



CDSS

WILL LIGHTBOURNE
DIRECTOR

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

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EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

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

August 7, 2014

ALL COUNTY INFORMATION NOTICE NO. I-19-14

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: NEW PROHIBITIONS FOR REGISTERED SEX OFFENDERS
RESIDING IN ANY FOSTER CARE HOME

REFERENCE: ASSEMBLY BILL (AB) 1108; PENAL CODE SECTION 290 AND
3003.6; AND ALL COUNTY LETTER (ACL) 13-64

This All County Information Notice is to inform counties of a statutory change in the Penal Code (PC) via passage of AB 1108. Prior to its passage, the California Department of Social Services published ACL 13-64 which contained clarifying instructions and guidance to the counties on the appropriate actions to take if a Registered Sex Offender (RSO) was found to be associated by address or physically present in a facility or home approved to provide foster care. The full text of the ACL can be viewed utilizing the following link:

<http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acl/2013/13-64.pdf>

Effective January 1, 2014, the Legislature passed AB 1108, which added section 3003.6 to the PC.

The new law states that anyone required to register as a sex offender under PC section 290 based upon the commission of an offense against a minor, is prohibited from residing, (except as a client), working, or volunteering in licensed or approved homes where dependents of the juvenile court reside, including child day care or children's residential facilities. Any person who violates this law is guilty of a misdemeanor.

If a RSO is discovered in the home of a relative or non-relative extended family member, the county worker has the discretion to report the presence to law enforcement after ensuring that a RSO no longer resides on the premises where foster children reside.

Pursuant to and consistent with previous directions contained in ACL 13-64, if the caregiver chooses to allow the RSO to remain in the home, the county must remove the minor or non-minor dependent, rescind the home approval and provide the caregiver with notice and an opportunity to appeal the rescission of approval.

If you have questions about the new law, please contact the Foster Caregiver Policy and Support Unit at (916) 651-7465 or at kinship.care@dss.ca.gov.

Sincerely,

Original Document Signed By:

KAREN B. GUNDERSON, Chief
Child and Youth Permanency Branch
Children and Family Services Division