

California State Senate

SENATOR
BOB HUFF

SENATE REPUBLICAN LEADER
TWENTY-NINTH SENATE DISTRICT



SB 1136 (HUFF - MITCHELL) FOSTER CARE PROVIDERS: CRIMINAL RECORDS

SUMMARY

SB 1136 would authorize the California Department of Social Services (CDSS) to share all information related to a criminal record clearance or exemption granted by CDSS with a county child welfare agency with responsibility to monitor the health and safety of persons receiving care, treatment, or services from State licensed foster homes, certified homes of licensed foster family agencies and employees of those agencies, and licensed group homes.

SB 1136 would also authorize a county child welfare agency to receive State-summary criminal history information to assess the appropriateness and safety of placing a detained or dependent child with the above mentioned foster care providers.

THE ISSUE - The stakes are high

When the state removes children from their homes for their personal safety, the state and county assume an obligation to keep these vulnerable children from greater abuse or neglect a second time. Yet state law prohibits the sharing of vital applicant criminal waiver information with county welfare agencies, responsible for the placement of at-risk and special needs children.

Foster Family Agencies (FFAs) are privately operated, nonprofit agencies, licensed to recruit, certify, train and support foster parents for children needing placements for more intensive care - as an alternate to group homes. Private agencies now care for 15,000 children statewide, yet county child welfare workers are legally barred from knowing the facts involving criminal exemptions given to potential foster parents.

Under current law, all applicants, licensees, adult residents, employees and volunteers of FFAs are required to obtain a criminal record clearance conducted by the California Department of Justice, prior to being alone or having supervisory control of foster children.

Certain arrests and all convictions, other than minor traffic violations, require an exemption to allow an individual to be employed by an FFA. Individuals convicted of serious violent crimes are not eligible for an exemption. An exemption may be granted by CDSS only when, after reviewing the person's record, there is substantial and convincing evidence to support a reasonable belief that the person convicted of the crime is of good character to justify issuance of the exemption.

Even though child safety is a top priority for all child welfare workers, county welfare agencies are required to place children in "safe homes" with limited information. Recent accounts of abuse and 4 child deaths within private foster family agencies tragically demonstrate with urgency, the need to change current law.

WHY SB 1136 IS NEEDED

- Currently, county child welfare agencies, such as the Los Angeles County Department of Children and Family Services (DCFS), do not have access to a listing of all foster parents and employees who have received a criminal history exemption granted by CDSS.
- County child welfare agencies cannot obtain critical information such as the background of criminal history exemption without this statutory change to establish a thorough evaluation prior to placing a child in the FFA Home and monitoring the child's placement at the FFA and other placements.
- SB 1136 would permit CDSS to share criminal history exemption information of foster care providers with county child welfare agencies.

For More Information Contact:

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