

Procedural Guide

0070-561.10

LIVE SCAN AND CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS) CLEARANCES

Date Issued: 03/05/13

- New Policy Release
- Revision of Existing Procedural Guide/ Live Scan and California Law Enforcement Telecommunications System (CLETS) Clearances, dated 12.

Revision Made: **NOTE: Current Revisions are Highlighted**

This Procedural Guide has been revised to add the foreign consulate identification card and foreign passport as acceptable types of primary photo IDs.

Cancels: None

DEPARTMENTAL VALUES

This policy supports our Department's effort to ensure child safety, timely legal permanency, with family reunification being the first preference followed by adoption and legal guardianship and placement stability. A key component is the use of criminal background checks to assess the appropriateness and safety and meet Title 22 approval standards for the homes of relative/non-relative extended family members for children in our care.

WHAT CASES ARE AFFECTED

This Procedural Guide is applicable to all new and existing referrals and cases.

OPERATIONAL IMPACT

The Department recognizes the importance of ensuring that prospective relative and non-relative extended family members' homes meet Title 22 approval Standards. Prior to the placement of a child in the home of a relative, or non-relative extended family member or adoptive home, a criminal records check must be conducted for every person 18 years and older living in the home. A criminal records check must be conducted on all adults known to the placement agency to have significant contact with the child. A criminal records check may be conducted on any person over the age of 14

living in the home that the CSW believes may have a criminal record. Within 10 calendar days following the criminal records check conducted through the CLETS system, the CSW shall ensure that a fingerprint clearance check of the relative and any other person whose criminal record was obtained is initiated through the Department of Justice to ensure the accuracy of the criminal records check conducted through the CLETS system and shall review the results of any criminal records check to assess the safety of the home. The Department of Justice shall forward fingerprint requests for federal level criminal history information to the FBI.

While prospective relative and non-relative extended family member caregivers are responsible for providing their own transportation to Live Scan equipment sites, our Department, at its discretion, will utilize vouchers, tokens and other transportation assistance, which may include Department personnel facilitating this process. If a prospective relative or non-relative extended family member caregiver resides in an adjacent or nearby county (i.e., Kern, Orange, Riverside, San Bernardino or Ventura), applicants should be informed of the nearest DCFS Live Scan site and, if necessary, be provided with transportation assistance (e.g., vouchers, tokens, Emergency Aid Requisition).

All regional offices (except Covina Annex), and the Edmund D. Edelman Children's Court are equipped with Live Scan machines accessible during regular business hours, Monday-Friday. All participate in an agreement to complete clearances and forward results to the proper CSW/SCSW. Please note however, that with the new Criminal Clearance Tracking System (CCTS), it becomes the responsibility of the Live Scan Technician in each respective office for entering all requests into CCTS. The information for an applicant, who is going to another office to be Live Scanned, would be entered on-line by the technician in the sending office.

Criminal Clearance Tracking System (CCTS)

The CCTS is a confidential, comprehensive web-based application that automates the manual tracking of Live Scan, California Law Enforcement Telecommunications System (CLETS) and Child Abuse Central Index (CACI) activity. CSW's and SCSWs can access the system via the link which is provided in the e-mail notifications or via LA Kids to view Live Scan results. Dependency Investigators and Adoption CSW's with secondary assignments can also access the results relating to their cases. Kinship Support Division Staff Workers and Supervisors will have access of all requests and results for the purpose of performing assessment of homes.

Effective July 1, 2005, only electronically transmitted fingerprint submissions will be accepted by the Department of Justice (DOJ). Any fingerprint cards received after July 1, 2005, will be returned to DCFS for resubmission to the DOJ in the required electronic format, unless specified criteria has been met. See Part H of this Procedural Guide. Our Department may request criminal history information on individuals when the request is related to child protective services/placement issues, child abuse investigations conducted pursuant to the child abuse reporting act (CANRA), investigations involving a child in which the child is alleged to come within the jurisdiction of the juvenile court, and, in limited situations, whether the child should be

returned to the parent. (WIC 16504.5(a), 366.21(e) & (f), 366.22(a)) Criminal history information requested for any other reason is **not permitted** and will subject the person making the request to be discharged from the Department.

Our department has agreed to process Live Scan fingerprints for relative/non-relative extended family member caregivers of Probation minors. See Part F for information specific to Probation Department clearances.

APPROPRIATE REQUESTS FOR CRIMINAL HISTORY INFORMATION

SITUATION	CLEARANCE TYPE
Assessment of a relative's, non-relative extended family member's home during the approval process for an emergency placement.	CLETS followed up with LIVE SCAN and CHILD ABUSE CENTRAL INDEX (CACI)
Assessment of a relative's, non-relative extended family member's home during the approval process. Non-emergent placement	LIVE SCAN
<p>For parents on all court cases.</p> <p>CLETS & Live Scans up to and including the disposition hearing (detention, PRC, adjudication and disposition hearings) and CLETS post disposition hearing may be utilized to determine detriment to the child and suitability of return. However, in order to use a parent's Live Scan post disposition hearing (reunification cases under WIC 366.21(e), 21(f) and WIC 366.22), see the box below.</p>	CLETS AND LIVE SCAN
<p>For parents after Disposition -FR</p> <p>For use as a part of a parent's case plan after the disposition hearing to determine suitability of return of the child: Per WIC 366.22, 366.22, and 16504.5(f), as of July 1, 2007, the court cannot consider a parent's live scan results when determining suitability of return of the child to the parent at the WIC 366.21(e),</p>	CLETS AND LIVE SCAN

SITUATION	CLEARANCE TYPE
<p>(For parents after Disposition –FR cont.)</p> <p>21(f) and WIC 366.22 hearings, unless the parent agreed to Live Scan as a part of the case plan.</p> <p>However, if the parent has live scanned but has not agreed to have the results be a part of the case plan, the live scan results should still be submitted to the court by the CSW.</p>	<p>CLETS AND LIVE SCAN</p>
<p>Voluntary Family Maintenance, Voluntary Family Reunification or Family Preservation cases.</p> <p>If the parent(s) whereabouts are unknown at that time, Live Scan shall be done when their whereabouts become known.</p>	<p>CLETS AND LIVE SCAN</p> <p>Note: The parent’s refusal to submit to Live Scan shall not prevent the provision of VFM, VFR or Family Preservation services. Document any refusal in the Contact Notebook.</p>
<p>During the investigation of a child abuse referral.</p> <p>The parent (may include custodial and non-custodial parent, and offending and non-offending parent), any adult residing in the home, and any person that has significant contact with the child (such as the boyfriend or girlfriend of the parent). CSWs shall initiate a criminal background check on all referrals when at least one of the following is alleged: domestic violence, physical abuse, sexual abuse, substance abuse, exploitation or severe neglect. For referrals alleging emotional abuse or general neglect, CSW must consult with the SCSW to determine if initiating a criminal background check is relevant and appropriate.</p>	<p>CLETS</p>
<p>When placing a child in the home of a prospective caregiver, or other person who is not a licensed or a certified foster parent</p> <p>All persons over the age of 18 years residing in the home, other than professionals providing professional services to the child, known to the placing entity that may have significant contact with the child, including any person who has a familial or intimate relationship with any person living in the home. No Live Scan is required on youth currently under DCFS supervision who is 18, or turns 18 or older, residing in out-of-home care.</p>	<p>CLETS AND CHILD ABUSE CENTRAL INDEX (CACI) LIVE SCAN</p>

SITUATION	CLEARANCE TYPE
Recommending the return of a child placed in a Planned Permanent Living Arrangement (aka long-term foster care) to the home of a parent or legal guardian.	CLETS and LIVE SCAN
Before releasing a child to a non-custodial parent or non-offending parent, and when assessing whether an arrested or incarcerated parent left his or her child with an appropriate relative or person.	CLETS and LIVE SCAN
Any person over the age of 14 years living in the home who the CSW believes may have a criminal record	CLETS AND LIVE SCAN
Completing an Adoptions home study	LIVE SCAN (includes CACI)
Effective 01/01/12, when a nonminor dependent (NMD) returns to foster care after a period of trial independence (case was terminated and the youth re-enters as a NMD) and the placement being considered for the NMD is a home with minor dependents.*	CLETS and LIVE SCAN

*A criminal record does not disqualify the youth from re-entering foster care as a NMD.

NOTE: Pursuant to Welfare and Institutions Code 16504.5 (f) (1), the Court shall consider the criminal history of the parent or legal guardian obtained via fingerprint images when determining the parent's suitability for reunification (for all 366.21(e), (f) and 366.22 hearings), provided that he/she agreed to submit to fingerprint images to obtain criminal history information as part of the case plan. If the parent has Live scanned but has not agreed to have the results be a part of the case plan, the Live scan results should still be submitted to the court by the CSW. **If the parent or guardian refuses to Live Scan, DCFS can still obtain the parent's criminal history via a CLETS or ask County Counsel to subpoena the criminal history from the DOJ.**

Also, effective July 1, 2007 courts can't consider pre-disposition convictions for reunification purposes. Thus, it's even more important for DCFS to know the parent's full criminal history before the disposition hearing. So, CSWs should obtain CLETS on parents as soon as possible. Such as during the ER investigation, for the PRC, and for the disposition hearing. And CSWs continue to obtain Live Scans for the ER investigation, detention, PRC, adjudication and disposition hearing.

CRIMINAL RECORD CHECKS SHALL NOT BE REQUESTED WHEN:

- Recommending an unmonitored visit for a parent/legal guardian who has had his or her criminal history previously obtained and recently updated by DCFS.
- Transferring a referral or a case. CSWS are to ensure that CLETS and Live Scan results are included in all transferred case files.
- No Live Scan is required on youth currently under DCFS supervision who is 18, or turns 18 or older, residing in out-of-home care. This includes NMDs that remain under the supervision of DCFS and have not had any periods of trial independence.

NOTE: A Criminal Records Exemption may be requested and issued only if permission is granted by the California Department of Social Service within 14 days of receipt of the request. In no event shall DCFS place a child in the home of a person ineligible for an exemption in accordance with the standards/limitations set for the in Health and Safety Code 1522 (1) (g).

There is no need to obtain a criminal records exemption prior to placing a child in the home of a parent who has a criminal conviction. However, if the conviction itself is indicative of child abuse, then the worker will need to determine whether placement with that parent would pose a risk to the child.

**ACCEPTABLE TYPES OF PRIMARY PHOTO IDs
(All photo IDs must be valid and unexpired.)**

California or out-of state driver's license*	Alien Registration Card
California DMV Identification Card	Immigration or green Card
U.S. Passport Book	Certificate of Naturalization or Citizenship
Military I.D.	Non immigrant Visa
Canadian Border Crossing Card	Reentry Permit
Mexican Border Crossing Card with Valid I 94	Refugee Travel Document
Employment Authorization Card	Student I.D. Card
Temporary Resident or ID Card	US Passport Card
Alien Registration Card	Foreign Consulate ID card
Foreign Passport	

* As a primary form of picture identification, a state-issued driver's license, which meets the requirements of Public Law 109-13, may be presented by an applicant when being fingerprinted. However, in the absence of the new driver's license, for those applicants

without a driver's license, a state identification card may be presented if the state's identification card standards are the same as for the driver's license.

SECONDARY FORMS OF IDENTIFICATION

Not having a primary photo ID is not a valid reason to bypass the Live Scan process. Applicants may provide one or more of the following secondary forms of identification, as long as two of the supplemental documents are provided to validate the authenticity of the secondary identification document/forms.

State Government Issued Certificate of Birth	Marriage Certificate (Government Certified Issued)
U.S Active Duty/Retiree/Reservist Military Identification Card (000 10-2)	U.S. Government Issued Consular Report of Birth Abroad
Federal Government Personal Identity Verification Card (PIV)	Certificate of Citizenship (N560)
Department of Defense Common Access Card	Certificate of Naturalization (N550)
U.S. Tribal or Bureau of Indian Affairs Identification Card	INS I-551 Resident Alien Card Issued Since 1997
Social Security Card	INS 1-688 Temporary Resident Identification Card
Court Order for Name Change/Gender Change/Adoption/Divorce	INS 1-688B, 1-766 Employment Authorization Card

SECONDARY IDENTIFICATION DATA SUPPORT DOCUMENTS

When validating the authenticity of secondary identification documents and forms, the data and information must be supported by **at least two** of the following:

1. Utility Bill (Address)
2. Jurisdictional Voter Registration Card
3. Vehicle Registration Card/Title
4. Paycheck Stub with Name/Address
5. Spouse/Parent Affidavit
6. Cancelled Check or Bank Statement
7. Mortgage Documents

RETENTION OF RECORDS

The California Department of Social Services recommends that counties retain criminal background and CACI clearances results for at least **three years after the home is no longer in use**. Further the results may be stored in the child's case file. Automated systems handling criminal offense record information and the information derived there shall be secure from unauthorized access, alternation, deletion or release. The

computer terminals shall be located in secure premises. See California Code of Regulation Section 707 (a) and Penal Code Section 11077.

Procedures

A. WHEN: INVESTIGATING A CHILD ABUSE REFERRAL

CSW Responsibilities

During the investigation of a child abuse referral, CSWs shall initiate a criminal background check on all child abuse referrals when at least one of the following is alleged: domestic violence, physical abuse, sexual abuse, substance abuse, exploitation or severe neglect. For referrals alleging emotional abuse or general neglect, CSW must consult with the SCSW to determine if initiating a criminal background check is relevant and appropriate.

1. Obtain a CLETS or CACI clearance by completing the 5600-A manually or online in CWS/CMS or LA Kids, on any parent (could include custodial and non-custodial parent, and offending and non-offending parent), any adult residing in the home, and any person that has significant contact with the child (such as the boyfriend or girlfriend of the parent), any person an arrested or incarcerated parent has left his or her child with while the parent is in custody, and any adult residing in the home that the social worker believes may have a criminal record.
2. Submit all requests to your SCSW for online approval.
3. Submit to the Live Scan Technician in your office to be entered online or faxed to DOJ.

NOTE: CSWs are not to fax CLETS requests to DOJ themselves, all CLETS requests must be submitted to the Live Scan Technician located in the regional office.

4. Upon completion of child abuse investigation, if it is determined that ongoing services (court or voluntary) will be provided, request that the parents/legal guardian submit to being Live Scanned. Complete a DCFS 5600. Submit to the SCSW for approval.
5. If a parent/legal guardian refuses to be Live Scanned, their refusal shall not prevent the provision of VFM or Family Preservation services. Document that individual's refusal in the Contact Notebook.

SCSW Responsibilities

1. Review the DCFS 5600 and the 5600-A, if complete and correct, sign and forward to the Live Scan Technician for processing. If not, return to the CSW for corrective action.
2. Check e-mail via Outlook to receive notification that the applicant has been Live Scanned.
3. Retrieve automated results via Outlook with the CCTS link. Confer with the CSW regarding the criminal clearance results, if necessary.

B. WHEN: ASSESSING THE HOME OF A RELATIVE/NON-RELATIVE EXTENDED FAMILY MEMBER FOR PLACEMENT

CSW Responsibilities

1. When notified that a relative or non-relative extended family member is interested in placing a child in their home, contact the caregiver and take the information needed to request a CLETS.
 - a) If the CLETS is requested pursuant to a temporary emergency placement with a relative or non-relative extended family member (see policy number 100-520.10 Evaluating a Prospective Caregiver), prior to initiating the CLETS the CSW shall check the subject's valid photo ID to ensure that the subject is in fact the same person whose CLETS is being obtained. Prior to placing the child with the subject, that person must present a valid ID to the CSW so that the CSW can determine that the subject whose CLETS was obtained is the same person who is being given the child for the temporary emergency placement. Prior to placement, the CSW should also check the valid photo ID of every person whose CLETS was obtained.
 - b) If the CLETS is requested pursuant to a temporary emergency placement with a relative or non-relative extended family member (see policy number 100-520.10 Evaluating a Prospective Caregiver) and prior to initiating the CLETS the CSW did NOT check the subject's valid photo ID to ensure that the subject was in fact the same person whose CLETS was being obtained, before releasing the child to the subject, that person must present a valid photo ID to the CSW so that the CSW can determine that the subject whose CLETS was obtained is the same person who is being given the child for the temporary emergency placement. Prior to placement, the CSW should also check the valid photo ID of every person whose CLETS was obtained.
2. Direct the applicant to the Live Scan location closest to his/her home to initiate the Live Scan process as soon as possible but no later than ten calendar days by either scheduling an appointment or coming in on a walk-in basis. See Procedural Guide 0100-520.10, Evaluating a Prospective Caregiver.

3. Notify the subject of the inquiry that (s)he must present a **valid and unexpired photo ID** to the Live Scan technician from the above noted list or in lieu of a valid and unexpired photo ID a Secondary Identification Document and Secondary Data Support Documents, from the above noted list. Inform the applicant that appointments can be made, however, applicants are usually seen on a first come, first served basis. (A child waiting in the office receives priority processing.) days by either scheduling an appointment or coming in on a walk-in basis. See Procedural Guide 0100-520.10, Evaluating a Prospective Caregiver.
4. Complete, the DCFS 5600/5600-A, (to request both a CLETS and Live Scan), for the prospective caregiver, and all other adults residing in the caregiver's home, and all adults having significant contact with the child. If the child is in the office, annotate on the DCFS 5600 "Child in office" to expedite the processing of the CLETS requests. Submit to the SCSW for approval.
 - a) Contact the Child Abuse Central Index (CACI) to request a check of all prior allegations of child abuse and/or neglect concerning the home. In addition, complete the BCIA-4084, Facsimile Inquiry for Child Abuse Index (CACI), and fax it to DOJ. The fax number is (916) 227-5054 or (916) 227-3253.
5. The Live Scan Technician will notify the CSW within 10 calendar days after the receipt of the 5600, if the party did not appear. If the applicant fails to complete the Live Scan within ten calendar days, contact the applicant to reschedule the Live Scan. Resubmit the DCFS 5600 to the Live Scan Technician.

NOTE: Effective 1-1-07, CLETS results will not contain NCIC, III (i.e. FBI results) CLETS will only cover the state of California records. However, NCIC III Results will be provided when Live Scan is conducted.

6. While waiting on the Live Scan results, simultaneously submit a search for foster placement/emergency shelter care in the event that a relative placement cannot be made.
7. Upon receipt of the automated Live Scan results, follow all procedures set forth in Procedural Guides 0100-520.10, Evaluating a Prospective Caregiver and 0100-520.70, Exemptions for Relatives and Prospective Guardians with Criminal Record History. File all copies of the DCFS 5600, 5600-A, and criminal history results in the Case Activity Folder.

SCSW Responsibilities

1. Review the DCFS 5600-A and the DCFS 5600, if complete, approve online and forward to the Live Scan technician for entering information into CCTS. If not, return to the CSW for corrective action.

2. Check emails via Outlook for notification that the applicant has been Live Scanned.
3. Retrieve the automated results of the CLETS and Live Scan clearances by entering into the CCTS system via Outlook with the link to CCTS. Confer with the CSW regarding the criminal clearance results, if necessary.

C. WHEN: REFERRING A PARTY FOR CRIMINAL CLEARANCE AT COURT

JCS CSW Responsibilities

1. For Arraignment hearings, when a prospective relative, parent/legal guardian or non-relative extended family member, including any other adult residing in the home or having significant contact with the child) appears at court and requires a criminal clearance, send him/her to the Service Desk for completion of the DCFS 5600 and DCFS 5600-A. Notify the subject of the inquiry that (s) he must present a **valid and unexpired photo ID** to the Live Scan technician from the list noted above. The DCFS 5600 and DCFS 5600-A should be completed prior to calendar call or as soon as the individual requests placement of a child. Indicate the case-carrying CSW's name in Section III of the DCFS 5600 and DCFS 5600-A. Annotate the court officer's name, courtroom and telephone extension at the top of the DCFS 5600-A.
2. For any other hearing, if a prospective relative, parent/legal guardian, or non-relative extended family member including any other adult residing in the home or having significant contact with the child, requires a criminal clearance, after the court officer completes the DCFS 5600 and DCFS 5600-A, direct the applicant to the Live Scan operator (not the Service Desk). Notify the subject of the inquiry that (s) he must present a **valid and unexpired photo ID** to the Live Scan technician from the list noted above. The DCFS 5600 and DCFS 5600-A should be completed prior to calendar call, whenever possible. Indicate the case-carrying CSW's name in Section III of the DCFS 5600 and DCFS-5600-A. Annotate the court officer's name, courtroom and telephone extension at the top of the DCFS 5600-A. The Juvenile Court Fax number is 323-881-3641.

D. WHEN: REFERRING AN OUT-OF-COUNTY PARTY FOR LIVE SCAN

CSW Responsibilities

1. Determine the appropriate Live Scan site for the out-of-county applicant. Contact the site to ensure the address and hours available are still correct and that the site processes Request that your Live Scan technician complete the BCII 8016 as (s)he does for in-county clearances (e.g., ORI, location, billing numbers). The out-of-county applicant will complete the demographic information *applicant* Live Scans Send the BCII 8016 to the out-of-county applicant. Instruct the out-of-county applicant to go to the chosen Live Scan site and take the BCII 8016 for processing. Inform him/her that there may be a fee (\$14-30) that must be remitted at the time of scanning or the rolling of fingerprints. Notify the subject of the inquiry that (s) he

must present a **valid and unexpired photo ID** to the Live Scan technician at that site. Other counties may not accept the same photo ID as Los Angeles County.

NOTE: At the following website, an extended list of Live Scan locations can be found outside of Los Angeles County.
<http://ag.ca.gov/fingerprints/publications/contact.php>

E. WHEN: PLACEMENT OF A CHILD WITH AN OUT-OF-STATE RELATIVE OR NON-RELATIVE EXTENDED FAMILY MEMBER IS CONSIDERED

CSW Responsibilities

1. Follow existing procedures set forth in Procedural Guide 0100-525.10, Interstate Compact on the Placement of Children (ICPC).

NOTE: The approval of a relative's home who resides outside of California is based on the approval standards of that particular state including criminal clearances.

F. WHEN: SUBSEQUENT ARREST NOTIFICATION IS RECEIVED FROM THE DEPARTMENT OF JUSTICE

CSW Responsibilities

1. Review the results of the Subsequent Arrest Notification. If the conviction of the caregiver (including any other adult residing in the home or having significant contact with the child) prohibits the child from remaining in the home due to a crime that exceeds a minor traffic violation, assess the home immediately for the safety of the child(ren). Conduct an investigation of the circumstances surrounding the arrest, interview any witnesses, and obtain copies of police reports. Determine whether or not the person's arrest poses a risk to the child(ren) placed in the home. Remove the child if at immediate risk.

NOTE: CSW shall furnish a copy of the information to the person to whom the information relates if the information is a basis for prohibiting the child from remaining in the caregiver's home. See Procedural Guide 0100-520.11, When a Child is Residing in the Home of a Relative or Non Relative Extended Family Member That Does not Meet Title 22 Approval Standards.

2. If the caregiver was convicted of a crime which is not on the prohibited list and a decision is made to allow the child to remain in the home of a relative, non-relative extended family caregiver, submit a Waiver Request packet and follow the procedures set forth in Procedural Guides 0100-520.70, Exemptions for Relatives and Prospective Guardians with Criminal Record, and Procedural Guide 0100-520.10, Evaluating A Prospective Caregiver.
3. Provide a copy of the Subsequent Arrest Notification to the ASFA unit located in your office.

NOTE: As of July 1, 2007, CSWs will not be able to request the Subsequent Arrest Notification Service for parents and legal guardians. **However, CSWs will still be able to request and shall continue to request Subsequent Arrest Notification Service for relatives and non-relative extended family members.**

G. WHEN: SUBSEQUENT ARREST NOTIFICATION FROM THE DEPARTMENT OF JUSTICE IS NO LONGER REQUIRED FOR AN INDIVIDUAL

It is strongly recommended that the “No Longer Interested” (NLI) notification to DOJ be submitted via CCTS instead of faxing or mailing the request. The electronic submission of NLI information will allow DOJ the ability to update information in a more expeditious manner.

CSW Responsibilities

1. The receipt of subsequent arrest notification for an individual **shall be** terminated in the following instances:
 - When a prospective relative caregiver’s or non-relative extended family member’s home was not approved or not used.
 - When a child that you placed in the home leaves (replaced, returns home, etc.) the home. However, if other children remain placed in the home, do not terminate the subsequent notification.
 - The relative caregiver or non-relative extended family member is no longer providing care for the children or when an adult residing in the home of the caregiver moves out of the home.
 - At the time that Kinship Guardianship has been granted to the relative caregiver.
 - At the time that an Adoption is finalized.
2. Submit the NLI request via CCTS by completing the following:

- Log on to CCTS to search for the applicant's record;
- When the CCTS Summary Request is displayed, click the "Create/Update No Longer Interested Request" button located at the top of the page; and
- Enter or confirm the applicant type, date of birth and sex before clicking on the "Submit NLI Request" button.

NOTE: To cancel a NLI request for any reason, click on the "Cancel NLI Request" button prior to the "NLI submitted to DOJ".

3. If completing the NLI request via fax or mail, complete the BCII 8302, No Longer Interested Notification. Provide the Agency Information, today's date, type of Application, CII # (mandatory), which can be located on the Live Scan results form, last name, first name of individual, aliases, sex, date of birth, social security number, and driver's license number. Submit the BCII 8302 form to discontinue the Subsequent Arrest Notification and forward to SCSW for approval online.
4. File the approved BCII 8302 in the placement notebook, and document the date the BCII 8302 was mailed/faxed to the DOJ in the Contact Notebook.

SCSW Responsibilities

1. Review the BCII 8302 form, approve online. If appropriate, discuss any concerns with the CSW, and ensure that the BCII 8302 form is faxed to DOJ at (916) 227-4722.

H. WHEN: AN INDIVIDUAL CANNOT BE LIVE SCANNED (either at a DCFS office or by portable Live Scan machine) DUE TO A PHYSICAL DISABILITY: (i.e. amputated or deformed hands)

CSW Responsibilities

1. For situations where fingerprints cannot be taken due to disability or special circumstances, complete the BCII 9010.
2. Instruct the client to take the form, BCII 9010, to a law enforcement agency to verify that the individual cannot be fingerprinted.
3. Obtain the BCII 9010 from the client once law enforcement has signed the bottom portion and submit it to the Live Scan Technician for mailing to the following address:

California Department of Justice
 Bureau of Criminal Identification and Information
 Applicant Processing Program
 P.O. Box 903417

Sacramento, Calif. 94203-4170

I. WHEN: AN APPLICANT'S FINGERPRINTS ARE NOT ABLE TO BE READ BY LIVE SCAN

CSW Responsibilities

If the applicant's fingerprints are unable to be read by the Live Scan machine, DOJ will immediately send a rejection letter electronically to the Live Scan Technician, requesting a second set of prints. If the second set of prints remains unreadable, DOJ will automatically conduct a manual search and issue a certificate indicating whether the applicant has any reportable criminal history.

In order to initiate an FBI manual search complete and submit to the Live Scan Technician for mailing, a BCIA 8020, Request for Applicant Name Check by the Federal Bureau of Investigation form, immediately and no later than 2 days of the second rejection notice. Include required information including, applicant's name, aliases, date of birth, social security number: Submit to the Live Scan Technician to fax or e-mail:

Department of Justice
Bureau of Criminal Identification & Analysis (BCIA)
FBI Response Unit
P.O. Box 903417
Sacramento, Calif. 94203-4170;
Fax # 916-227-3820.
E-Mail: FBI.ResponseUnit@doj.ca.gov

FBI results will take two to four weeks to be received.

J. WHEN: AN APPLICANT IS PHYSICALLY UNABLE TO GO TO A LIVE-SCAN-SITE (due to medical condition, age of individual, illness, accident, mental disability, bedridden, etc.)

Portable Live Scan Machine and Manual Rolling

Live Scan Technician

1. When available, obtain the applicant's fingerprints via portable Live Scan machine.
2. If unable to obtain the applicant's fingerprints via portable Live Scan machine, manually roll the fingerprints on the FD 258 (fingerprint card.) In addition, roll a second set of prints for the FBI clearance. Complete the Identifying information fields of the FD 258 for both cards.
3. If fingerprints were manually rolled, complete the BCII 9004. Mail to: Department of Justice, Bureau of Criminal Identification and Information, P.O. Box 903417, Sacramento, California 94203-4170.

4. To obtain FBI results, mail the FD 258 finger print card to:

Bureau of Criminal Identification and Information
Applicant Processing Program
FBI Response Unit
P.O. Box 903417
Sacramento, Calif. 94203-4170;
Fax # 916-227-3820.
E-Mail: FBI.ResponseUnit@doj.ca.gov

It is not necessary to complete the BCIA 8020 form in this instance.

For more information regarding this procedure, call the DOJ Field Liaison Program Representative for Los Angeles County at (916) 227-2283 or speak to the duty person at (916) 227-3332.

NOTE: In order for a staff person to manually rolled finger prints they first must be certified by the DOJ.

APPROVAL LEVELS

Section	Level	Approval
A-C	SCSW	DCFS 5600 and DCFS 5600-A
D-E	NONE	
F.	SCSW AND ARA	WIC 361.4 Waiver Request
G.	SCSW	BCII 8302, No Longer Interested Notification
H-J	NONE	

OVERVIEW OF STATUTES/REGULATIONS

Penal Code Section 11105 (b) (18) summarizes that when an agency obtains records both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint checks.

Penal Code Section 11105 (h) notes that it is not a violation of this section to include information obtained from a record in a transcript or record of a judicial or administrative proceeding or any other public record if the inclusion of the information is authorized by a court.

Penal Code Section 11105.2 (a) states that the DOJ may provide subsequent arrest notification ...to assist in fulfilling the duties of approving relative caregivers and non-relative extended family members, upon arrest or disposition of any persons whose fingerprints are maintained on file at the DOJ as the result of an application for licensing

or approval. Nothing in this section shall authorize the notification of a subsequent disposition pertaining to a disposition that does not result in a conviction, unless the department has previously received notification of the arrest and has previously lawfully notified a receiving entity of the pending status of the arrest. When the department supplies subsequent arrest or disposition notification to a receiving entity, the entity shall, at the same time, expeditiously furnish a copy of the information to the person to whom it relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

Penal Code Section 11105.7 (a) states that when fingerprints are not legible, the DOJ, at its discretion will deem that a person has complied with the statutory requirements, using personal identifying data to conduct a search to determine if the person has a criminal history or request that the person submit another set of fingerprints or have law enforcement verify that he or she is unable to provide legible fingerprints, deeming that the person has complied with the statutory requirement.

Penal Code Section 11105.7 (d) It is the intent of the Legislature that this section shall only apply to those persons who are unable to supply legible fingerprints due to disability, illness, accident, or other circumstances beyond their control and the Penal Code does not apply to persons who are unable to provide fingerprints because of actions they have taken to avoid submitting their fingerprints.

Welfare and Institutions Code Section 309 (d) states, in pertinent part, that if an able and willing relative, or an able and willing nonrelative extended family member is available and requests temporary placement of the child pending the detention hearing, the county welfare department shall initiate an assessment of the relative's or nonrelative extended family member's suitability, which shall include an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative extended family member to care for the child's needs, and consideration of the results of a criminal records check and a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home.

Welfare and Institutions Code Section 361.4 (a) summarizes that a Live Scan fingerprint clearance is initiated within 10 calendar days of the CLETS check unless the whereabouts of the subject of inquiry is unknown or the subject refuses to submit to a fingerprint check.

Welfare and Institutions Code Section 361.4 (b)(2) states that an identification card from a foreign consulate or foreign passport shall be considered a valid form of identification for conducting a criminal records check and fingerprint clearance check under this subdivision and under subdivision (c).

Welfare and Institutions Code Section 388(e)(4) states that when the recommendation is for a nonminor dependent to be placed in a setting where minor dependents also reside, the results of a background check of the petitioning nonminor

conducted pursuant to Section 16504.5, used by the placing agency to determine appropriate placement options for the nonminor.

Welfare and Institutions Code Section 16504.5 notes that a summary of criminal information can be obtained through CLETS and the FBI for the purpose of: (A) the investigation involving children alleged to come within the jurisdiction of the juvenile court under Section 300, (B) Assessing the appropriateness and safety of a detained child or juvenile court dependent in the home of a relative assessed during an emergency situation, (C) Locating the whereabouts of a parent or guardian subject to dependency court proceedings and (D) obtaining information about the background of a nonminor who has petitioned to reenter foster care in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

Health and Safety Code Section 1522 states, in pertinent part, that it is the intent of the legislature to require the fingerprints of those individuals whose contact with community care clients may pose a risk to the client's health and safety.

California Department of Justice Fingerprint Rolling Certification Reference Handbook, January 2009 summarizes the live scan program regulations, primary and secondary forms of identification, in addition to the supplemental back-up support documents for secondary identification.

LINKS

California Code	http://www.leginfo.ca.gov/calaw.html
Division 31 Regulations	http://www.cdss.ca.gov/ord/PG309.htm
Title 22 Regulations	http://www.dss.cahwnet.gov/ord/PG295.htm

RELATED POLICIES

[Procedural Guide 0070-559.10](#), Summary of Clearances
[Procedural Guide 0070-560.10](#), Child Abuse Central Index (CACI)
[Procedural Guide 0070-563.10](#), Juvenile Automated Index (JAI) Clearance
[Procedural Guide 0100-510.61](#), Placement Responsibilities: Foster Child's Needs and Case Plan Summary
[Procedural Guide 0100-520.10](#), Evaluating a Prospective Caregiver
[Procedural Guide 0100-520.70](#), Exemptions for Relatives, Non-Relative Extended Family Members, and Prospective Guardians with Criminal History Records
[Procedural Guide 0100-525.10](#), Interstate Compact on the Placement of Children (ICPC)
Procedural Guide C300-010, Live Scan and California Law Enforcement Telecommunications System (CLETS) Clearances

FORMS REQUIRED

LA Kids: [BCIA 8020](#), Request for Applicant Name Check by the Federal Bureau of Investigation (FBI)

[BCII 8016](#), Request for Live-Scan Service Applicant Submission
[BCII 8043](#), Applicant Fingerprint Card Follow-Up Request California Applicant Live-Scan Services List
[BCII 8302](#), No Longer Interested Notification (NLI) Notification
[BCII 9004](#), Request for Exemption From Mandatory Electronic Fingerprint Submission Requirement
[BCII 9010](#), Request for DOJ Name Check
[DCFS 5600](#), Live-Scan Criminal History Request
[DCFS 5600-A](#), Criminal History CLETS / NCIC III Request
[DCFS 5602](#), WIC 361.4 Exemption Request
[How to Obtain a Consulate ID from the Consulate of Mexico](#)

CWS/CMS: **SOC 815**, Approval of Family Caregiver Home System Record Status Report
Contact Notebook
Case Notes
Investigative Narrative

HARD COPY **FD 258**, Fingerprint card State of California, Bureau of Criminal Identification
Request for Applicant FBI Name Check

SDM None