

December 19, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 22-107

PROVIDER INFORMATION NOTICE (PIN) 22-14-CRP

The purpose of this All County Letter/Provider Information Notice is to inform county child welfare agencies, probation departments, Foster Family Agencies, and tribes of the new data collection and reporting requirements from Senate Bill 354 and specifically in Health and Safety Code Section 1521.7.



KIM JOHNSON
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

December 19, 2022

ALL COUNTY LETTER NO. 22-107
PROVIDER INFORMATION NOTICE 22-14-CRP

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
ALL COUNTY FOSTER CARE MANAGERS
ALL FEDERALLY RECOGNIZED TRIBES
COUNTY WELFARE DIRECTORS ASSOCIATION
ALL LICENSED FOSTER FAMILY AGENCIES
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF

SUBJECT: SENATE BILL 354 DATA COLLECTION AND REPORTING

REFERENCE: [ALL COUNTY LETTER 22-33; PROVIDER INFORMATION NOTICE 22-01-CRP](#); [SENATE BILL 354](#) (CHAPTER 687; STATUTES OF 2021); [BUDGET ACT OF 2022](#) (CHAPTER 249; STATUTES PF 2022); [HEALTH AND SAFETY CODE 1521.7](#); [HEALTH AND SAFETY CODE 1522](#); [RESOURCE FAMILY APPROVAL BACKGROUND ASSESSMENT GUIDE](#)

The purpose of this combined All County Letter (ACL) and Provider Information Notice (PIN) is to inform and instruct county child welfare departments, probation departments, tribes who conduct background checks, and Foster Family Agencies (FFAs) of the data collection requirements for the California Department of Social Services (CDSS) regarding criminal exemption requests as required by [Health and Safety Code \(HSC\) section 1521.7](#). The CDSS will begin collecting this data beginning January 1, 2023, and will continue through the rest of the calendar year. This ACL/PIN also serves as notice of a one-time funding allocation for the data collection and reporting.

BACKGROUND

Effective January 1, 2022, [Senate Bill \(SB\) 354](#) removed certain barriers to placement with relatives. The bill expanded eligibility for criminal record exemption requests, which allows for more child-specific Resource Family Approvals (RFA) and Tribally Approved Homes (TAHs), expanded eligibility to the Approved Relative Caregiver funding, and clarified state laws regarding the juvenile court's authority to place children with relatives. Additionally, it ensured counties assist relatives, extended family members (in cases with Indian children, and nonrelative extended family members with obtaining necessary provisions for an emergency placement of a relative child. Finally, it expanded eligibility for the simplified criminal exemption process and explicitly excluded all infractions from criminal exemption requirements.

Specific to new data collection and reporting requirements, SB 354 added HSC section 1521.7, which requires the CDSS to report certain data to the Legislature regarding RFA and TAH applicants. Although federally recognized tribes are not subject to all RFA approval standards when approving a TAH, and have the independent authority to approve homes using the tribe's own socially and culturally appropriate standards, TAHs are subject to the background check requirements set forth in the [HSC sections 1522](#) and [1522.1](#). The counties that complete the background checks on behalf of a tribe will report the requested data regarding those TAH applicants. While Tribes that conduct their own background checks are not required to participate in the data collection and reporting to the Legislature, their participation is encouraged to provide the most accurate information to the Legislature regarding placements of children in care.

For accurate reporting, the counties, FFAs, and participating tribes are instructed to track specific data as of January 1, 2023, for relative RFA and TAH applicants (including extended family members in the case of an Indian child). The data required to be collected includes demographic information on applicants who were granted a criminal record exemption request, applicants who were denied a criminal record exemption for exemptible and non-exemptible convictions, and applicants who filed an administrative appeal in response to a criminal record exemption denial. The data collection will review the criminal background check process for relative and in cases with Indian children, extended family member applicants.

DATA COLLECTION AND REPORTING

The Child Welfare Services/Case Management System and the Licensing Information System are not able to produce reports on the required data. Therefore, to accommodate for the limitations in the current system, the Research, Automation, and Data Division of CDSS has developed a data reporting form (Attachment A) for

counties, FFAs, and participating tribes. The CDSS will send a link to this data reporting form (using an online platform) quarterly (the month following the reporting quarter), with instructions for completion and a two-week due date for submission. The county, FFA, or participating tribe will be responsible for maintaining and reporting the following data on a quarterly basis:

- A. How many RFA applicants (relatives and extended family members in the case of the Indian child) were denied a criminal record exemption for a crime(s) for which the applicant was **eligible** to request an exemption pursuant to 1522(g)(2)?
- B. How many TAH applicants (relatives and extended family members in the case of the Indian child) were denied a criminal record exemption for a crime(s) for which the applicant was **eligible** to request an exemption pursuant to 1522(g)(2)?
- C. How many RFA applicants (relatives and extended family members in the case of an Indian child) were ineligible for a criminal record exemption?
- D. How many TAH applicants (relatives and extended family members in the case of an Indian child) were ineligible for a criminal record exemption?
- E. How many administrative appeals were filed by RFA applicants (relatives and extended family members in the case of an Indian child) described in A or C.?
- F. How many administrative appeals were filed by TAH applicants (relatives and extended family members in the case of an Indian child) described in B or D.?
- G. Number of appeals described in E where the denials were upheld.
- H. Number of administrative appeals described in F where the denials were upheld.
- I. How many RFA applicants (relatives and extended family members in the case of an Indian child) were granted a criminal record exemption?
- J. How many TAH applicants (relatives and extended family members in the case of an Indian child) were granted a criminal record exemption?
- K. Demographic characteristics, including, at a minimum race, income level, and county.

For reference, crimes listed in HSC section 1522(g)(2)(A) include, but are not limited to, crimes involving violence, spousal abuse, child abuse or neglect, and crimes against a child including child pornography. Please refer to the most updated [Background Assessment Guide \(BAG\)](#) for further guidance.

FOSTER FAMILY AGENCY DATA COLLECTION

To report the specified data, FFAs will need to review denial letters sent from the Care Provider Management Bureau (CPMB) regarding applicants. If an applicant is denied for a crime listed in HSC section 1522(g)(2)(A), the following phrase will be included on the denial letter: *"The Department of Justice has reported the applicant has a conviction for which the Department is prohibited by law from granting a criminal record exemption."* The data reporting form will ask for data about applicants that were denied for that reason and denied for other reasons. It will be important to note what language is included in denial letters sent by the CPMB.

The FFAs may not be involved in the appeal process, but for the purposes of this data reporting form, FFAs should follow up with applicants about whether they file an appeal and about the outcome of any appeal.

FUNDING

The [Budget Act of 2022](#) included funding in the amount of \$5.3 million to be allocated to county child welfare, probation, and participating tribes for the data collection and reporting requirements for HSC section 1521.7. A forthcoming County Fiscal Letter will be sent to counties and participating tribes with further instructions.

If you have any questions or need additional guidance regarding the information in this letter, contact the RFA Policy Unit at (916) 651-1101 or at SB354@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

KEVIN GAINES
Deputy Director
Community Care Licensing Division

SENATE BILL 354 REPORTING FORM

I. Data Reporting Form Landing Page

This reporting form collects data as required by Health and Safety Code (HSC) section 1521.7, as added by Senate Bill 354 (2021). This data aims to evaluate how related Resource Family and Tribally Approved Home (TAH) applicants have been impacted by changes to the criminal background check process. Data will be collected on an ongoing, quarterly basis. Data should be reported in each time period as required, and the data will be cumulated over time by the Department and analyzed as a whole. The California Department of Social Services (CDSS) will use the data collected for the report to the Legislature, as required by HSC section 1521.7. The platform used for the data collection meets the Information System Division's requirements for security and privacy. No individual identifying information will be collected or reported.

This reporting form is to be completed on a quarterly basis. Please include information only for the reporting quarter and do not report data twice. For example, if an applicant is denied in one quarter and files an appeal in a different quarter, do not report the denial twice.

Please indicate which type of entity you are reporting for: participating tribe, county child welfare services or probation department, or Foster Family Agency (FFA), and complete the reporting form that follows.

Please be sure to indicate for which reporting period (month and year) you are reporting.

- Quarter 1: January 1 – March 31, 2023
- Quarter 2: April 1 – June 30, 2023
- Quarter 3: July 1 – September 30, 2023
- Quarter 4: October 1 – December 31, 2023

Please ONLY report the status as it is for that reporting period. For example, if an appeal was filed two reporting periods prior, and the denial was upheld in the current reporting period, ONLY report the denial being upheld this quarter (the appeal being filed would have been reported two reporting periods prior, when it happened). Participants need to report each "event" (whether appeal, denial, receiving exemption, in process) only one time, in the reporting period in which it happened.

If you have questions about this reporting form, please reach out to

CDSSEBT@dss.ca.gov.

II. Data Reporting Form Content

Section 1: Background information

1. *Please specify the reporting period:
 - a. Quarter 1: January 1 – March 31, 2023
 - b. Quarter 2: April 1 – June 30, 2023
 - c. Quarter 3: July 1 – September 30, 2023
 - d. Quarter 4: October 1 – December 31, 2023
2. *Do you represent a county, tribe, or the FFA?
 - a. County
 - b. Tribe
 - c. FFA
3. *Which County? [drop-down menu]
[This question will only appear if A is selected in question 2]
4. *Which agency are you reporting for?
[This question will only appear if A is selected in question 2]
 - a. Child Welfare
 - b. Probation
 - c. Both
5. *Which Tribe? [drop-down menu]
[This question will only appear if B is selected in question 2]
6. *Which FFA? [textbox]
[This question will only appear if C is selected in question 2]
7. Which sub-office do you work in? (if applicable) [textbox]
[This question will only appear if C is selected in question 2]

Section 2: FFAs and Counties - Criminal Record Exemptions – Granted

[This section will only appear if A or C is selected in question 2]

8. ***How many Resource Family Approval (RFA) applicants who applied to care for a relative child (relative and in the case of an Indian child, extended family member applicants) were granted a criminal record exemption (simplified and standard exemptions)?** [textbox]
9. ***What were the racial/ethnic backgrounds of those applicants? (Please include number of individuals next to each group. Include all that are reported by applicant.)**
- a. Hispanic or Latino
 - b. Native American or Alaska Native
 - c. Asian
 - d. Black
 - e. Native Hawaiian or Other Pacific Islander
 - f. White
 - g. Unknown/Unable to Determine
 - h. Prefer Not to State
10. ***What was the approximate annual income level of those applicants? (Please include number of individuals next to each group.)**
- a. <\$25,000
 - b. \$25,001 - \$35,000
 - c. \$35,001 - \$50,000
 - d. \$50,001 - \$75,000
 - e. \$75,001 - \$100,000
 - f. >\$100,001
 - g. Unknown
11. ***In which counties did those applicants live? (Please include number of individuals next to each group.)**

[Questions 9-11 will only appear if the answer to question 8 is greater than 0]

Section 3: FFAs and Counties - Criminal Record Exemptions – Denied

[This section will only appear if A or C is selected in question 2]

12. ***How many RFA applicants who applied to care for a relative child (relative and in the case of an Indian child, extended family member applicants) were denied a criminal record exemption for a crime(s) for which the applicant was eligible to request an exemption pursuant to HSC section 1522(g)(2)?**

Note: Crimes listed in HSC section 1522(g)(2)(A) include, but are not limited to, child abuse or neglect, spousal abuse, crimes against a child, including child pornography, and crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery. Also included are felony convictions, within the last five years, for physical assault, battery, or a drug- or alcohol-related offense. Please review Section 111 of the [Background Assessment Guide \(BAG\)](#) or HSC section 1522(g)(2)(A) for full details.

For FFAs, this question asks for applicants who were denied, and for whom the denial letter from Care Provider Management Bureau (CPMB) does **not** include the statement: *“The Department of Justice has reported the applicant has a conviction for which the Department is prohibited by law from granting a criminal record exemption.”*

13. ***What were the racial/ethnic backgrounds of those applicants? Note this data is available on the RFA/LIC 01A form.**
14. ***What was the approximate annual income level of those applicants? Note this data is available on the RFA/LIC 01A form.**
15. ***In which counties did those applicants live?**

[Questions 12-14 will only appear if the answer to question 11 is greater than 0]

Section 4: FFAs and Counties – Appeals Filed for Denied Cases

[This section will only appear if A or C is selected in question 2]

16. **How many of the relative applicants (in the case of an Indian child, extended family member) who were denied a criminal record exemption for a crime(s) for which the applicant was eligible to request an exemption pursuant to 1522(g)(2) filed an administrative appeal?**

Please enter numbers only. If the information is not available, enter "N/A"

17. What were the racial/ethnic backgrounds of those applicants who filed an administrative appeal?
 18. What was the approximate annual income level of those applicants who filed an administrative appeal?
 19. In which counties did those applicants live?
- [Questions 17-19 will only appear if the answer to question 16 is greater than 0]

Section 5: FFAs and Counties – Denials Upheld for Denied Cases

[This section will only appear if A or C is selected in question 2]

20. **How many denials were upheld following an administrative appeal for a relative applicant (in the case of an Indian child, extended family member) denied a criminal record exemption for a crime(s) for which the applicant was eligible to request an exemption pursuant to HSC section 1522(g)(2)?**
Please enter numbers only. If the information is not available, enter "N/A"
 21. What were the racial/ethnic backgrounds of those applicants whose denials were upheld?
 22. What was the approximate annual income level of those applicants whose denials were upheld?
 23. In which counties did those applicants live?
- [Questions 21-23 will only appear if the answer to question 20 is greater than 0]

Section 6: FFAs and Counties – Denials Overturned for Denied Cases

[This section will only appear if A or C is selected in question 2]

24. **How many denials were overturned following an administrative appeal for relative applicants (in the case of an Indian child, extended family member) denied a criminal record exemption for a crime(s) for which the applicant was eligible to request an exemption pursuant to HSC section 1522(g)(2)?**
Please enter numbers only. If the information is not available, enter "N/A"
 25. What were the racial/ethnic backgrounds of those applicants whose denials were overturned?
 26. What was the approximate annual income level of those applicants whose denials were overturned?
 27. In which counties did those applicants live?
- [Questions 25-27 will only appear if the answer to question 24 is greater than 0]

Section 7: FFAs and Counties - Criminal Record Exemptions – Ineligible

[This section will only appear if A or C is selected in question 2]

28. How many RFA applicants who applied to care for a relative child (relative and in the case of an Indian child, extended family member applicants) were ineligible for a criminal record exemption pursuant to HSC section 1522(g)(2)(A)?

Note: Crimes listed in HSC section 1522(g)(2)(A) include, but are not limited to, child abuse or neglect, spousal abuse, crimes against a child, including child pornography, and crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery. Also included are felony convictions, within the last five years, for physical assault, battery, or a drug- or alcohol-related offense. Please review Section 111 of the BAG or HSC section 1522(g)(2)(A) for full details.

For FFAs, if an applicant is ineligible for a criminal record exemption pursuant to HSC section 1522(g)(2)(A) the denial letter from CPMB will say: *“The Department of Justice has reported the applicant has a conviction for which the Department is prohibited by law from granting a criminal record exemption.”*

29. What were the racial/ethnic backgrounds of those applicants?

30. What was the approximate annual income level of those applicants?

31. In which counties did those applicants live?

[Questions 29-31 will only appear if the answer to question 28 is greater than 0]

Section 8: FFAs and Counties – Appeals Filed for Ineligible Cases

[This section will only appear if A or C is selected in question 2]

32. How many of the relative (in the case of an Indian child, extended family member) applicants who were ineligible for a criminal record exemption pursuant to HSC section 1522(g)(2)(A) filed an administrative appeal?

Please enter numbers only. If the information is not available, enter "N/A"

33. What were the racial/ethnic backgrounds of those applicants who filed an administrative appeal?

34. What was the approximate annual income level of those applicants who filed an administrative appeal?

35. In which counties did those applicants live?

[Questions 33-35 will only appear if the answer to question 32 is greater than 0]

Section 9: FFAs and Counties – Denials Upheld for Ineligible Cases

[This section will only appear if A or C is selected in question 2]

36. **How many denials were upheld following an administrative appeal for relative applicants (in the case of an Indian child, extended family member) ineligible for a criminal record exemption?**

Please enter numbers only. If the information is not available, enter "N/A"

37. What were the racial/ethnic backgrounds of those applicants whose denials were upheld?

38. What was the approximate annual income level of those applicants whose denials were upheld?

39. In which counties did those applicants live?

[Questions 37-39 will only appear if the answer to question 36 is greater than 0]

Section 10: FFAs and Counties – Denials Overturned for Ineligible Cases

[This section will only appear if A or C is selected in question 2]

40. **How many denials were overturned following an administrative appeal for relative applicants (in the case of an Indian child, extended family member) ineligible for a criminal record exemption?**

Please enter numbers only. If the information is not available, enter "N/A"

41. What were the racial/ethnic backgrounds of those applicants whose denials were overturned?

42. What was the approximate annual income level of those applicants whose denials were overturned?

43. In which counties did those applicants live?

[Questions 41-43 will only appear if the answer to question 40 is greater than 0]

Section 11: Tribally Approved Homes - Criminal Record Exemptions – Granted

[This section will only appear if A or B is selected in question 2]

44. **How many Tribally Approved Home applicants (relative and extended family member) were granted a criminal record exemption (simplified and standard exemptions)?**

45. What were the racial/ethnic backgrounds of those applicants?

46. What was the approximate annual income level of those applicants?

47. In which counties did those applicants live?

[Questions 45-47 will only appear if the answer to question 44 is greater than 0]

Section 12: Tribally Approved Homes - Criminal Record Exemptions – Denied

[This section will only appear if A or B is selected in question 2]

- 48. How many Tribally Approved Home applicants (relative and extended family member) were denied a criminal record exemption for a crime(s) for which the applicant was eligible to request an exemption pursuant to HSC section 1522(g)(2)?**

Note: Crimes listed in HSC section 1522 (g)(2)(A) include, but are not limited to, child abuse or neglect, spousal abuse, crimes against a child, including child pornography, and crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery. Also included are felony convictions, within the last five years, for physical assault, battery, or a drug- or alcohol-related offense. Please review Section 111 of the BAG or HSC section 1522 (g)(2)(A) for full details.

49. What were the racial/ethnic backgrounds of those applicants?
50. What was the approximate annual income level of those applicants?
51. In which counties did those applicants live?

[Questions 49-51 will only appear if the answer to question 48 is greater than 0]

Section 13: Tribally Approved Homes – Administrative Appeals Filed for Denied Cases

[This section will only appear if A or B is selected in question 2]

- 52. How many of the Tribally Approved Home applicants (relative and extended family member) who were denied a criminal record exemption for a crime(s) for which the applicant was eligible to request an exemption pursuant to HSC section 1522(g)(2) filed an administrative appeal?**

Please enter numbers only. If the information is not available, enter "N/A"

53. What were the racial/ethnic backgrounds of those applicants who filed an administrative appeal?
54. What was the approximate annual income level of those applicants who filed an administrative appeal?
55. In which counties did those applicants live?

[Questions 53-55 will only appear if the answer to question 52 is greater than 0]

Section 14: Tribally Approved Homes – Denials Upheld for Denied Cases

[This section will only appear if A or B is selected in question 2]

56. **How many denials were upheld following an administrative appeal for a Tribally Approved Home applicant (relative and extended family member) denied a criminal record exemption for a crime(s) for which the applicant was eligible to request an exemption pursuant to HSC section 1522(g)(2)?**

Please enter numbers only. If the information is not available, enter "N/A"

57. What were the racial/ethnic backgrounds of those applicants whose denials were upheld?

58. What was the approximate annual income level of those applicants whose denials were upheld?

59. In which counties did those applicants live?

[Questions 57-59 will only appear if the answer to question 56 is greater than 0]

Section 15: Tribally Approved Homes – Denials Overturned for Denied Cases

[This section will only appear if A or B is selected in question 2]

60. **How many denials were overturned following an administrative appeal for a Tribally Approved Home applicant (relative and extended family member) denied a criminal record exemption for a crime(s) for which the applicant was eligible to request an exemption pursuant to 1522(g)(2)?**

Please enter numbers only. If the information is not available, enter "N/A"

61. What were the racial/ethnic backgrounds of those applicants whose denials were overturned?

62. What was the approximate annual income level of those applicants whose denials were overturned?

63. In which counties did those applicants live?

[Questions 61-63 will only appear if the answer to question 60 is greater than 0]

Section 16: Tribally Approved Homes - Criminal Record Exemptions – Ineligible

[This section will only appear if A or B is selected in question 2]

64. **How many Tribally Approved Home applicants (relative and extended family member) were ineligible for a criminal record exemption pursuant to HSC section 1522(g)(2)(A)?**

Note: Crimes listed in HSC section 1522 (g)(2)(A) include, but are not limited to, child abuse or neglect, spousal abuse, crimes against a child, including child pornography, and crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery. Also included are felony convictions, within the last five years, for physical assault, battery, or a drug- or alcohol-related offense. Please review Section 111 of the BAG or HSC section 1522 (g)(2)(A) for full details.

- 65. What were the racial/ethnic backgrounds of those applicants?
- 66. What was the approximate annual income level of those applicants?
- 67. In which counties did those applicants live?

[Questions 65-67 will only appear if the answer to question 64 is greater than 0]

Section 17: Tribally Approved Homes – Administrative appeals Filed for Ineligible Cases

[This section will only appear if A or B is selected in question 2]

- 68. **How many of the Tribally Approved Homes applicants (relative and extended family member) who were ineligible for a criminal record exemption pursuant to HSC section 1522(g)(2)(A) filed an administrative appeal?**

Please enter numbers only. If the information is not available, enter "N/A"

- 69. What were the racial/ethnic backgrounds of those applicants who filed an administrative appeal?
- 70. What was the approximate annual income level of those applicants who filed an administrative appeal?
- 71. In which counties did those applicants live?

[Questions 69-71 will only appear if the answer to question 68 is greater than 0]

Section 18: Tribally Approved Homes – Denials Upheld for Ineligible Cases

[This section will only appear if A or B is selected in question 2]

- 72. **How many denials were upheld following an administrative appeal for a Tribally Approved Home applicant (relative and extended family member) ineligible for a criminal record exemption?**

Please enter numbers only. If the information is not available, enter "N/A"

- 73. What were the racial/ethnic backgrounds of those applicants whose denials were upheld?
- 74. What was the approximate annual income level of those applicants whose denials were upheld?
- 75. In which counties did those applicants live?

[Questions 73-75 will only appear if the answer to question 72 is greater than 0]

Section 19: Tribally Approved Homes – Denials Overturned for Ineligible Cases

[This section will only appear if A or B is selected in question 2]

76. How many denials were overturned following an administrative appeal for a Tribally Approved Home applicant (relative and extended family member) ineligible for a criminal record exemption?

Please enter numbers only. If the information is not available, enter "N/A"

77. What were the racial/ethnic backgrounds of those applicants whose denials were overturned?

78. What was the approximate annual income level of those applicants whose denials were overturned?

79. In which counties did those applicants live?

[Questions 77-79 will only appear if the answer to question 76 is greater than 0]