

Date of Hearing: March 26, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Eloise Gómez Reyes, Chair
AB 1114 (Aguiar-Curry) – As Amended March 20, 2019

SUBJECT: Crisis nurseries: study

SUMMARY: Requires the California Department of Social Services (CDSS) to carry out a pilot project studying crisis nurseries in two counties and to report the results of that study to the Legislature. Specifically, **this bill:**

- 1) Requires CDSS to implement a two-year pilot project in Sacramento County and Yolo County in order to evaluate the effectiveness of crisis nurseries, as specified, in lowering the incidence of child abuse in those counties.
- 2) Requires the pilot project implemented pursuant to the provisions of this bill to consist of:
 - a) CDSS conducting a study, to include an analysis of the rate at which families in the pilot project counties access respite services, of the relationship between crisis respite care, incidents of substantiated child abuse, and the placement of children with child protective services in pilot project counties; and,
 - b) CDSS reporting the results of the study to the Legislature by June 15, 2022, as specified.
- 3) States Legislative intent to, upon appropriation, provide funding for crisis nurseries to continue to provide services to the community and to participate in the pilot project established pursuant to provisions of this bill.
- 4) Sunsets the provisions of this bill as of January 1, 2023, after which date those provisions are repealed.

EXISTING LAW:

- 1) Establishes the California Community Care Facilities Act to provide for the licensure and regulation of community care facilities. (Health and Safety Code [HSC] Section 1500 *et seq.*)
- 2) Defines “community care facility” to mean any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, individuals with physical disabilities or mental impairments and abused or neglected children. Includes within this definition, among a number of other facilities: adult day programs, foster family homes, small family homes, full-service adoption agencies, short-term residential therapeutic programs, and crisis nurseries. (HSC 1502 (a))
- 3) Defines “crisis nursery” to mean a facility licensed by CDSS to operate a program, as specified, to provide short-term care and supervision for children under the age of 6 who are voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation. (HSC 1502 (a)(17))

- 4) Requires community care facilities operating in California, as specified, to have a valid license. (HSC 1503.5)
- 5) Defines “crisis day services” to mean temporary, nonmedical care and supervision for children under 6 years old who are placed voluntarily, for less than 24 hours a day, by a parent or legal guardian because of a family crisis or stressful situation, as specified, and prohibits a child from receiving crisis day services at a crisis nursery for more than 30 days or 360 hours in a 6-month period, absent a CDSS-issued exception. (HSC 1516 (h)(1))
- 6) Defines “crisis residential overnight program” to mean short-term, 24-hour nonmedical residential care and supervision, including overnight, for children under 6 years old who are placed voluntarily by a parent or legal guardian due to a family crisis or stressful situation for no more than 30 days. (HSC 1516 (h)(2))
- 7) Defines “voluntarily placed” to mean a child who is not receiving Aid to Families with Dependent Children-Foster Care and is placed by a parent or legal guardian who retains custody of and responsibility for the child being placed for temporary emergency care. Prohibits “voluntarily placed” from including placement of a child who has been removed from the care and custody of their parent or legal guardian and is placed in foster care by a child welfare services agency. (HSC 1516 (h)(3))
- 8) Establishes a number of requirements and certain authorizations for crisis nurseries, including that a crisis nursery must be organized and operated on a nonprofit basis and licensed by CDSS to operate a crisis residential overnight program, and may also provide crisis day services, among others, as specified. (HSC 1516 (a))
- 9) Requires a crisis nursery to collect and maintain certain data, to be made available to the department upon request, regarding the number of children and age of each child placed in the crisis nursery, the length of stay, and reasons for placement. (HSC 1516 (d))

FISCAL EFFECT: Unknown

COMMENTS:

Community care licensing: The Community Care Licensing Division (CCLD) within CDSS is charged with licensing and regulating a variety of community care facilities, defined in the California Health and Safety Code as “any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children” (HSC 1502). Community care facilities include an array of programs and settings, such as foster family agencies, foster family homes, adult day programs, social rehabilitation facilities, transitional shelters, group homes, runaway and homeless youth shelters, and others, including crisis nurseries, described below. CCLD also licenses and regulates facilities such as child care centers and residential care facilities for the elderly. There were approximately 72,000 CCLD-licensed facilities with the total capacity to serve almost 1.4 million Californians as of June 29, 2018.

Crisis nurseries: As of June 29, 2018, there were five crisis nurseries with a combined total capacity of 54. Sacramento County has two crisis nurseries and Contra Costa, Nevada, and Yolo

Counties each have one. First developed in the 1960s and 70s, crisis nurseries were established in California as a community care licensing category by SB 855 (Machado), Chapter 664, Statutes of 2004. Various changes were adopted over time, including the prohibition, as of 2012, on using crisis nurseries as an emergency placement for foster youth; this change was adopted by SB 1214 (Wolk), Chapter 519, Statutes of 2010.

Today, crisis nurseries provide short-term care and supervision for children under the age of 6 who are voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation (including circumstances such as job loss or a medical or mental health emergency). A child can stay at a crisis nursery for up to 30 days at a time. The author's office reports that crisis nurseries rely entirely on philanthropic support and local funds because no state or federal money is dedicated to finance their work.

Need for this bill: Crisis nurseries can provide families experiencing a crisis or stressful situation with an emergency option for child care and support. This bill seeks to evaluate the effectiveness of crisis nurseries, and states Legislative intent to provide funding for crisis nurseries. According to the author, "Child abuse is an epidemic in California, and particularly impacts our state's youngest children. One predictor of child abuse and neglect is the amount of recent family crises or stressors. In California, there are a number of programs and policies to reduce child abuse and keep our children safe. Crisis nurseries are a prime example. Crisis nurseries offer free emergency childcare for children age 0-5 to give relief to caregivers when crisis hits. They have made positive changes in the communities they serve, though they rely entirely on local funds and philanthropic support. A pilot study about how crisis nurseries impact the incidence of child abuse will help the State better understand the importance and benefits of crisis nurseries. [This bill] ensures that we have verified data to substantiate crisis nurseries' effect on child abuse. This will inform the best path forward."

Recommended amendments: In order to maximize the potential of the pilot study proposed by the provisions of this bill by including all five crisis nurseries and conducting a more comprehensive analysis of outcomes for children and families, ***committee staff recommend the following amendments beginning on line 4 of page 2 of the bill:***

3 | 1516.5. (a) The department shall implement a two-year pilot
4 | project in the ~~County~~ Counties of Contra Costa, Nevada, Sacramento and the County of Yolo
5 | for
6 | the purpose of evaluating the ~~effectiveness of~~ impact of using crisis nurseries
7 | nurseries, as defined in Section 1502, that are licensed pursuant
8 | to Section 1516 ~~in lowering the~~ on outcomes for children and families, including incidence of
9 | child abuse and neglect. in those
10 | ~~counties.~~ The pilot project shall ~~consist of both~~ require all of the following:
11 | (1) The department shall conduct a study of the rate at which families in pilot project
12 | counties access respite services and of the relationship
between crisis respite care and incidents of reported child abuse
care, and a number of child and family outcomes, including, but not limited to, the following:
(A) incidents Incidents of substantiated child abuse and neglect in the county,
(B) , and the The placement of
children within the child welfare services system in the county. with child protective services in
pilot project counties.

(C) Receipt of services, including family maintenance and family reunification services within the child welfare services system, and of other services aimed at addressing the needs of families, such as home visiting services, outside of the child welfare services system by families utilizing crisis nurseries.

(D) Other outcomes indicating the impact of receipt of crisis nursery services on child and family wellbeing of families utilizing crisis nurseries.

(2) The elements studied in subparagraphs (C) and (D) of paragraph (1) shall be measured using voluntary self-reporting of families and shall be recorded and reported anonymously and in accordance with all state and federal privacy protections. Participation shall be at each family's discretion and shall not be a condition for utilization of crisis nursery services.

13 ~~The study shall include an analysis of the rate at which families~~

14 ~~in pilot project counties access respite services.~~

15 (2) (3) The department shall report the results of the study to the

16 Legislature on or before June 15, ~~2021~~. 2022. The report shall

17 ~~comply with Section 9795 of the Government Code.~~

PRIOR LEGISLATION:

SB 174 (Wolk) of 2015 was similar to this bill. It was held on the Senate Appropriations Committee's suspense file.

AB 578 (Dickinson) of 2014 was similar to this bill. It was held on the Senate Appropriations Committee's suspense file.

AB 2228 (Cooley), Chapter 735, Statutes of 2014, revised provisions of law related to crisis nursery programs by requiring crisis nurseries to be licensed by CDSS to operate crisis residential overnight programs and authorizing crisis nurseries to provide crisis day services, among other things.

SB 1319 (Liu), Chapter 663, Statutes of 2012, deleted the statutory sunset for crisis nurseries, thereby allowing crisis nurseries to operate as a temporary placement option for at-risk youth under the age of 6.

SB 1214 (Wolk), Chapter 519, Statutes of 2010, extended the sunset date for the licensing provisions for crisis nurseries for voluntary placements from January 1, 2011, to January 1, 2014, and allowed county child welfare services departments to continue to use crisis nurseries as an emergency placement for children in the foster care system until July 1, 2012. Prohibited, after that date, the use of crisis nurseries as an emergency placement for foster children.

SB 104 (Machado), Chapter 288, Statutes of 2007, extended the sunset for the authorization for the licensure and regulation of crisis nurseries from January 1, 2008, to July 1, 2011, required licensed crisis nurseries that accept children placed directly by county child welfare agencies to annually provide a summary written report to CDSS, and required county child welfare agencies to inform the crisis nursery of the reason for the selection of the crisis nursery as the placement choice when placing a child in a crisis nursery.

SB 855 (Machado), Chapter 664, Statutes of 2004, created within community care licensing a category for crisis nurseries in certain counties, established requirements related to the operation of these facilities, and authorized the temporary placement of a limited number of children referred by the child welfare services system.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Yolo (Sponsor)
County of Sacramento
First 5 Sacramento
Sacramento Children's Home

Opposition

None on file

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