



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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ARNOLD SCHWARZENEGGER
GOVERNOR

November 16, 2010

ALL COUNTY INFORMATION NOTICE NO. I-91-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL PRIVATE ADOPTIONS AGENCIES
ALL CDSS ADOPTIONS DISTRICT OFFICES
ALL CHIEF PROBATION OFFICERS
ALL COUNTY ADOPTION AGENCIES
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: ADOPTIONS APPROVAL PROCESS - REVISIONS TO THE APPLICATION
FOR ADOPTION OF A CHILD (AD 521) FORM CRIMINAL HISTORY
QUESTION

REFERENCE: MARIJUANA REFORM ACT OF 1977, HEALTH AND SAFETY CODE (H&S)
SECTION 11361.5 AND 11361.7

This All County Information Notice (ACIN) is to provide notice of the revision to the form entitled Application for Adoption of a Child (AD 521). Section II-Criminal History was modified to reflect that certain marijuana-related offenses covered by the Marijuana Reform Act of 1977 do not need to be disclosed as outlined in H&S sections 11361.5 and 11361.7. The updated AD 521 form can be found at the following internet website address:

<http://www.cdss.ca.gov/cdssweb/entres/forms/English/AD521.pdf>

The Marijuana Reform Act of 1977 provides that criminal records related to minor marijuana convictions or arrests, which are over two years old, shall not be considered to be relevant for any purpose by any private or public agency or person and shall be destroyed by the California Department of Justice. Individuals who obtain the protections of these laws may, two years from the date of the conviction or arrest that did not result in a conviction, indicate in response to any question concerning their prior criminal record that he/she was not arrested or convicted of such offense. Despite the mandatory destruction of these records some of these convictions/arrests may still surface during an investigation or background check. Therefore, private or public adoption agencies providing services under the oversight of the California Department of Social Services (CDSS) are required to disregard all convictions and conduct associated with the marijuana convictions listed below:

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

Either, a misdemeanor conviction where more than two years have elapsed since the date of the conviction, or two years after the date of an arrest that did not result in a conviction:

- H&S Code section 11357(b) possession of 28.5 grams or less
- H&S Code section 11357(c) possession of over 28.5 grams
- H&S Code section 11357(d) possession of 28.5 grams or less on K-12 school grounds
- H&S Code section 11357(e) juvenile in possession of 28.5 grams or less
- H&S Code section 11360(b) transportation of 28.5 grams or less

Felony and misdemeanor convictions not to be considered if the conviction occurred prior to 1976:

- H&S Code section 11357 possession
- H&S Code section 11364 drug paraphernalia
- H&S Code section 11365 presence where marijuana is being unlawfully used
- H&S Code section 11550 under the influence of marijuana

Prospective adoptive parents, and all other adults who complete the AD 521, should be informed of the disclaimer in Section II-Criminal History of the form. This was modified to reflect the right to not disclose certain marijuana convictions, or arrests, that are over two years old and did not result in a conviction. Please be advised that CDSS recommends the use of the AD 521. However, if the agency prefers to use their own application document then the agency is required to incorporate this disclaimer on their document:

“You need not disclose any marijuana-related offenses covered by the marijuana reform legislation codified at H&S Code sections 11361.5 and 11361.7”.

It is the policy of CDSS for licensed public and private adoption agencies in the State of California (including agencies that facilitate independent and intercountry adoptions) to ensure that all children placed for adoption are safe, and that those homes meet health and safety standards. Thus, the approval or denial does not rest solely on the applicant’s criminal record unless the offense prohibits approval of an applicant per the Adam Walsh Child Protection and Safety Act of 2006. Otherwise all other criminal offenses should be considered in the overall assessment of the adoptive applicant(s) based on their overall suitability for the child to be adopted.

Should you have any questions about this ACIN, please contact the Adoption Policy Unit/ Permanency Policy Bureau at (916) 657-1858.

Sincerely,

Original Document Signed By:

KAREN B. GUNDERSON, Chief
Child and Youth Permanency Branch
Children and Family Services Division

Attachment

Former Marriages	Names of Former Spouses/Partners	Marriage Date & Place	Divorce Date & Place	Death Date & Place
Applicant 1				
Applicant 2				

II. CRIMINAL HISTORY

- | | | |
|---|--|--|
| | Applicant 1 | Applicant 2 |
| A. Have you ever been arrested for an offense other than a minor traffic violation? | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| B. Have you ever been convicted of a crime in California?
You need not disclose any marijuana-related offenses covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7. | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| C. Have you ever been convicted of a crime in another state, federal court, military, or a jurisdiction outside of the U.S.?
Criminal convictions from another State or Federal court are considered the same as criminal convictions in California. | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| D. Have you ever been reported to Children's Protective Services or Law Enforcement for alleged child abuse, neglect or abandonment? | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| E. Other states resided in within last 5 years. | _____ | _____ |
| | _____ | _____ |

III. PARENT/CHILD RELATIONSHIPS

MINOR CHILDREN OF APPLICANT(S)

Full Name	Date of Birth	Gender	Relationship (Indicate if adopted)	Lives in Home	Do you financially support the child?	Address

ADULT CHILDREN OF APPLICANT(S)

Full Name	Date of Birth	Gender	Relationship (Indicate if adopted)	Lives in Home	Do you financially support the child?	Address/Phone Number

**IV. OTHER PERSONS IN THE HOME
ADULT AND/OR MINOR**

Full Name	Date of Birth	Relationship to Applicants

1. Are you licensed for foster care _____ Yes _____ No
If yes, check one: County _____ State CCL _____
2. Are you certified for foster care with a Foster Care Family Agency (FFA) _____ Yes _____ No
If yes, name of FFA _____
3. Were you certified previously with any FFA's _____ Yes _____ No
If yes, list all _____

V. CHILD DESIRED

A. Please describe the characteristics, such as age and gender.

B. Would you accept a sibling group? If so, how many?

YES NO How many? _____

C. If you already have identified a child or children for adoption please provide the following information:

Full Name of Child	Date of Birth	County of Dependency	Name of Child's Worker	Telephone Number	Relationship to Child

D. Is the child or children already placed in your home? YES NO If YES, how long _____

VI. REFERENCES

Name	Telephone No.	Mailing Address/City/State/Zip

Please list the name and address of four individuals, at least two must be unrelated to you, who have knowledge of your home environment, lifestyle and capability to be an adoptive parent.

I/We affirm that the information provided on this form is true and correct to the best of my/our knowledge.

In signing this application, I/we understand that the completion of routine forms will be required of my/our references, physician, and employer and that my/our financial and marital status will be verified and a criminal background check will be conducted.

SIGNATURE OF APPLICANT 1	DATE
SIGNATURE OF APPLICANT 2	DATE