



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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ARNOLD SCHWARZENEGGER
GOVERNOR

March 1, 2010

ERRATA

ALL COUNTY LETTER NO. 08-46E

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY LICENSING AGENCIES
ALL CHIEF PROBATION OFFICERS

SUBJECT: FEDERAL NON-EXEMPTIBLE AND FEDERAL FIVE-YEAR BAN
CRIMINAL CONVICTIONS

REFERENCE: ALL COUNTY LETTER (ACL) NO. 08-46; ASSEMBLY BILL (AB) 595
(CHAPTER 246, STATUTES OF 2009)

This erratum corrects the citation of the legislation which amended Health and Safety Code section 1522 and restates pertinent instructions as originally described in ACL 08-46 (issued October 23, 2008). That ACL implemented AB 2651 to comply with the requirements of the Adam Walsh Child Protection and Safety Act of 2006 regarding federal non-exemptible and five-year prohibited crimes which became effective October 1, 2008. This erratum also provides clarification as to the applicability of the new requirements when an existing care provider moves.

The AB 595 amended Health and Safety Code section 1522(g)(1)(C), identifying additional non-exemptible offenses for which an exemption cannot be granted. The AB 595 also amended Health and Safety Code section 1522(g)(1)(C)(ii) to now prohibit granting a criminal record exemption for certain specified crimes if a conviction occurred within the last five years. These amendments are applicable to prospective foster and certified parents, relatives, and non-relative extended family member (NREFM) caregivers. The new non-exemptible crime categories are in addition to the current state list of non-exemptible crimes. This list can be found in the Community Care Licensing Evaluator Manual, Background Check Procedures, section 7-2100; go to: <http://cclcd.ca.gov/res/pdf/BackgroundCheckProcedures.pdf>

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

Effective October 11, 2009, before licensing a home or finally approving a relative or NREFM home, all criminal record background checks processed by County Licensing and County Welfare Agencies for foster family homes, relatives, NREFMs, and all other adults not specifically exempted from the fingerprint requirements as afforded in Health and Safety Code section 1522(b), must adhere to these new amendments. For applicability of the federal Adam Walsh non-exemptible and five year prohibition requirements to prospective adoptive homes, please see ACL No. 09-16 issued March 12, 2009.

Please continue to refer to ACL No. 08-46 for detailed instructions regarding these amendments to the Health and Safety Code and for guidance identifying federal non-exemptible and five-year ban crimes. The information contained in the sections "Federal Non-Exemptible Crimes" and "Federal Five-Year Ban Crimes" sections are still accurate.

Counties are reminded that for jurisdiction changes affecting existing relative caregivers, the existing approval must be transferred using the process described in ACL 08-58 and ACL 08-58E. Processing jurisdiction changes as a new approval will require that the non-exemptible and five-year ban crimes requirements be applied, which could result in a previously approved home not meeting the new requirements and not being approved.

Questions pertaining to licensed or certified homes should be directed to Mariahelena Romo, Manager of the Caregiver Background Check Bureau, at (916) 274-6200; questions pertaining to approved relative and NREFM homes should be directed to Sharon DeRego, Chief of the Permanency Policy Bureau, at (916) 657-1858.

Sincerely,

Original Document Signed By:

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division