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Assembly Bill 2544: Addressing Background Check Delays in Childrens' Residential Programs

SUMMARY

Assembly Bill (AB) 2544 allows for prospective employees in Community Care Licensing (CCL) Children's Residential Programs who have lived out of state within the past 5 years and awaiting the out-of-state child abuse check (OCSA) to be hired, prior to a complete background check, as long as they do not have unsupervised contact with kids. The prospective employee must already be cleared by the Department of Justice (DOJ), Federal Bureau of Investigation (FBI), and the California Child Abuse Central Index Check (CACI) through Guardian, the state's background check system. This bill will help significantly with workforce shortages and reduce burdens for employees coming out of state.

BACKGROUND

California law requires that prospective employees who have lived out of state at any point in the last 5 years must have completed an OCSA prior to hire to work in a CCL licensed children's residential program. However, federal law under the Family First Prevention Services Act of 2019 acknowledged delays that exist between states and only requires that the check must be requested prior to hire, not completed. Each state maintains their own database and there is no national system. Requests must be sent to each state, sometimes by physical mail, with checks and "wet" signatures. Each state's timeframe varies, and it can take upwards of 9 months. This serves as a barrier to starting employment and serving children.

Multiple states including Tennessee, Kentucky, New York, Texas, and Wisconsin allow the hiring of staff working in children's residential programs prior to the completion of the OCSA.

Data from the California Alliance of Child and Family Services of 15 Short Term Therapeutic Residential Programs (STRTPs), which provide a critical therapeutic intervention for foster youth needing a high level of care, displays how acute the challenge this is. The average time, although each state varies greatly, it takes to clear a prospective employee coming from out of state is 71.5 days, and STRTPs receive an average of 14 applicants from Out of State, with some agencies receiving up to 30% of their potential hires from out-of-state. Programs are currently understaffed, and staffing is the biggest barrier to addressing the needs of foster youth with high needs. Employees do not wait for these checks to come back and are lost to other jobs during that waiting period, while every day, foster youth languish in hotels, motels, and child welfare offices without supportive environments.

SOLUTION

AB 2544 addresses workforce issues by allowing out-of-state prospective employees to begin employment, training on the job, and continues to protect children safety by not allowing any unsupervised contact with children while the OCSA is pending and that the clearances from the DOJ, FBI, and CACI through Guardian must still be completed prior to hire.

SPONSOR

California Alliance of Child and Family Services