

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



December 10, 2007

TO: ALL COUNTY FOSTER FAMILY HOME PROGRAM LICENSING AGENCIES

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 licensure or final adoption approval.

This law requires a completed Federal Bureau of Investigation (FBI) criminal history check **prior** to licensure or final adoption approval for applications received on or after January 1, 2008. This is contrary to the prior authority to license or approve prospective foster or adoptive parents while waiting for a response from the FBI. Further, an out-of-state child abuse/neglect check must be completed prior to licensure if the prospective foster or adoptive 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.

**Contacting Other State Registries:**

For all license applications received after January 1, 2008, County Foster Family Home Program (FFHP) Licensing Agencies 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 has lived out-of-state, the County FFHP Licensing Agency must check the registry of each state identified. A current index of out-of-state Child Abuse/Neglect Registries and their contacts is attached and will also be available on the California Department of Social

Services (CDSS) web site under the heading “Adam Walsh Act” at <http://ccl.dss.cahwnet.gov>.

Prior to contacting the state involved, the County FFHP Licensing Agency should review the out-of-state index to determine if a state requires specific handling for forms, use of notaries, or processing fees. At the same website under the “Forms” heading, there is a template available for when a County FFHP Licensing Agency needs the individual’s release for the child abuse/neglect registry check in other states. Counties choosing to use that template should print it on their letterhead and use it when requesting information from other states.

If information from another state registry indicates a history of child abuse or neglect, the facts of the case must be reviewed prior to licensure of the individual. When case specific information about the abuse or neglect is obtained, a decision must be made regarding the suitability of the home using California standards and all information at hand.

### **Responding to Information Requests from Other States:**

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. County FFHP licensing staff should direct questions regarding this topic to their County Liaison.