

Date of Hearing: April 21, 2026

Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2126 (Elhawary) – As Amended April 16, 2026

SUMMARY: Requires the California Department of Social Services (CDSS) to provide an exemption from disqualification to former or current foster youth applying for specified roles in facilities governed by the Community Care Facilities Act if their non-excluded offenses were committed before they reached 21 years of age and redefines peer support specialist.

Specifically, **this bill:**

- 1) Requires CDSS or other approving entity after reviewing the criminal record to grant an exemption from disqualification to a foster family agency, to a short-term residential therapeutic program provider applicant, community treatment facility provider applicant, and a group home provider applicant to the background check requirements who was convicted of an offense that is not one of listed offenses if the individual is a current or former foster youth and the crimes were convicted before they reached 21 years of age when the current or former foster youth who will be employed in a peer support capacity and does not apply to youth employed in a caregiving capacity.
- 2) Provides that a youth who is employed in a caregiving capacity shall go through a background check process.
- 3) Prohibits any additional requirement for evidentiary showing for individuals who meet the criteria.
- 4) Defines “current and former foster youth” as a person whose dependency was established or continued by a court of competent jurisdiction, including a tribal court, on or after the youth’s 13th birthday.
- 5) Defines “peer support capacity” as working with foster youth to help them identify and express their needs, advocate, for their rights, engage actively in their care plans for the purpose of developing life skills, building resilience and fostering self-advocacy.

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) 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 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 sub. b)
- 4) Specifies that the following are not exemptible crimes for purposes of completing a criminal record clearance to work in a community care facility:
 - a) Assault with intent to commit specified felonies, including mayhem, rape, sodomy, oral copulation, rape/sexual penetration in concert, lewd acts on a child, and sexual penetration;
 - b) Sexual battery, which describes several forms of nonconsensual sexual touching, including while the victim is restrained, medically incapacitated, or under fraudulent “professional purpose” pretenses;
 - c) Rape or sexual penetration in concert, meaning committed while acting in concert with another person by force or violence and against the victim’s will;
 - d) Felony child endangerment/child abuse likely to produce great bodily harm or death;
 - e) The predecessor version of the same higher-level child abuse/endangerment offense;
 - f) Assault on a child under 8 years of age by force likely to produce great bodily injury resulting in death; the section also covers causing coma due to brain injury or permanent paralysis;
 - g) Willful infliction on a child of cruel or inhuman corporal punishment or injury resulting in a traumatic condition;
 - h) Lewd or lascivious acts with a child;
 - i) Sexual penetration which lists offenses that trigger sex offender registration under the Sex Offender Registration Act and includes offenses such as rape, sexual-assault-type assaults, sexual battery, child pornography offenses, and others;
 - j) Elder or dependent adult abuse, including abuse or neglect likely to cause great bodily harm or death and related elder/dependent-adult abuse offenses;
 - k) “Violent felonies” including: murder or voluntary manslaughter, mayhem, specified rape, specified sodomy, specified oral copulation, lewd acts, any felony punishable by death or life imprisonment, certain firearm felonies, robbery, specified arson, sexual penetration, attempted murder, kidnapping, assaults, continuous sexual abuse of a child, carjacking, rape/sexual penetration in concert, gang-related extortion and witness intimidation, certain occupied first-degree burglaries, and firearm-use violations;
 - l) Sexual exploitation by certain licensed or purported healing-arts professionals, such as a physician, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor; including sexual intercourse, sodomy, oral copulation,

or sexual contact with a patient/client, or with a former patient/client if the relationship was ended mainly to engage in those acts;

- m) Torture;
 - n) Carjacking;
 - o) Poisoning food, drink, medicine, pharmaceutical products, or a water supply with a poison or harmful substance where the person knows or should know it may be taken by a human and cause injury;
 - p) Drawing or exhibiting a loaded firearm in a rude, angry, or threatening manner, or unlawfully using a loaded firearm in a fight or quarrel, on the grounds of a day care center or a facility/program for minors while open for use;
 - q) Arson causing great bodily injury. (HSC § 1522 (g))
- 5) Grants CDSS the authority to grant an exemption from disqualification for to a foster care provider applicant, resource family applicant, tribally approved home applicant, or any person subject to the background check requirements of this section pursuant to foster care provider applicant, RFA, tribally approved home, or respite care provider standards, who has been convicted of an offense not listed in 4) above, if the individual's state and federal criminal history information received from the Department of Justice (DOJ) independently supports a reasonable belief that the applicant or the person convicted of the crime, if other than the applicant, is of present good character necessary to justify the granting of an exemption. (HSC § 1522 (g)(2)(D))
- 6) Establishes the Peer Support Specialist Certification Program (W&I Code §§ 1045.10-14045.21)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's statement:** "Support from those with lived experiences in foster care can often improve outcomes as families navigate complex systems. However, hiring barriers and administrative burdens consistently lead to the loss of these qualified peer workers. AB 2126, through its background check exemption for current or former foster youth whose offenses occurred before the age of 21, allows agencies to hire peer partners more quickly and enables individuals with lived experience to contribute to community care facilities. In doing so, AB 2126 expands opportunity for those from foster care backgrounds and helps California hire qualified workers within its residential care system."
- 2) **Child Welfare Services (CWS) System.** The CWS system aims to protect children who are at risk of, or are victims of, child abuse, neglect, or exploitation through an integrated service delivery system that provides prevention/intensive services to families to ensure enough child safety, permanency, and well-being to allow families to stay together in their own homes. CDSS serves as the state agency responsible for oversight, supervision, fiscal and regulatory guidance, and training, as well as developing policies, procedures, and programs in accordance with federal and state law.

- 3) **Background Check Process.** In order to be a resource family or be employed in a licensed facility, individuals must complete a background check to determine their suitability. 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. 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 RFA, and the other for foster placements which include group homes, STRTPs, temporary housing placements, and temporary shelter care facilities.

During the background check process if the person has a criminal history. CDSS examines the criminal history. The person was convicted of a non-exemptible conviction within the past 10 years, the application is denied. The list of non-exemptible offenses which include violent felonies, registerable sex offenses, and a number of other offenses relating to crimes against children or elder or dependent adults.

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.

- 4) **Exemption for non-exemptible offenses:** This bill provides that CDSS after reviewing the criminal record shall grant an exemption to the specified entities if: the crime was not on the non-exemptible list; the individual was a current or former foster youth; and the crimes were committed before the individual reached 21 years of age and who will be employed in a peer support capacity. No additional evidentiary showing is required for these individuals to get an exemption. The requirement that an exemption be granted does not apply if the individual is employed in a caregiving capacity. The providers for which this exemption would apply are: foster family agency provider; short-term residential therapeutic program provider applicant; community treatment facility provider applicant; and, a group home provider applicant.
- 5) **Peer Supports:** It is widely recognized that individuals with lived experience in the CWS system offer support that is unique and beneficial to foster youth. Because they can draw from their own experiences and because they are not seen as part of the system, peer mentors are uniquely positioned to empathize with those they work to support and are able to build trusting relationships in a way that child welfare professionals cannot. According to the Administration for Children and Families, "having a peer mentor helps young people know

they are not alone in their experiences and that can be very transformative.”¹ In mental health and substance use disorder treatments, peer support programs are considered an evidence-based practice. The United States Substance Use and Mental Health Services Administration determined that peer support is a crucial complement to the traditional service array, citing evidence that peer support models recovery and offers hope, increases self-esteem, confidence, and sense of control.² However, the CWS system does not have research to apply, but it is a growing practice across the country.

This bill defines “peer support capacity” as working with foster youth to help them identify and express their needs, advocate for their right, engage actively in their care plans for the purpose of developing life skills, building resilience, and fostering self-advocacy.

- 6) **Foster youth:** This bill defines “current and former foster youth” as a person whose dependency was established or continued by a court of competent jurisdiction, including a tribal court, on or after the youth’s 13th birthday.
- 7) **Argument in Support:** The *County Welfare Directors Association of California* support this bill stating, “California is facing an urgent youth mental health crisis, with rising rates of depression, anxiety, trauma-related disorders, and suicidal ideation among young people across the state. The crisis is especially acute for youth involved in the child welfare system, who experience higher rates of trauma and greater barriers to consistent, culturally responsive care. Youth in foster care, especially youth of color, are also disproportionately impacted by the school-prison pipeline, with their emotional distress and trauma more often met with discipline and surveillance, rather than care and greater support. At the same time, the state faces significant workforce shortages across child-serving systems, making it imperative that we remove unnecessary barriers that prevent qualified individuals from working within our systems of care.

“Peer partners play a critical role in supporting children and families involved in the child welfare, behavioral health, and juvenile justice systems. Their lived experience allows them to build trust, improve engagement, and help youth navigate complex systems. However, current background check requirements create significant delays for qualified peer applicants who have nonviolent offenses that occurred before age 21 - offenses that are often tied to trauma and instability experienced during adolescence.

“Under existing law, peer applicants must demonstrate “substantial and convincing evidence” of rehabilitation through an exemption-from-disqualification review process that can take up to fourteen months. Many cannot afford to wait that long for employment, and agencies lose highly qualified candidates who are ready and able to serve. The existing exemption process recognizes that youth-age offenses should not permanently bar individuals from meaningful employment, especially when their lived experience is a powerful asset in helping others. This bill would streamline the exemption process to ensure more qualified young people are not waiting for months for the state to affirm their capacity to heal and help others heal.”

¹ <https://acf.gov/sites/default/files/documents/cb/Recommendations-Improving-Permanency-Well-Being.pdf>

² <https://onlinelibrary.wiley.com/doi/10.1016/j.wpsyc.2012.05.009>

8) **Related Legislation:** None

9) **Prior Legislation:** None

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys and Men of Color
Aspiranet
Association of Community Human Service Agencies
Cal Voices
California Alliance of Caregivers
California Association of Alcohol and Drug Program Executives, INC.
California Youth Empowerment Network
Casa Pacifica Centers for Children and Families
Children's Institute
County Welfare Directors Association of California
Hamburger Home DbA Aviva Family and Children's Services
Helpline Youth Counseling, INC.
Lincoln Families
Mental Health America of California
Pacific Clinics
Rancho San Antonio Boys Home INC.
Redwood Community Services
The Children's Partnership
Vista Del Mar Child and Family Services
Wolf Strategies
1 Private Individual

Opposition

None submitted

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744