

February 18, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-19

This letter is to provide information on the changes to Family Code section 8732 which eliminates the requirement for a certification that an applicant for adoption and each adult residing in the applicant's home has received a test for tuberculosis/communicable TB.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

February 18, 2021

ALL COUNTY LETTER NO. 21-19

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL LICENSED FOSTER FAMILY AGENCIES
ALL CDSS ADOPTION REGIONAL OFFICE MANAGERS
ALL LICENSED ADOPTION AGENCIES
ALL COUNTY ADOPTION PROGRAM MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL CHILDREN'S RESIDENTIAL PROGRAM MANAGERS

SUBJECT: REMOVAL OF THE REQUIREMENT FOR A CERTIFICATION OF
A TUBERCULOSIS TEST FOR THE PURPOSES OF ADOPTION

REFERENCE: [FAMILY CODE SECTION 8732](#); [ASSEMBLY BILL 2944](#),
[STATUTES OF 2020, CHAPTER 104](#); ASSEMBLY BILL 2286,
STATUTES OF 1998, CHAPTER 983; AND [TITLE 22](#),
[CALIFORNIA CODE OF REGULATIONS, DIVISION 2](#),
[SUBCHAPTER 5, ARTICLE 11](#)

PURPOSE

The purpose of this All County Letter (ACL) is to provide notice to all public child welfare and all licensed private adoption agencies regarding the removal of the legal requirement for a certification of a tuberculosis/communicable tuberculosis (TB) test for adoption applicants and any other adults residing in the applicant's home.

BACKGROUND

Assembly Bill 2286 (Stats. 1998, Ch. 983) enacted Family Code section 8732 requiring, for the purpose of adoption, a medical examination of foster parents with whom a child has lived for a minimum of six months or for a relative caregiver who has had a significant relationship with a child, unless the department or licensed adoption agency determined that this report was deemed unnecessary. The medical examination was

required to include a certification that the applicant and each adult residing in the applicant's home has received a TB test.

AB 2944 (STATS. 2020, CH. 104)

Effective September 18, 2020, a certification that a test was received for TB is no longer required by law for the purposes of completing an adoption of a foster child or youth. Assembly Bill 2944 (Statutes of 2020, Ch. 104) amended Family Code section 8732 and removed the requirement for a TB test. This law does not prohibit licensed adoption agencies from requesting, based on available information, that a TB test be submitted to ensure the safety and well-being of families and children. However, the absence of a TB test cannot be a determining factor in the denial of the finalization of an adoption, as it is no longer a requirement under the law.

Regardless of adoption requirements, Foster Family Agency (FFA) Interim Licensing Standards (ILS) Section 88566(c) still requires caretakers of children with special health care needs, including the Specialized Resource Family, to have a screening/test for TB. Assembly Bill 2944 does not affect this requirement.

If you have any questions or need additional guidance regarding the information in this letter, contact the Adoption Policy Unit, Permanency Policy Bureau, Children and Youth Permanency Branch at (916) 657-1848 or at apu@dss.ca.gov.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division