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PIN 20-17-CRP

TO: ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **New Background Check Requirements, Assembly Bill 819 (Chapter 777, Statutes of 2019)**

Provider Information Notice (PIN) Summary

PIN 20-17-CRP informs licensed children's residential facilities of the new background check provisions mandated by AB 819 and provides instructions for licensees to ensure compliance with these requirements.

Assembly Bill (AB) 819 amended Health and Safety Code (HSC) sections 1522 and 1522.1 to conform state law with the new federal Family First Prevention Services Act (FFPSA) background check requirements, applying Adam Walsh Child Protection and Safety Act standards to congregate care facilities, as follows:

- Adds HSC section 1522, subdivision (b)(1)(E) requiring any adult who works in a licensed children's residential facility eligible to accept placement of a dependent child to obtain a criminal record clearance or exemption pursuant to HSC section 1522, including staff that do not work directly with children.
- Adds HSC section 1522.1, subdivision (c) requiring any applicant for licensure or licensee of a children's residential facility eligible to accept placement of a dependent child and any associated individual, as described in HSC section 1522(b), who has lived in another state in the last five years to complete an out-of-state child abuse/neglect check.

CRP FACILITIES NOT IMPACTED BY AB 819

All children's residential facility categories are *eligible* to accept placement of a dependent child, **except for** those categories that are not eligible by law, which are: Youth Homelessness Prevention Centers, Private Alternative Boarding Schools, Private Alternative Outdoor Program, and Crisis Nurseries. In addition, FFPSA and AB 819 requirements **are not applicable** to Foster Family Agencies, their certified or approved homes, or licensed foster homes, because these categories do not provide congregate residential care. All other licensed children's residential facilities except those mentioned above will have to comply with the new background check requirements described in this PIN regardless of whether or not they are currently caring for dependent children.

While the new background check requirements described in this PIN do not apply to the above-mentioned facilities, they shall continue to follow all other applicable requirements set forth in HSC sections 1522 and 1522.1.

CRIMINAL RECORD CLEARANCE AND EXEMPTION REQUIREMENTS

Licensees will need to ensure all adults who work in a licensed children's residential facility eligible to accept placement of a dependent child, unless exempt pursuant to Health and Safety Code section 1522(b), have a criminal record clearance or exemption pursuant to HSC section 1522, prior to employment, residence or initial presence in the facility. (Cal. Code Regs, tit. 22, § 80019.) This requirement applies to all staff regardless of whether they work directly with children, including but not limited to office staff, cooks, and janitorial staff.

If a staff is currently employed but does not have a criminal record clearance or exemption, the staff must submit fingerprints to the California Department of Justice by using form [LIC 9163: Request for Live Scan Service - Community Care Licensing](#) and complete the [LIC 508 Criminal Record Statement](#). If current staff has been convicted of a crime, other than a minor traffic violation, the Department may require the licensee to remove the individual while a criminal record exemption is evaluated. (HSC § 1522, subd. (c)(3).)

OUT OF STATE CHILD ABUSE AND NEGLECT REGISTRY CHECK

Existing Employees with Current Criminal Record Clearance/Exemption

Licensees are required to ensure all staff who have a current criminal record clearance or exemption complete and sign form [LIC 508 OOS: Out-of-State Disclosure](#) and maintain a copy of the form in the staff's personnel record for the duration of the staff member's employment and three years after their termination, as per California Code of Regulations, [Title 22, § 80066. Personnel Records](#). If an individual discloses that they have lived in another state within the last five years, the licensee shall mail the completed LIC 508 OOS to the Caregiver Background Check Bureau (CBCB) per instructions on the form.

New Employees and Any Existing Employees Now Required to Obtain a Clearance or Exemption Pursuant to AB 819

Licensees must ensure employees submitting LiveScan fingerprints also complete and sign form LIC 508 OOS, in addition to form [LIC 508 Criminal Record Statement](#). New employees must obtain a criminal record clearance or exemption prior to initial presence in the facility. If an individual discloses that they have lived in another state within the last five years, the licensee shall mail the completed LIC 508 OOS and a completed form [LIC 198B: Out-Of-State Child Abuse/Neglect Report Request](#) to CBCB.

Pending Updates

Forms LIC 508 and LIC 198B are in the process of being updated to incorporate all necessary changes. Until all forms are updated, form LIC 508 OOS is to be utilized as a supplement to form LIC 508, as outlined in this PIN. Once updates are complete a PIN will be released to detail the use of updated forms LIC 508 and LIC 198B.

If you have any questions or need additional guidance regarding the information in this PIN, please contact the Children's Residential Program Office at (916) 651-5380 or via email at CRPOPpolicy@dss.ca.gov.