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AB-276 Background checks. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 276

Introduced by Assembly Member Bennett

January 21, 2025

An act to amend Section 1522.1 of the Health and Safety Code, relating to health and care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 276, as introduced, Bennett. Background checks.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including foster family homes and foster family agencies, by the State Department of Social Services. Existing law requires a criminal record check of applicants for a license, special permit, or certificate of approval for a foster family home or certified family home, and other persons, including nonclients who reside in those homes and staff and employees. Existing law requires the department to check the child abuse and neglect registry of a different state for a licensee of a community care facility who has lived in another state in the preceding 5 years. Existing law generally makes violations of these requirements a crime.

This bill would authorize a licensee of a community care facility to approve an individual to care for children before the completion of another state's child abuse and neglect registry check if certain specified conditions are met, including that the community care facility has submitted a request for the out-of-state abuse and neglect registry check to the department. The bill would require a licensee to remove an applicant from the community care facility immediately upon receipt of information that would disqualify the applicant from approval and notify the department of the removal within 3 business days. By expanding the scope of a crime, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1522.1 of the Health and Safety Code is amended to read:

1522.1. (a) Prior to granting a license to, or otherwise approving, any individual to care for or reside with children, the department shall check the Child Abuse Central Index pursuant to paragraph (4) of subdivision (b) of Section 11170 of the Penal Code. The Department of Justice shall maintain and continually update an index of reports of child abuse by providers and shall inform the department of subsequent reports received from the Child Abuse Central Index pursuant to Section 11170 of the Penal Code and the criminal history. The department shall investigate any reports received from the Child Abuse Central Index. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency which investigated the child abuse report. Licensure or approval shall not be denied based upon a report from the Child Abuse Central Index unless child abuse or severe neglect is substantiated.

(b) For any application received on or after January 1, 2008, if any prospective foster parent, or adoptive parent, or any person 18 years of age or older residing in their household, has lived in another state in the preceding five years, the licensing agency or licensed adoption agency shall check that state's child abuse and neglect registry, in addition to checking the Child Abuse Central Index as provided for in subdivision (a). The department, in consultation with the County Welfare Directors Association of California, shall develop and promulgate the process and criteria to be used to review and consider other states' findings of child abuse or neglect.

(c) If any person in the household is 18 years of age or older and has lived in another state in the preceding five years, the department or its designated representative shall check the other state's child abuse and neglect registry to the same extent required for federal funding, in addition to checking the Child Abuse Central Index as provided for in subdivision (a), prior to granting a license to, or otherwise approving, any foster family home, certified family home, resource family, or person for whom an adoption home study is conducted or who has filed to adopt.

(d) (1) If any licensee of a community care facility that is eligible to accept placement of a dependent child or any associated individual, as described in paragraph (1) of subdivision (b) of Section 1522, has lived in another state in the preceding five years, the department shall check that state's child abuse and neglect registry, in addition to the Child Abuse Central Index as specified in subdivision (a). The department shall develop and promulgate the process and criteria to be used to review and consider other states' findings of child abuse or neglect.

(2) A licensee of a community care facility may approve an individual to care for children prior to the completion of the check of other state's child abuse and neglect registry, provided that the following conditions are met:

(A) The facility has submitted a request for the out-of-state abuse and neglect registry check to the Care Provider Management Bureau.

(B) The applicant has been cleared for all other aspects of the background check, including the Department of Justice, the Federal Bureau of Investigation, and the Child Abuse Central Index.

(C) The applicant shall not have unsupervised contact with residents or clients until the completion of the abuse and neglect registry check, and the licensee shall take reasonable steps to ensure the safety and well-being of residents during this period. The applicant may be employed to work in the facility under supervision until a complete caregiver background check is obtained.

(D) If the out-of-state abuse and neglect registry check reveals information that would disqualify the applicant from approval, the licensee shall remove the applicant from the community care facility immediately upon receipt of the information and notify the department of the removal within three business days.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.