

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee:	Human Services	Vote:	7 - 0
	Public Safety		7 - 1

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the California Department of Social Services (CDSS) to provide an exemption from disqualification for former or current foster youth who have been convicted of certain non-excluded offenses that occurred before the youth reached 21 years of age and who will be employed in a peer support capacity in facilities governed by the Community Care Facilities Act.

Specifically, this bill:

- 1) Requires CDSS or other approving entity, after reviewing the criminal record, to grant a background check exemption to a current or former foster youth seeking employment with a foster family agency provider, a short-term residential therapeutic program (STRTP) provider, a community treatment facility provider, or a group home, if all the following apply:
 - a) The applicant will be employed in a peer support capacity.
 - b) The applicant was convicted of an offense that is not one of listed offenses.
 - c) The crimes were committed before the applicant reached 21 years of age.
- 2) Specifies the above provisions do not apply to youth employed in a caregiving capacity and requires a youth who is employed in a caregiving capacity to go through a background check process.
- 3) Prohibits additional requirements for an evidentiary showing for individuals who meet the criteria.
- 4) Defines “peer support capacity” for these purposes 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.

FISCAL EFFECT:

CDSS estimates ongoing General Fund costs of an unknown amount, but likely in the low millions of dollars annually for additional staff positions to respond to an increased number of exemption requests. Costs will vary depending on the number of exemptions requested.

CDSS identified 979 facilities statewide where certain former foster youth may apply to serve in peer support roles, as specified in the bill. The projected workload ranges from 979 (one per support application per facility) to 2,937 additional exemption requests (three per facility).

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

COMMENTS:

1) **Purpose.** According to the author:

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. [This bill], 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.

2) **Background.** To be a resource family or be employed in a licensed facility, an individual 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.

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

If a crime is eligible for exemption, CDSS reviews the case and other required documentation, and makes a determination for approval, conditional approval, or denial. When considering an exemption, CDSS must 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 also must consider the individual's age at the time the crime was committed.

Advocates assert that 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. This bill requires CDSS, after reviewing the criminal record to grant an exemption to a current or former foster youth if the crime was not on the non-exemptible list, was committed before the individual reached 21 years of age, and the youth will be employed in a peer support capacity.

According to the County Welfare Directors Association of California:

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. 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.

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