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GAVIN NEWSOM  
GOVERNOR

December 30, 2022

PIN 22-16 -CRP  
**(Supersedes PIN 21-28-CRP)**

TO: ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES

FROM: ***Original signed by Kevin Gaines***  
KEVIN GAINES  
Deputy Director  
Community Care Licensing Division

SUBJECT: **ASSEMBLY BILL (AB) 1720 IMPLEMENTATION AND OUT-OF-STATE DISCLOSURE REQUIREMENTS**

REFERENCE: ASSEMBLY BILL (AB) 1720 (CHAPTER 581, STATUTES OF 2022); HEALTH AND SAFETY CODE SECTION [1522](#), [1522.1](#), and [1522.7](#)

**Provider Information Notice (PIN) Summary**

PIN 22-16-CRP ***supersedes PIN 21-28-CRP*** and provides updated guidance to Children's Residential applicants, providers, and agencies regarding the Criminal Record Statement & Out-of-State Disclosure form (**LIC 508**) and the addition of simplified criminal record exemption criteria to the Health and Safety Code (HSC).

The Department of Social Services (CDSS) Community Care Licensing Division (CCLD), Care Provider Management Bureau (CPMB) is providing updated guidance based on the implementation of [Assembly Bill \(AB\) 1720 \(Holden\)](#), effective January 1, 2023.

As part of the background check process, existing law requires CDSS to obtain state and federal criminal history information on any individual applying for a license, certification, registration, or approval; or seeking to work or be present in a licensed facility, including Community Care Facilities and Children's Residential Programs. This includes specified individuals connected with these facilities, including employees, volunteers, members of the board of directors/officers, and adults residing in a facility, not including clients. Prior to January 1, 2023, background check

procedures required these individuals to also complete a Criminal Record Statement & Out-of-State Disclosure (LIC 508) form.

### **CHANGES AS A RESULT OF AB 1720 – Effective January 1, 2023**

#### 1. CRIMINAL RECORD STATEMENT FORM (LIC 508)

- [AB 1720](#), in relevant part, amends Health and Safety Code (HSC) section 1522. The amendments remove references to the self-disclosure of criminal history information and prohibit CDSS from requiring an individual to disclose their criminal history information prior to receipt of Live Scan results
- The LIC 508 (Criminal Record Statement) shall no longer be used to collect criminal history information as part of the background check process.

**Important! The AB 1720 amendments do not apply to Resource Family Homes, Certified Family Homes, and other home-based foster care approval programs governed by Health and Safety Code section 1522(d).**

#### 2. SIMPLIFIED EXEMPTIONS

The simplified exemption process has been revised and codified, adding it into the new Health and Safety Code section 1522.7.

**As described above, AB 1720 amendments to the simplified exemption process do not impact Resource Family Homes, Certified Family Homes, and other home-based foster care approval programs. The simplified exemption criteria for these programs remain unchanged at Health and Safety Code section 1522(g)(2)(D).**

For all other cases, Health and Safety Code section 1522.7 provides that a simplified exemption may be granted to individuals who meet **all** of the following criteria:

1. The individual has not been convicted of a violent crime.
2. The individual has not been convicted of a crime in the last five years.
3. The individual has not been convicted of a felony in the last ten (10) years.
4. The individual has five or fewer misdemeanor convictions.
5. The individual has a maximum of one felony conviction.
6. The individual has not been convicted of a non-exemptible crime.

CDSS may require an individual, who is otherwise eligible for a simplified exemption, to go through the standard exemption process if doing so will protect the health and safety of a client in care.

## **OUT-OF-STATE DISCLOSURE REQUIREMENTS**

The Out-of-State Child Abuse Check requirements of Health and Safety Code section 1522.1 remain unchanged by AB 1720.

As outlined in [PIN 20-17-CRP](#), AB 819 amended HSC sections 1522 and 1522.1 to conform state law with the Family First Prevention Services Act (FFPSA) background check requirements, expanding [Adam Walsh Child Protection and Safety Act](#) background check standards for home-based foster care setting (e.g. Resource Families, Small Family Homes, and Certified Family Homes) to include congregate care facilities.

Therefore, as part of the background check for any prospective resource parent, adoptive parent, or any person 18 years of age or older residing in their household or an applicant associated to a children's residential facility *eligible* to accept placement of a dependent child, CPMB is required to check the child abuse and neglect registry of any state in which the background check applicant has lived within the past five years.

**Applicants subject to these checks are not authorized to work or be present in a licensed facility or approved home until the out-of-state child abuse and neglect registry check has been completed.**

### **\*NEW\* FORM SUBMISSION INSTRUCTIONS FOR OUT-OF-STATE REGISTRY CHECKS**

**Effective January 1, 2023**, the form submission instructions regarding the LIC 508 *in [PIN 21-28-CRP are superseded](#)* by the following instructions.

1. The Criminal Record Statement & Out-of-State Disclosure (LIC 508) form should no longer be used to collect a criminal record statement.
2. A complete and signed [Out-of-State Disclosure & Criminal Record Statement \(LIC 508D\)](#) form (this form has been modified into one document and includes information on the previous LIC 508D and LIC 198B), or [Out-of-State Disclosure \(LIC 508 O-O-S\) form](#) must be submitted to complete the application process for applicants identified below. ***If this step is not completed, the application will remain "In-Process" until this step is completed.***
  - a. Resource Family Homes, Certified Family Homes, Foster Family Homes, Small Family Homes, and any adult, other than a nonminor dependent, living in these homes must complete the [Out-of-State Disclosure & Criminal Record Statement \(LIC 508D\)](#) form ***to communicate a criminal record statement and out-of-state disclosures to CPMB.***

- b. Individuals associated to licensed children's residential facilities eligible to accept placement of a dependent (foster) child must complete the [Out-of-State Disclosure \(LIC 508 O-O-S\)](#) form **to communicate out-of-state disclosures to CPMB.**

### **WHO IS NOT SUBJECT TO OUT-OF-STATE REGISTRY CHECKS**

1. Out-of-state child abuse and neglect registry checks are **not** required for the following **adults**:
  - Nonminor dependents who are not required to undergo a background check.
  - Adults regularly present, but not residing, in the home.
2. Out-of-state child abuse and neglect registry checks are **not** required for the following **children's residential facility categories**, which are *not* eligible to accept placement of a dependent child:
  - Youth Homelessness Prevention Centers
  - Crisis Nurseries
3. Foster Family Agency staff, as these facilities do not provide congregate residential care to children. For more information on children's residential facility types impacted by [AB 819](#), please refer to [PIN 20-17-CRP](#).

### **ADDITIONAL INFORMATION/RESOURCES**

If you have questions regarding this PIN, please contact CPMB at 888-422-5669 or [Guardian@dss.ca.gov](mailto:Guardian@dss.ca.gov) for assistance.

The Department will convey all new information through PINs. [Please sign up to be notified here](#) and [visit the Department's website for the latest PINs](#).