

## FAMILY CHILD CARE HOME EXPLANATION OF REMOVALS/EXCLUSIONS AND REINSTATEMENT

### EXCLUSION:

By law, licensees and adults who live or work in a Family Child Care Home must have a criminal background check. They must submit fingerprints and have their name checked against the California Child Abuse Central Index. If the Department removes or excludes an individual, for any reason, the licensee may request a review of the Department's decision if they want the person to continue to be present in the Family Child Care Home. In many cases, an individual may not be present or work in the Family Child Care Home while the Department conducts the review. If the licensee chooses not to request a review the individual may do so.

The Department of Social Services has the authority to remove or exclude a person from a Family Child Care Home if the Department finds that a person has:

- a) Been convicted of certain serious crimes that are by law non-exemptible.
  - These convictions are considered so serious that the person must not be present in the Family Child Care Home when child care children are present and they are not permitted to obtain an exemption, or
- b) Been convicted of a felony or certain specified misdemeanors.
  - The licensee will be instructed not to permit the person to be present in the home any time child care children are present. The licensee or the individual, may request an exemption. If an exemption is granted the person will be permitted back into the home, or
- c) Been convicted of a misdemeanor, and
  - The person poses a risk to child care children because of the seriousness, recency, and/or pattern of the crime. The licensee or the individual, may request an exemption. If an exemption is granted the person will be permitted back into the home, or
- d) Been found, after a licensing investigation, to have committed an improper act, and
  - The improper act causes the licensing department to believe the person may pose a risk to child care children. The excluded person may appeal, and has a right to a hearing.

The decision to remove or exclude a person is based on confidential information reported on his or her criminal record or based on a thorough investigation by the Department of Social Services.

### EXEMPTION:

An individual who has been convicted of a crime (other than a minor traffic violation) is disqualified from holding a license or being present in a licensed Family Child Care Home unless the individual is granted a criminal record exemption by the Department.

The law permits any person convicted of a crime that the law does not classify as non-exemptible to apply for an exemption.

An exemption may be granted if the individual presents substantial and convincing evidence to support a reasonable belief that the person is of good character and is not a threat to the well being of child care children.

### REINSTATEMENT:

A person has a right to appeal his or her exclusion. After review of the entire record, it may be determined that an exemption may be granted or that the excluded person does not pose a threat to children in care. In either case, the previously excluded person will be allowed to return to the Family Child Care Home (reinstated).