



## Children's Advocacy Institute

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October 16, 2002

*Via U.S. Mail and Facsimile (916) 654-3286*

Anthony J. Velasquez, Chief  
Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 7-192  
Sacramento, California 95814

Re: Comment Regarding DSS' Proposed Rulemaking for Child Care Provider Notification  
Regulations (ORD #0702-18)

Dear Mr. Velasquez:

The Children's Advocacy Institute (CAI), located at the University of San Diego School of Law, seeks to improve the health, safety, and well-being of California's children. CAI advocates in the legislature to make laws, in the courts to interpret laws, before administrative agencies to implement laws, and before the public to educate and build support for laws to improve the status of children statewide and nationwide. CAI educates policymakers about children's needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and injury.

CAI supports the above-referenced rulemaking package in substance and agrees with the overall goal of the changes made by the Department of Social Services. However, we have two concerns.

First, sections 101218.1(b)(5) and 102419(a)(5) identify the right of a parent or authorized representative to complain to the local licensing office and inspect the child care center or family child care home without discrimination or retaliation, in accordance with Health and Safety Code section 1596.857. However, the penalties contained in Health and Safety Code section 1596.857 have been replicated only in the regulation relating to family child care homes (section 102419(f)), and not in the regulation pertaining to child care centers (section 101218.1). We believe the language of section 102419(f) should be replicated in section 101218.1 to avoid inconsistency.

Second, protecting parents and authorized representatives from discrimination and retaliation for exercising **any** of their rights is extremely important. We believe that the current protection from discrimination and retaliation, currently applicable only to the exercise of the right to inspect a child care facility or lodge a complaint with the Department about a child care facility, should extend to all of the rights now listed in section 101218.1(b) and 102419(a). For example, family child care homes and child care centers should be prohibited from discriminating or retaliating against a parent or authorized representative based on his/her exercise of the right to be informed of the name and type of association to the facility for any adult who has been granted a criminal record exemption. If DSS believes that it currently lacks statutory authority to expand this protection against discrimination and retaliation, CAI is willing to assist DSS in trying to obtain the necessary legislative changes that would provide DSS with that authority.

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Reply to:  
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We appreciate the opportunity to submit our concerns and look forward to a response.

Sincerely,

ROBERT C. FELLMETH  
Executive Director of CAI

DEBRA L. BACK  
Attorney for CAI