

|-&gt;

Title 22@ Social Security

|-&gt;

Division 2@ Department of Social Services-Department of Health Services

|-&gt;

Part 2@ Health and Welfare Agency-Department of Health Services Regulations

|-&gt;

Subdivision 4@ Institutions and Boarding Homes for Persons Aged 16 and Above

|-&gt;

Chapter 3@ Adoptions Program Regulations [Renumbered]

|-&gt;

Subchapter 5@ Procedures for Agency Adoptions

|-&gt;

Article 11@ Assessment of the Applicant

|-&gt;

Section 35184@ Criminal Background Check of Applicants

## **35184 Criminal Background Check of Applicants**

(a) The agency shall complete a criminal record check of all applicants and any other adults residing in the home to obtain the full state and federal criminal record history from the Department of Justice (DOJ) pursuant to Family Code Section 8712. An investigation of the facts regarding prior arrests or convictions may lead to a denial of the adoption home study.

### **(b)**

For all other applicants for whom criminal record information is not otherwise available from a state or county licensing agency, the agency shall submit to the DOJ one set of fingerprints for each applicant. (1) The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

#### **(1)**

The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

### **(c)**

If the applicant or any other person in the household has lived in another state in the preceding five years, the agency shall perform additional child abuse registry checks.

### **(d)**

If the criminal record of an applicant or any other person in the household indicates any conviction or arrest other than a minor traffic violation, the agency shall request the applicant or any other person in the household provide the agency with a copy of a police report for each conviction or arrest, or a letter from a law enforcement agency that the report does not exist. If the law enforcement agency will not release a crime report to the subject, the agency shall order the report. If the report is determined to be unavailable and the applicant submits evidence that the applicant is unable to obtain a letter from a law enforcement agency, the applicant shall submit a written signed statement concerning the circumstances of each conviction or arrest.

**(e)**

The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the adoption. (1) Pursuant to Penal Code section 11105.2, the agency shall notify the DOJ when the adoption has been denied, dismissed, or finalized to discontinue receiving subsequent arrest information on an applicant previously fingerprinted for adoption purposes unless the applicant is being assessed or investigated by the agency for another adoption. (2) If the applicants are being assessed or investigated for another adoption, the agency shall maintain the Subsequent Arrest Notification Service.

**(1)**

Pursuant to Penal Code section 11105.2, the agency shall notify the DOJ when the adoption has been denied, dismissed, or finalized to discontinue receiving subsequent arrest information on an applicant previously fingerprinted for adoption purposes unless the applicant is being assessed or investigated by the agency for another

adoption.

**(2)**

If the applicants are being assessed or investigated for another adoption, the agency shall maintain the Subsequent Arrest Notification Service.

**(f)**

The public or private adoption agency shall obtain the FBI criminal record of the applicant and any other adults residing in the home, from the DOJ.

**(g)**

The agency shall obtain new sets of electronic fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions unless the Subsequent Notification Service is still in effect.