

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 198

Introduced by Assembly Member Beall

January 27, 2011

An act to add Section 8622.5 to the Family Code, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

AB 198, as amended, Beall. Adoption: fingerprinting of adoptive parents.

Existing law requires a criminal records check and fingerprint clearance of applicants for a license, special permit, or certificate of approval for a foster family home or certified family home. ~~Existing law requires the court or county social worker, when a child is placed in the home or a relative or a prospective guardian who is not a licensed or certified foster parent, to cause a criminal records check and fingerprint clearance to be conducted on that person.~~ Existing law also requires the State Department of Social Services or licensed adoption agency to require each person filing an application for adoption to be fingerprinted and to secure the person's full criminal record, if any.

~~This bill would declare the intent of the Legislature to enact legislation to eliminate or reduce any unnecessary duplication of fingerprint clearances for prospective adoptive parents, and would make related findings:~~ *require the State Department of Social Services, the county social services department, or a licensed adoption agency or foster family agency to require each foster-to-adoption applicant, as defined, to submit fingerprint images and related information to the Department of Justice for purposes of conducting a criminal records check that shall apply to both an approval for adoption and licensure as a foster*

family home or certified family home of a licensed foster family agency, as provided. By imposing these additional requirements on county social services departments, this bill would impose a state- mandated local program. The bill would require the Department of Justice to process certain information and disseminate a response and determination, as specified, in connection with the submission of fingerprint images, and would permit the department to charge a fee to cover the cost of processing a request for subsequent arrest information.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is the expressed intent of the Legislature that the goal for
4 dependent children is to expedite legal permanency with relative
5 caregivers or through adoption when reunification with the child’s
6 parents is unsuccessful.

7 (b) Currently, California laws and regulations require a foster
8 parent who wishes to adopt a child in his or her care to submit
9 duplicate fingerprint images, leading to additional costs,
10 inefficiencies, and delays in achieving the stated goal of
11 permanency for dependent children.

12 (c) It is the intent of the Legislature to ~~enact legislation to~~
13 eliminate or reduce any unnecessary duplication of fingerprint
14 clearances for prospective adoptive parents, provided that the safety
15 and well-being of adoptive children is ensured.

16 SEC. 2. Section 8622.5 is added to the Family Code, to read:
17 8622.5. (a) For purposes of this section, a “foster-to-adoption
18 applicant” means an applicant for foster care licensure or
19 certification who agrees to concurrently undergo a homestudy or

1 *assessment process for adoption, and to be subject to a criminal*
2 *records check as part of the investigation of a prospective adoptive*
3 *parent pursuant to Sections 8712, 8811, and 8908.*

4 *(b) A foster-to-adoption applicant shall be informed that he or*
5 *she shall submit to the criminal records clearance required by*
6 *Sections 8712, 8811, and 8908. This criminal records clearance*
7 *shall apply to both the adoption approval and licensure as a foster*
8 *family home or certified family home of a licensed foster family*
9 *agency pursuant to subparagraph (C) of paragraph (4) of*
10 *subdivision (d) of Section 1522 of the Health and Safety Code.*

11 *(c) The State Department of Social Services, the county social*
12 *services department, or a licensed adoption agency or foster family*
13 *agency shall require each foster-to-adoption applicant to submit*
14 *fingerprint images and related information to the Department of*
15 *Justice for purposes of obtaining information as to the existence*
16 *and content of a record of state or federal criminal convictions*
17 *and state or federal arrests, and also information as to the*
18 *existence and content of a record of state or federal arrests for*
19 *which the Department of Justice establishes that the person is free*
20 *on bail or on his or her recognizance pending trial or appeal.*

21 *(d) The Department of Justice shall forward to the Federal*
22 *Bureau of Investigation any requests for federal summary criminal*
23 *history information received pursuant to this section. The*
24 *Department of Justice shall review the information returned from*
25 *the Federal Bureau of Investigation and do both of the following:*

26 *(1) Compile and disseminate a response to the State Department*
27 *of Social Services or the county social services department.*

28 *(2) Compile and disseminate a fitness determination to the*
29 *licensed private adoption agency or foster family agency.*

30 *(e) The Department of Justice shall provide a state or federal*
31 *level response, for foster-to-adoption applicants, to the State*
32 *Department of Social Services, the county social services*
33 *department, or a licensed adoption agency or foster family agency*
34 *in the same manner as provided in Sections 8712, 8811, and 8908.*

35 *(f) The State Department of Social Services, the county social*
36 *services department, or a licensed adoption agency or foster family*
37 *agency shall request from the Department of Justice subsequent*
38 *arrest notification service, as provided pursuant to Section 11105.2*
39 *of the Penal Code, for foster-to-adoption applicants. The*
40 *Department of Justice may charge a fee sufficient to cover the cost*

1 *of processing this request, pursuant to subdivision (e) of Section*
2 *11105 of the Penal Code.*
3 *SEC. 3. If the Commission on State Mandates determines that*
4 *this act contains costs mandated by the state, reimbursement to*
5 *local agencies and school districts for those costs shall be made*
6 *pursuant to Part 7 (commencing with Section 17500) of Division*
7 *4 of Title 2 of the Government Code.*

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