

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1989 (Tangipa) – As Introduced February 17, 2026

SUBJECT: Community care facilities: background checks

SUMMARY: Permits a licensee of a community care facility to approve an individual to care for children prior to the completion of the check of other state's child abuse and neglect registry, provided that specified conditions are met. Specifically, **this bill:**

- 1) Permits a licensee of a community care facility to approve an individual to care for children prior to the completion of the check of other state's child abuse and neglect registry, provided that the following conditions are met:
 - a) The facility has submitted a request for the out-of-state abuse and neglect registry check to the Care Provider Management Bureau;
 - b) The applicant has been cleared for all other aspects of the background check, including the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), and the Child Abuse Central Index (CACI); and,
 - c) Prohibits the applicant from having unsupervised contact with residents or clients until the completion of the abuse and neglect registry check, and requires the licensee to take reasonable steps to ensure the safety and well-being of residents during this period. The applicant may be employed to work in the facility under supervision until a complete caregiver background check is obtained.
- 2) Requires, if the out-of-state abuse and neglect registry check reveals information that would disqualify the applicant from approval, the licensee to remove the applicant from the community care facility immediately upon receipt of the information and notify the California Department of Social Services (CDSS) of the removal within three business days.

EXISTING LAW:

- 1) Establishes the Community Care Facilities Act, which allows for the licensure and oversight of out-of-home placements for abused and neglected children by CDSS. (Health and Safety Code [HSC] § 1500 *et seq.*)
- 2) Establishes the Community Care Licensing Division within CDSS and requires CDSS to license group care facilities, private foster family agencies, and foster family homes in order to place children who are in the child welfare system. Further requires, prior to licensure, a foster home provider to undergo a specified criminal background check. (HSC §§ 1502; 1522)
- 3) Defines "community care facility" as any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, individuals with disabilities or mental impairments and abused or neglected children, and

includes: residential facilities, adult day programs, foster family agencies, group homes, and children's crisis residential programs, among others. (HSC § 1502 *et seq.*)

- 4) Requires CDSS to obtain a full criminal record, if any, for certain individuals, including adults responsible for administration or direct supervision of staff; any person, other than a client, residing in the facility; any person who provides client assistance in dressing, grooming or bathing; and any staff person, volunteer, or employee who has contact with the clients, among others, for purposes of criminal record clearance. (HSC § 1569.17 (b))
- 5) Permits CDSS to allow an individual to transfer a current criminal record clearance from one facility to another if the clearance has been processed and is being transferred to another facility licensed by a state licensing district office. Further, requires the request to be submitted to CDSS in writing, to include a copy of the person's driver's license, or other form of valid identification, and requires CDSS to verify whether the individual has a clearance that can be transferred. (HSC § 1569.17 (g)(1))
- 6) Requires all personnel records be maintained at the facility, and further, allows licensees to retain such records in a central administrative location provided that they are readily available to the licensing agency at the facility. (22 California Code of Regulations § 87412 (g))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Background Check Process for Applicants.* As part of the background check process, CDSS is responsible for obtaining state and federal criminal history information on any individual applying for a license, certification, registration, or approval; or seeking to work or be present in a licensed facility for adults. CDSS is responsible for processing and approving individuals to work in and around these children. For the children's residential program, there are two forms separated by placement. One for Resource Family Approval (RFA), and the other for foster placements which include group homes, short-term residential therapeutic programs, temporary housing placements, and temporary shelter care facilities.

This bill applies to foster placements, which are also subject to out-of-state child abuse checks (OSCA). Applicants subject to these checks are not authorized to work or be present in a licensed facility or approved home until the out-of-state child abuse and neglect registry check has been completed.

An applicant or agency typically starts in the Guardian system, which is the online application program CDSS uses for all background checks, including adult programs. After submitting an application, an applicant then gets Live Scan fingerprinted and the information is sent back to the Guardian system. [Note: An applicant can get a Live Scan prior to submitting an application via Guardian.]

The following is a chart of the process for fingerprints to arrive at CDSS:



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After the fingerprints are received in the Guardian system and, if flagged, CDSS then does a registry research check which can include the Administrative Actions Records System and CACI. Administrative Actions Records System is a database housing information on negative legal actions, and CACI is a system with child abuse information.

Once those are finished, CDSS checks if there is a record of arrests and prosecutions (RAP) sheet. If a RAP sheet exists, this means that the individual has a criminal history of some kind, based on the results from the DOJ and/or FBI. CDSS examines criminal history that begins when an applicant turns 18 years of age, regardless of whether the arrest does not end in a conviction or if the conviction is later dismissed and/or expunged.

There are three possible next steps if an RAP sheet exists.

- 1) If it is a non-exemptible conviction, the application is denied. There is a list of 60 non-exemptible offenses which include, but are not limited to, murder, rape, torture, kidnapping, and robbery;
- 2) If the crimes are eligible for exemption under current law, CDSS will send an exemption notification letter to the applicant or licensee and to the individual. Individuals awaiting an exemption may not be present in a facility until an exemption is granted. CDSS then makes a determination by reviewing the case and other required documentation, which could result in approval, conditional approval, or denial. When considering an exemption for individuals who have committed crimes that are exemptible, CDSS is required to consider a number of factors, including, but not limited to: the nature of the crime, including whether it involved violence; the period of time since the crime was committed and number of offenses; the circumstances surrounding the crime; activities since conviction, such as employment or participation in therapy or education; pardons granted; character references; a certificate of rehabilitation from a superior court; and, evidence of honesty and truthfulness. CDSS is also required to consider the individual's age at the time the crime was committed. CDSS has the authority to grant a criminal record exemption that places conditions on the individual's continued licensure and employment or presence in a licensed facility; or,

- 3) If the RAP sheet is flagged as referral arrest, which means the individual has an arrest on their record that is on the referable arrest list, then CDSS will do an investigation, but cannot inform the agency for which the applicant is applying to work.

Out-of-State Child Abuse Checks are an additional requirement for resource parents, adults living in a resource family home, and employees of children's residential agencies who have lived out-of-state in the past five years in compliance with the Family First Prevention Services Act. This check is a one-time check of an out-of-state agency's child abuse/neglect registry. If an applicant moves out-of-state for any period of time, the foster family agency or children's residential agency will need to resubmit the applicable forms to complete a new OSCA check.

Background Check Processing Timelines. Background checks are important to ensure vulnerable populations are kept safe and not put into unnecessary danger. However, in recent years, advocates have reported long wait times resulting in staffing delays, which can also impact care for individuals.

According to CDSS, the current average wait time is approximately 60 days if no criminal record is found. If a criminal record is present, the case enters the criminal exemption process, extending the total processing time to an average of 180 days.

This bill attempts to address long wait times for out-of-state checks after the other elements of clearance are completed by allowing someone to continue working while waiting for out-of-state clearance.

Author's Statement: According to the Author, "Children's residential programs in California rely on qualified staff to provide care and supervision for youth placed in therapeutic residential settings. However, delays in completing out-of-state child abuse registry checks can prevent providers from hiring otherwise eligible applicants who have already cleared California's Department of Justice, FBI, and Child Abuse Central Index background checks. Because registry processing times vary widely between states, these checks can take several months to complete, creating unnecessary hiring delays and contributing to staffing challenges for residential programs. [This bill] is a clear and effective change that allows providers to hire qualified applicants while their out-of-state registry check is pending. This approach maintains existing safety protections while reducing administrative delays that limit staffing capacity, and ensures that foster youth receive the support they need."

Equity Implications: The sponsors of this bill surveyed their members and found that 42% cited a direct care staffing shortage as one of the top three reasons why they were unable to operate at total licensed capacity. Further, amongst their member survey, they found that, "it took an average of 4 months for an out of state applicant to receive clearance to start working." *This bill* is attempting to make it easier to hire staff without long waits, which could increase bed capacity in facilities. However, there is no evidence to support the safety (negatively or positively) of this concept.

Double referral: Should this bill pass out of the committee, it will be referred to the Assembly Committee on Public Safety.

Arguments in support: According to the Sponsor, California Alliance of Child and Family Services, "Because providers cannot fill positions in a timely manner, licensed programs are forced to operate below capacity or deny youth placements. This contributes to youth being

placed in hotels, juvenile halls, or child welfare offices rather than being placed in licensed therapeutic environments designed to meet their behavioral health needs. These delays also disproportionately affect bilingual and culturally responsive candidates who relocate to California after completing higher education programs in other states.

“Importantly, [this bill] does not weaken background check requirements. Federal law under the Family First Prevention Services Act (FFPSA) requires that fingerprint-based Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) checks, along with the in-state child abuse registry check, be completed prior to employment, but only requires that the out-of-state registry check be requested, not completed, before hire. California’s current statute is more restrictive than federal law requires.

“[This bill] aligns California law with federal standards by allowing provisional employment while the out-of-state registry check is pending, provided the applicant has cleared the DOJ and FBI fingerprint-based criminal background checks and the California Child Abuse Central Index review, and has formally requested the out-of-state registry check. During this period, the individual may only work under supervision and may not have unsupervised contact with youth. If the out-of-state registry check later reveals any disqualifying information, the individual must be removed from employment immediately, and the California Department of Social Services must be notified within three business days. These safeguards ensure that child safety remains paramount while addressing unnecessary hiring delays that directly influence California’s residential care workforce crisis.”

Arguments in opposition: According to the California Teachers Association, “CTA believes all children should be protected from the psychological and physical consequences of child abuse, neglect, abduction and exploitation. CTA supports positive and preventive programs to reduce child abuse and neglect, including high-quality training to identify and report these cases. Background checks are a standard practice for any individuals with access to youth. Existing law requires checks with other state's criminal databases for individuals who have lived in other states within the past 5 years.

There is no data which shows harm that individuals were delayed working with foster youth because of need to wait for out of state results. All students in foster care should have access to appropriate health, legal, and/or immigration services. Foster youth are an already vulnerable population and should not be placed in situations where additional abuse/trauma may occur.”

RELATED AND PRIOR LEGISLATION:

AB 276 (Bennett) of 2025, would have permitted a licensee of a community care facility to approve an individual to care for children prior to the completion of the check of another state’s child abuse and neglect registry, provided that specified conditions are met. *AB 276 was held on the Assembly Appropriations Committee suspense file.*

AB 1720 (Holden), Chapter 581, Statutes of 2022, authorized CDSS to grant a simplified criminal record exemption to an applicant seeking a license or position within various community care facilities, as specified, and removed the requirement for those applicants to sign a declaration under penalty of perjury before the receipt of Live Scan results regarding prior criminal convictions.

SB 354 (Skinner), Chapter 687, Statutes of 2021, adopted changes to the criminal background check process during the RFA process for relatives of children placed in the child welfare system; permitted the court to authorize placement of children with relatives in certain circumstances, regardless of the status of any criminal exemption or RFA; and required CDSS to submit a report to the Legislature by January 1, 2024, related to specified criminal record exemptions.

AB 447 (Patterson) of 2019, would have created a process by which licensees of community care facilities, residential care facilities for persons with chronic life-threatening illness, residential care facilities for the elderly, and child daycare facilities may transfer the current criminal record clearance of an individual associated with the facility, with the exception of individuals associated with a certified family home or resource family of a foster family agency, to multiple facilities of the same facility type operated by the same licensee. *AB 447 was held on the Senate Appropriations Committee suspense file.*

AB 819 (Stone), Chapter 777, Statutes of 2019, adopted changes to further facilitate the implementation of Continuum of Care Reform, specifically as it related to flexibility for resource families, exclusions from resource family homes, financial resources available to tribally approved homes, the provision of intensive services foster care, and the ability of group home staff to administer emergency injections, among others.

AB 1608 (Holden) of 2019, would have prohibited CDSS from requiring certain individuals subject to the criminal background check process to self-disclose their criminal history information; would have required CDSS to annually post certain data related to criminal record clearance and exemption approvals and denials on its website, and, would have prohibited certain conduct from serving as the basis of a suspension or revocation of a license to operate a community care facility, or as the basis to prohibit an individual from serving in certain administrative capacities over a community care facility, unless certain circumstances exist. *AB 1608 was not set for hearing by the Senate Committee on Human Services.*

AB 2544 (Low) of 2019, would have permitted a licensee of a community care facility to approve an individual to care for children prior to the completion of the check of another state's child abuse and neglect registry, provided that specified conditions are met. *AB 2544 was held on the Assembly Appropriations Committee suspense file.*

SB 213 (Mitchell), Chapter 733, Statutes of 2017, streamlined the background check process for prospective and adoptive parents by establishing a list of non-exemptible crimes, a list of crimes for which an exemption may be granted, and a list of crimes for which exemptions must be granted, absent a reasonable belief that the person is not of good character at present.

REGISTERED SUPPORT / OPPOSITION:

Support

California Alliance of Child and Family Services (Sponsor)
Aspiranet
Association of Community Human Service Agencies
Bill Wilson Center
Boys Republic
California Alliance of Caregivers

California Family Life Center
Casa Pacifica Centers for Children and Families
Fred Finch Youth and Family Services
Hamburger Home dba Aviva Family and Children's Services
Hillsides Pasadena
Koinonia Family Services, LLC
Rancho San Antonio Boys Home INC.
Seneca Family of Agencies
St Anne's Family Services
Stanford Youth Solutions
Sycamores
Vista Del Mar Child and Family Services
Wayfinder Family Services

Opposition

California Teachers Association

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