facility based on action resulting from
 20 an administrative hearing pursuant to Section 1558, 1568.092,
 21 1569.58, or 1596.8897.

22 ~~(3) The trustline provider fails to maintain a current mailing~~
 23 ~~address with the department.~~

(c) A trustline provider is required to maintain a current mailing address with the department.

(1) The department may forfeit a trustline provider's registration for failing to comply with the requirement established by this subdivision.

PRIOR LEGISLATION:

AB 753 (Escutia), Chapter 843, Statutes of 1997, transferred the administrative responsibility for TrustLine from DOJ to DSS as of July 1, 1998.

AB 1379 (Baker), Chapter 660, Statutes of 1991, required DOJ to establish a TrustLine registry and required CDE to contract with the Child Care Resource and Referral Network to administer TrustLine.

AB 3961 (Baker), Chapter 1540, Statutes of 1988, established pilot projects in five counties to examine the backgrounds of license-exempt child care providers. These pilot projects are seen as the precursor to the statewide establishment of TrustLine.

AB 3608 (Agos), Chapter 1496, Statutes of 1986, allowed parents and guardians to request a background examination of child care providers.

REGISTERED SUPPORT / OPPOSITION:

Support

California Alternative Payment Program Association
 California Child Care Resource and Referral Network, sponsor
 Child Action Inc.
 Child Development Resources of Ventura County

Opposition

None on file.

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