

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



December 10, 2007

TO: ALL FOSTER FAMILY AGENCIES (FFAs)

FROM: *Original signed by Jo Frederick*
JO FREDERICK, Deputy Director
Community Care Licensing Division

SUBJECT: ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

This memo addresses the state implementation of the federal Adam Walsh Child Protection and Safety Act of 2006. Senate Bill (SB) 703 (Chapter 583, Statutes of 2007) was signed on October 13, 2007, allowing California to implement the new federal requirements for prospective foster and adoptive parents, effective January 1, 2008.

SB 703 amended Health and Safety Code sections 1522, 1522.05, and 1522.1 to comply with the Adam Walsh Child Protection and Safety Act of 2006, a federal law designed to increase the safety of children. The amendments will require stricter criminal history and child abuse checks prior to foster care certification.

This law requires a completed Federal Bureau of Investigation (FBI) criminal history check **prior** to certification for applications received on or after January 1, 2008. This is contrary to the prior authority to certify foster or adoptive parents while waiting for a response from the FBI. The Caregiver Background Check Bureau (CBCB) will notify the FFA of the completed FBI criminal history check. Further, an out-of-state child abuse/neglect check must be completed prior to certification if the prospective foster parent or any other adult in the home has lived in another state within the preceding five years. Prior law only required a California Child Abuse Central Index (CACI) check.

For all certification applications received after January 1, 2008, FFA must ask all adults living in the home to identify other states they have lived in within the preceding five years. The revised Criminal Record Statement (LIC 508D) now includes this question. If the individual discloses an out-of-state residence, the FFA must send the LIC 508D via fax at (916) 274-6205, e-mail at CBCBOutOfStateCACI@dss.ca.gov or mail to CBCB.

To ensure timely processing, FFAs should refer to the current index of out-of-state Child Abuse/Neglect Registries and their contacts available on the California Department of Social Services (CDSS) web site under the heading "Adam Walsh Act" at <http://ccl.dss.cahwnet.gov>. The index will indicate if the state requires specific forms or

notarization. At the same website under the “Forms” heading, access the LIC 198B to record additional details of out-of-state residency and to obtain the individual’s release for the child abuse/neglect registry check in another state. Forward all relevant information to CBCB.

When CBCB receives the LIC 508D and LIC 198B, CBCB will contact the identified states and conduct an investigation if necessary. Requests from staff of other state child welfare agencies for information contained on CACI will be handled by the Department of Justice. If you receive a request from another state, refer them to the CDSS web site at <http://ccl.dss.cahwnet.gov>. They can obtain appropriate contact information under the heading “Adam Walsh Act.”

Specific information regarding implementation requirements will be provided in an Evaluator Manual update. Questions can be directed to CBCB at (916) 263-2151.