



CDSS

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

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**REASON FOR THIS TRANSMITTAL**

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

October 15, 2013

ALL COUNTY LETTER NO. 13-64

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL CHIEF PROBATION OFFICERS  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: REGISTERED SEX OFFENDER (RSO) ADDRESS MATCHES  
OF RELATIVE/NONRELATIVE EXTENDED FAMILY MEMBER (NREFM)  
APPROVAL AND COUNTY CHILD WELFARE RESPONSIBILITIES

REFERENCE: CALIFORNIA STATE AUDITOR CHILD WELFARE SERVICES  
OCTOBER 2011 REPORT 2011-101.1  
<http://www.bsa.ca.gov/reports/summary/2011-101.1>

This All County Letter provides clarifying instructions to counties regarding procedures to protect minor and Nonminor Dependents (NMD) from having contact with an RSO in a relative or Nonrelative Extended Family Member (NREFM) or court specified placement. Community Care Licensing is responsible for RSO investigations involving licensed facilities, and counties that license foster homes are responsible for investigating homes which they license.

**BACKGROUND**

In October 2011, the California Bureau of State Audits (BSA) compared the addresses of sex offenders in the Department of Justice California Sex and Arson Registry (CSAR) database against state and county licensed and approved homes contained in the Child Welfare Services/Case Management System (CWS/CMS), and found address matches indicating the possible presence of an RSO in the facility or placement home.

As a result, the California Department of Social Services (CDSS) has developed an administrative process to continue the cross-matching of addresses between the CSAR and CWS/CMS databases. On an ongoing monthly basis, an encrypted county-specific file containing matched address data is distributed electronically to each county child welfare

agency, with the exception of nonminor dependents identified in CWS/CMS as living in a "Supervised Independent Living Placement".

### **THE RSO INVESTIGATION AND REPORTING PROCESS**

Whenever a new file is electronically distributed to the county, a document entitled "Instructions for Investigating and Reporting Suspected Registered Sex Offender and CWS Placement Associations" is provided (see attachment). These monthly instructions are the culmination of the testing and county feedback that occurred throughout 2012.

Counties are directed to refer to the instruction document when completing the investigation and reporting process. The process for investigating and reporting back to CDSS must be completed no later than 45 days from the date of the electronic transmission of the file to the county. County workers will be investigating address matches for approved relative/NREFM homes with placement, and without a placement.

#### Approved Home With Placement

Following receipt of the electronic file with address match information for an approved home where a juvenile court minor or NMD is placed, the county worker must investigate and take the following actions:

- Determine if the individual is still residing there. If the person is still residing on the premises, the approved caregiver must decide whether they intend to allow the individual to remain as a part of the household.
- To ensure that a dependent will not reside with an individual who is an RSO or has a non-exemptible crime, the new individual or RSO associated to the address of the approved home must immediately be checked through the California Law Enforcement Telecommunications System and submit to Live Scan fingerprinting and be exempted, if appropriate.
- The individual cannot reside in the home if a dependent child is living there until the criminal background check process has been completed. The relative caregiver/home remains approved pending completion of the criminal background check. A designation of "At Capacity" should be applied in the CWS/CMS pending completion of the criminal background check. Applying the "At Capacity" designation in the CWS/CMS will not allow the home to be available as a placement option (see Appendix, page 2, item 3).
- If the individual's conviction cannot be or is not exempted, and the caregiver chooses to allow the RSO or non-exempted individual to remain in the home, the county must remove the minor or nonminor dependent. The county must rescind the approval, and provide the caregiver with notice and an opportunity to appeal the rescission of approval.

Approved Home Without Placement

Before placement can occur, the home must be assessed to ensure that the caregiver continues to meet all statutory and regulatory relative approval standards. For example, the county must ensure:

- Household Composition  
All residents of the home have successfully cleared criminal background checks or have received the appropriate criminal record exemptions. Provided the county has in place the proper criminal records rap-back reporting from the Department of Justice, the county need only focus on the status of any new individuals who reside in the home, which includes conducting the required criminal background check.
- Health and Safety  
All physical plant issues and clearances for health and safety have been met.
- Caregiver's Ability to Meet the Minor's/NMD's Needs  
The minor's or NMD's needs, as well as the caregiver's abilities and capacities, may have changed since the date of the caregiver's initial approval. The caregiver's ability to meet the minor's/NMD's current and anticipated needs must be reassessed to ensure that the caregiver has the ability to meet those needs.

When all residents are cleared and the home is appropriate for placement, the "At Capacity" designation can be removed with a notation as to when it was removed and the reason why it meets child welfare standards for dependent care.

If you have questions about the relative approval process, please contact the Kinship Care Policy and Support Unit at (916) 651-7465 or at [kinship.care@dss.ca.gov](mailto:kinship.care@dss.ca.gov). For questions about RSO address matching, please contact the Outcomes & Accountability Bureau at (916) 651-8099 or at [CDSSRSOResponse@dss.ca.gov](mailto:CDSSRSOResponse@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

Attachment

**INSTRUCTIONS FOR INVESTIGATING AND REPORTING  
SUSPECTED REGISTERED SEX OFFENDER (RSO) AND CHILD WELFARE  
SERVICES PLACEMENT ASSOCIATIONS**

These instructions are provided to assist with the investigation of RSOs reported to be associated with child placements and/or approved relative/nonrelative extended family member (NREFM) and court specified homes under the jurisdiction of your county.

Based on a cross match of addresses of sex offenders from the Department of Justice California Sex and Arson Registry (CSAR) database against state and county licensed and approved homes contained in the Child Welfare Services/Case Management System (CWS/CMS), the California Department of Social Services (CDSS) has prepared and provided an encrypted electronic Excel workbook (spreadsheets) that identifies the child placements and/or approved relative/NREFM and court specified homes under the jurisdiction of your county believed to be associated with a RSO. The Excel workbook is separated into two spreadsheets/tabs, with one spreadsheet listing homes with existing placements, and one spreadsheet listing homes without placements. Excluded from these files is a nonminor dependent (NMD) identified in CWS/CMS as living in a Supervised Independent Living Placement (SILP).

Also, please be aware that other types of homes may occasionally appear on your list (i.e., Foster Family Home, Foster Family Agency and Group Home). This happens when data are missing from CWS/CMS that would normally allow for their exclusion (i.e. approval dates and/or license numbers). The CDSS request that you review these homes, update CWS/CMS with the appropriate special project code, and complete the Excel spreadsheets in accordance with these instructions.

When CWS/CMS identifies your county as the county of jurisdiction, the county maintains responsibility for the investigation and reporting back to CDSS even if the address is not physically located within your county.

The investigation of addresses identified for licensed facilities are the responsibility of the CDSS Community Care Licensing Division (CCLD). If you are a county that licenses foster homes, CCLD will contact your county directly.

**I. Approved Homes with Existing Placements**

- A. For approved homes with existing placements, it is the expectation of CDSS that counties treat these situations as a report to the Emergency Response hotline (see Section IB for clarification regarding a NMD age 18 and older). Specifically, counties are instructed to:

1. Create a "General Neglect" referral for the child using the name of the Substitute Care Provider (SCP) as the alleged perpetrator.
2. Designate the response time as "Immediate" overriding the hotline assessment tools if necessary. Please note that designating the referral as "Evaluate Out" is only appropriate under very limited conditions (e.g. it is confirmed by the case worker that no child is placed at this home). The addresses obtained from CSAR are more reliable and current than the Megan's Law website; therefore, is not acceptable to solely rely on the Megan's Law website for determining whether an investigation is warranted (See Section II and complete the appropriate steps when "Evaluating Out" due to no children placed.).
3. Designate the home as "At Capacity" and enter Special Project Code "S-RSO RPRT RCVD-UNDER REVIEW." This will prevent additional placements during the investigation period. Update the designation and RSO special project code at the conclusion of your investigation as appropriate (see Sections III & IV for operational definitions and instructions).
4. Proceed with the in-person investigation, assessment and safety interventions as appropriate.
5. If during the "In-person Response," the county determines that a different family lives at the identified address and the address is associated with the RSO, close out the original referral and create a new referral as appropriate and proceed according to county protocol.
6. In addition to the standard cross-reporting requirements associated with substantiated findings, cross-report substantiated findings to the county relative approval unit for their review and action, and to the county foster care eligibility unit to determine if Title IV-E payment should continue.
7. In addition to the standard documentation requirements, include specific information regarding the presence and/or association of the RSO with the SCP home and the identified dependent. Documentation should also include information regarding any specific safety actions related to the RSO presence or association.
8. Close the referral within the Division 31 required timeframe of thirty days.
9. Using the encrypted Excel spreadsheet, provide the required feedback information to CDSS as instructed in Section V.

B. A NMD living in an approved relative home that have been matched to a RSO address is also included in the monthly RSO lists (an exception is a NMD living in a SILP who is excluded from the lists). The following clarification is provided for a NMD age 18 and older:

1. The CDSS suggests that the case worker initiate a face to face assessment within 24 hours of receiving the list from CDSS.
2. Designate the home as "At Capacity" and enter Special Project Code "S-RSO RPRT RCVD-UNDER REVIEW". This will prevent additional placements during the assessment. Update the designation and RSO special project code at the conclusion of your assessment as appropriate (see Sections III & IV for operational definitions and instructions).

3. If during the assessment, the county determines that other children are living at the identified address and the address is associated with the RSO, create a referral as appropriate and proceed according to county protocol.
4. If the RSO is determined to be residing with the NMD, cross-report to the county relative approval unit for review and action, and to the county foster care eligibility unit to determine if Title IV-E payment should continue.
5. Document the related activities, assessment and safety interventions in the CWS/CMS Service Management Contact Notebook.
6. Using the encrypted Excel spreadsheet, provide the required feedback information to CDSS as instructed in Section V.

## **II. Approved Homes with No Children Placed**

For those homes identified on the “No Children Placed” tab, the county should first determine whether or not the county would like to maintain the home as a placement option.

- A. If yes, the county would like the home to remain available, the county is instructed to:
  1. Designate the home as “At Capacity” and enter Special Project Code “S-RSO RPRT RCVD-UNDER REVIEW”. This will prevent placements during the investigation period. Update the designation and RSO special project code at the conclusion of the investigation as appropriate (see Sections III & IV for operational definitions and instructions).
  2. Determine if the approval conditions still exist.
  3. Develop and complete a corrective action plan as appropriate.
  4. Update CWS/CMS with the correct and complete dependent and/or substitute care provider address if different from the information received on the encrypted Excel spreadsheet.
  5. Using the encrypted Excel spreadsheet, provide the required feedback information to CDSS as instructed in Section V.
  
- B. If no, the county does not want the home to remain available for placement, the county is instructed to:
  1. Enter Special Project Code “S-RSO INACTIVE UNTIL REASSESS” (see Section III & IV for operational definitions and instructions).
  2. Designate the home as “At Capacity”. Note the home **shall not** be available for placement or respite, and this designation will remain in effect until at such time the approval is reassessed.
  3. Using the encrypted Excel spreadsheet, provide the required feedback information to CDSS as instructed in Section V.

## **III. RSO Special Project Codes and “At Capacity” Designations**

The following Special Project Codes definitions and “At Capacity” instructions have been developed to identify the outcomes and status of in-person investigations, NMD safety assessments and SCP home reassessments related to RSO information.

RSO Special Project Codes	Operational Definitions and Instructions
S-RSO RPRT RCVD-UNDER REVIEW	Choose this code and designate the home as “At Capacity” when creating a referral for RSO investigation or initiating a NMD safety assessment or SCP home reassessment. Insert a brief explanation in the “Placement Home Notebook” comment box that the home is under RSO investigation/assessment or reassessment. Maintain this designation until the investigation/assessment or SCP home reassessment has been completed, including the completion of any safety action or corrective action plan that is identified.
S-RSO INVESTIGATD-OK TO PLACE	<p>Choose this code when the in-person investigation, NMD safety assessment or SCP home reassessment has been completed and no approval concerns at the SCP home were identified. The SCP home remains available for placement. Remove the “At Capacity” designation.</p> <p style="text-align: center;">OR</p> <p>Choose this code when the in-person investigation/assessment or SCP home reassessment has been completed and SCP home concerns were identified <u>and</u> resolved (safety intervention and/or corrective action plan has been completed). The SCP home remains available for placement. Remove the “At Capacity” designation.</p>
S-RSO INVESTIGATD-DO NOT PLACE	Choose this code when the in-person investigation, NMD safety assessment or SCP home reassessment has been completed, SCP home concerns were identified <u>and</u> the county <b>no</b> longer wishes to use the SCP as an approved home; the county should rescind the approval. Maintain the “At Capacity” designation and update the comment box with the reason for no placements. <b>(Note no child under county jurisdiction should reside in this SCP home under this Special Project Code).</b>
S-RSO INACTIVE UNTIL REASSESS	Choose this code and designate the SCP home as “At Capacity” when <b>no</b> children under county jurisdiction reside in the SCP home <u>and</u> the county does not wish to maintain the SCP home for potential placement or respite. Insert a brief explanation in the “Placement Home Notebook” comment box that the home is associated with a RSO and requires reassessment prior to placement. Maintain the designation until at such time the SCP approval is updated expires or is rescinded.

#### IV. Instructions for entering the RSO Special Project Codes in CWS/CMS

- A. In the “Home Placement Notebook” within the “Case Management” section of the “Resource Management” tab, click on the “Special Projects” page tab to access the “Special Project Grid.” Click on the “+” to activate the drop down boxes. Using the drop down menu, select from the above mentioned codes.

- B. After selecting an RSO Special Project Code, enter the date of data entry as the start date and save to the database. Whenever a placement home designation changes, the worker must then enter an end date (as described below).
- C. To end-date a Special Project Code, go to the “Case Management” section, “Home Placement Notebook” and click on the “Special Projects” tab to access the “Special Project Grid.” In the grid, enter a date in the “End Date” column on the row for the Special Project Code selected and save to the database.
- D. Please note only one RSO Special Project Code should be open at any given time. There may be circumstances after end-dating an RSO Special Project Code where a different RSO Special Project Code may be required (see Section III for operational definitions).

**V. Timeframe and Method for Reporting Back to CDSS**

Results from the county reviews and investigations are to be reported to CDSS using the encrypted Excel spreadsheet and are due to CDSS within 45 calendar days of the date the list was emailed to the county. Counties are requested to e-mail the completed encrypted electronic spreadsheet to [CDSSRSOResponse@dss.ca.gov](mailto:CDSSRSOResponse@dss.ca.gov). Spreadsheets that do not include the required information will be returned by CDSS for completion. **Due to the established CDSS method of reporting RSO information to counties, it is not necessary for counties to send Mandated Reporter feedback letters to CDSS.**

*File security:* The files sent to the counties are password encrypted and will remain so upon submission to CDSS unless the county changes the file’s protection settings. The county will be prompted for two passwords: one password is required to open the file while a second password is required to enter information into the required data columns identified below. The county will receive an e-mail separate from the file containing both passwords.

Counties are requested to complete the required spreadsheet data columns as follows (see the chart on page 9 for a detailed list of the data entry fields.)

Required Data Column	Feedback Requested
REFERRAL ID/NMD	Indicate if a referral was created by providing the referral number, or if the dependent is a nonminor, enter “NMD”.
RESULTS OF RSO ADDRESS VERIFICATION	Choose the drop down selection that reflects the outcome of the RSO address verification (see Section VI for residency verification operational definitions).
SAFETY ACTIONS	Choose the most appropriate drop down selection.
STATUS OF SCP HOME	Choose the drop down selection that reflects the status of the SCP home at time of completion (see Section III for operational definitions). <b>Note</b> Option 4 for this data field “SCP does not live at identified address” may only be selected when it is determined from an in-person response or other confirmed information that the SCP does not live at the address. When this information is obtained from



a source other than a documented in-person investigation or NMD assessment, explain the information in column “Other” on the spreadsheet and enter the new SCP complete home address in CWS/CMS if known. If the new address is not known, designate the home in CWS/CMS as “At Capacity”.

**VI. OPERATIONAL DEFINITIONS FOR RESULTS OF RSO ADDRESS VERIFICATION COLUMN**

<b>RSO Address Verification Options</b>	<b>Operational Definitions</b>
1. SCP home at the identified address has no current placement and the county has not reassessed	No dependent is currently placed in the approved SCP home and the county is choosing not to reassess the home at this time.
2. RSO lives at/or is associated with the identified address, and the SCP does not live at the address	The investigation has confirmed that the RSO lives at the identified address or has an association (receives mail at the address) <u>and</u> the SCP does not live at the address.
3. RSO does not live at and is not associated with the identified address and the SCP does not live at the address	The investigation has confirmed that neither the RSO nor the SCP live at the identified address.
4. RSO has no association with the SCP home at the identified address	The SCP lives at the identified address but does not know the RSO. The SCP and/or dependent may have heard of, or know where the RSO lives, but does not have any relationship with the RSO.
5. RSO is associated with the identified SCP home address, does not live in the home and has NO CONTACT with the dependent	The SCP and/or dependent at the identified address have a relationship with the RSO but the RSO does not live at the identified address or have contact with the dependent (i.e. the RSO receives mail at the home, the RSO is a relative or family friend of the SCP or dependent, but has no contact with the dependent).
6. RSO is associated with the identified SCP home address, does not live in the home <u>and</u> HAS CONTACT with the dependent	Contact with the identified dependent at the identified address has been confirmed. Choose this response even if contact is no longer occurring <b>as a result of your safety intervention. Describe the safety actions taken in detail in the CWS/CMS documentation</b> and choose from “Safety Action” options 2-5.

7. RSO and SCP live at the identified address	The investigation has confirmed that the identified address is the residence of the RSO and SCP. Choose this response even if the RSO and/or identified dependent no longer reside at the same address <b>as a result of your safety intervention. Describe the safety actions taken in detail in the CWS/CMS documentation</b> and choose from “Safety Actions” options 2-5. (However, if in addition to confirming that both the RSO and SCP live at the identified address, the county finds that no dependents live at the address, choose Safety Option 1, “No Safety Action Required.”)
8. Other	None of the above options accurately describe your findings. Briefly describe your findings in the space provided.

**VII. CDSS Point of Contact**

Please continue to send any questions you have regarding this process to the RSO CDSS inbox at [CDSSRSOResponse@dss.ca.gov](mailto:CDSSRSOResponse@dss.ca.gov). Your questions are important to CDSS and we will make every effort to respond to you right away.

REFERRAL ID	RESULTS OF RSO ADDRESS VERIFICATION	SAFETY ACTIONS	STATUS OF SCP HOME	OTHER
If referral was created, please enter Referral Number. If the dependent is a nonminor, enter NMD.	Choose the option that reflects the outcome of the RSO address verification	Choose the most appropriate safety action	Choose the option that reflects the status of the SCP home at time of completion	If other was selected in the previous columns, please specify here
	1. SCP home at the identified address has no current placement and county has not reassessed	1. No safety action required	1. S-RSO INVESTIGATED-OK TO PLACE	
	2. RSO lives at/or is associated with the identified address and the SCP does not live at the address	2. RSO removed	2. S-RSO INVESTIGATED-DO NOT PLACE	
	3. RSO does not live at/nor is associated with the identified address and the SCP does not live at the address	3. Dependent removed	3. S-RSO INACTIVE UNTIL REASSESS	
	4. RSO has no association with the SCP home at the identified address	4. Other safety action taken	4. SCP does not live at identified address	
	5. RSO is associated with the SCP home address, but does not live in the home and HAS NO CONTACT with the dependent	5. Other – please specify in Other	5. Other – please specify in Other	
	6. RSO is associated with the SCP home address, does not live in the home and HAS CONTACT with the dependent			
	7. RSO and SCP live at the identified address			
	8. Other – please specify in Other			