



## THE REGULATION OF CHILD CARE AND CALIFORNIA'S NEW "KIDS' PLATES"

**F**ew private enterprises have a more difficult task than those providing child care for compensation. Consider the task: the management, control, and—ideally—the educational enrichment of beings possessed of raw energy and curiosity. As they test the world around them, many of them seem bent on the destruction of all they behold, and some seem driven to attempt perpetually their own destruction. Fingers in electrical sockets, grabbing hot pans, jumping into swimming pools, drinking anything liquid, pushing, climbing, falling. Kids. God love 'em.

We entrust these strange but important creatures increasingly to commercial child care. Often these are "centers" accommodating ten, twenty, or more children in a facility designed for that purpose. It may also mean "family day care," from one to twelve children cared for in someone else's home for compensation.

Making the situation all the more daunting is the fact that these beings of perpetual motion spend four to eight hours a day in a strange place, away from home, supervised by persons whose average pay offends minimum wage standards. The average child care worker receives from \$10,000 to \$24,000 per year, with most earning closer to the lower level. Most of these people are dedicated, and some of them probably add more to the welfare of humanity than many of the rest of us. But they have little discretionary income, and not always their ideal pick of assistants.

Add to this mix an increasing and understandable demand for child care. California culture is not rich in extended family child care; it is transient. In California, approximately 600,000 children are cared for each day in licensed child care facilities and day care homes. And the need is growing. The latest census counted over 1.9 million children under the age of thirteen whose parent(s) work outside the home. About one-quarter of today's unmarried women are having children nevertheless. In two-parent

households, both must usually work to afford real estate prices, taxes, insurance, and health care—all of which have soared through the roof; not to mention the tuition for higher education should today's child have such a dream.

So, child care is no longer a luxury for the rich. It is here to stay. And unlike the wealthy who pay for private lessons and nannies, most of the rest of us must rely on relatives or commercial child care—with the latter taking the lead.

One important safeguard of the health and safety of our children must be governmental regulation of these commercial centers and family day care homes. They present not unusual problems for regulators. Ideally, a regulatory system assuring health and safety will have a mixture of components: incentives to encourage enrichment, bright-line standards which are easy to follow to assure health and safety, spot inspections to ensure compliance, sanctions which start with a warning and end with appropriate penalties where health and safety are involved—measured sanctions appropriate for the danger and financial condition of the industry, and an administrative system which is accountable.

But that is not what we have. Instead, we have few incentives to provide stimulating care; confusing standards; no spot or surprise inspections of child care facilities, and regular inspections only one-third as frequently as we inspect dog kennels; sanctions for family day care safety violations ranging from a request to do something to license revocation (with nothing in between); and a regulatory system merged into "community care licensing," which includes halfway houses and drug rehabilitation facilities. And in the past, we have failed to require CPR training for day care employees, a safety plan for fire and other emergencies, and immunization recordkeeping, although less than half of California's two-year-olds are immunized against basic diseases.

In the face of this regulatory void, the current "child advocate" Governor's ad-

ministration proposed in 1991 to end all day care inspections except at point of licensure or upon complaint, make no other changes in the child care regulatory system, and rely on parents to provide adequate safety assurance. But how capable are most parents of inspecting a swimming pool gate with knowledge about lock defects, cavorting through the kitchen cabinets of their child's day care center looking for poisons, or checking the water heater temperature for scald danger? All politicians love to kiss our innocent children and claim to be their champion—but such aspirations are tested by deeds and deeds alone.

To their credit, the legislature and Governor recently responded to these problems by enacting several bills to correct or at least address some of these failings in the child care regulatory system. Immunization records must be kept. CPR training is required. Fire plans kept. Granted, one cannot fairly pile too much on an industry as economically fragile as is this one, but these measures involve only minutes of time; for example, several hours of training in pediatric CPR is a small requirement when the skill is needed. Similarly, a requirement to check local child abuse records when hiring caregivers may mean a phone call, but it would appear to be one which is wisely made.

The most important single bill was AB 3087 (Speier) (Chapter 1316, Statutes of 1992). This measure attacked many of the regulatory defects of the system: It requires spot inspections and separates the regulation of child care from "community care licensing" to assure an accountable administrator with on-point expertise. It also creates a civil penalty to give family day care sanctions a measured response where serious health and safety standards are violated—even after warning. And it includes many other valuable reforms.

But, while the legislature passed and the Governor signed AB 3087, they failed to address one detail. They allocated no money to finance these reforms. There is money for canines—dog kennel inspections will continue—but there is none for children. So the child advocate sponsors of AB 3087 came up with an innovative new mechanism to finance these important child care regulatory reforms and other children's programs: the "Kids' Plates" automobile license plate program.

When you order a "Kids' Plate," you can add one of four new symbols to your personalized license plate—a heart, a plus sign, a star, or a child's handprint.



Once the "Kids' Plates" program is activated, the revenues from these plates will go into a new Child Health and Safety Fund, which will fund the child care regulation reforms contained in AB 3087 and a host of other currently underfunded child abuse prevention and injury prevention programs. Unlike other government funds, the Child Health and Safety Fund is statutorily earmarked to be spent as follows: 50% for child care health and safety licensing and enforcement reforms; 25% for child abuse prevention programs; and 25% for injury prevention programs addressing swimming pool safety, fire safety, gun safety, vehicle restraint, bicycle safety, playground safety, in-home safety, lead poisoning, and sudden infant death syndrome.

"Kids' Plates" are inexpensive for drivers, and will make all the difference in the world to California's children. A personalized "Kids' Plate" with your unique message costs only \$50 initially and \$40 to renew each year. Or you can choose to support the program by ordering a standard plate with one of the "Kids' Plates" symbols placed randomly on the plate by DMV; this option costs only \$20 initially and \$15 to renew each year. Once the "Kids' Plates" program is initiated, the new Child Health and Safety Fund should yield between \$10-\$20 million per year for critical children's health and safety programs—something neither the legislature nor the Governor could seem to come up with.

Ah, but there's another hitch. The new law requires 5,000 Californians to order a "Kids' Plate" by December 31, 1993, or the entire program—the personalized license plates, the Child Health and Safety Fund, *and* most of the child care regulatory reforms in AB 3087—will disappear. And the children's advocates who sponsored the bill now bear the burden of securing the first 5,000 plate orders.

So, this is an unabashed solicitation—for a nonprofit purpose, and with a policy message. Those who order "Kids' Plates" proclaim: "I know that important services have been cut. I believe children have a right to protection, and that they come first. I not only believe it; I'll help pay for it. Mr. Governor and Ms. Legislator, even if you lack the judgment and courage to arrange it, I'll wear my conviction like a badge for all to see—on the back of my car."

For more information on how to order your "Kids' Plates," call the Children's Advocacy Institute at (916) 444-3896. Please.

