

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

**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 30, 2007

ALL COUNTY LETTER NO. 07-27

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE SERVICE PROGRAMS MANAGERS
ALL JUVENILE COURT JUDGES
ALL CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: CHILD WELFARE SERVICES CRIMINAL RECORD CHECKS
ASSEMBLY BILL (AB) 1774 CHAPTER 726, STATUTES OF 2006

REFERENCE: AB 1694 (STATUTES OF 2002, CHAPTER 918)
AB 1913 (STATUTES OF 2004, CHAPTER 373)

The purpose of this All County Letter (ACL) is to implement the provisions of Assembly Bill (AB) 1774 (Chapter 726, Statutes of 2006), which clarifies for whom and how a county child welfare agency or probation department obtains state and federal level criminal history information in certain situations related to care and placement of a court-dependent child, including determining family reunification of a child. This legislation makes technical changes to existing law to comply with federal requirements for obtaining federal level criminal history information and expands the purposes for which criminal offender record information can be obtained. This legislation amended Sections 309, 361.4, 366.21, 366.22, and 16504.5 of the Welfare and Institutions Code.

AB 1774 ensures that authority continues to exist for procuring state and federal level criminal history information as part of the process of assessing a relative or nonrelative extended family member by making technical corrections to existing law to meet federal rules. It also gives authority to obtain state and federal criminal history information for the purpose of assessing a parent's or legal guardian's suitability to reunify with a dependent child of the Juvenile Court, which the court must consider at mandated periodic review hearings. The decision whether to seek to obtain the parent's or legal

guardian's criminal history is made on a case-by-case basis, and the information may only be obtained if the parent or legal guardian has agreed to submit fingerprints for this purpose as part of the family reunification case plan. Only criminal record history that occurred subsequent to the removal of the child can be considered. In addition, once the Department of Justice (DOJ) has provided the criminal record history, a request for subsequent arrest notification cannot be made.

The bill also extends the time required to initiate all Live Scan fingerprint submissions following California Law Enforcement Telecommunications System checks from five judicial days to ten calendar days.

In order to obtain a biological parent's or legal guardian's criminal record history, the county child welfare agency or probation department must submit Live Scan fingerprint transactions to the DOJ on the form BCII 8016 using the following applicant type and title:

The Type of Applicant must be: REUNIFICATN PER 16504.5 WI.

The Job Title or Type of License, Certification or Permit must be:
REUNIFICATN PER 16504.5 WI.

The above spelling of "reunification" is not an error; it is the DOJ Live Scan designation for the applicant type and title. It is extremely important that the applicant type and title be exactly as stated above. If not, the FBI may reject the transaction. The only agencies authorized to use this applicant type are county child welfare agencies and county probation departments. The DOJ began accepting these transactions on July 1, 2007. If you have any questions about the DOJ process, please contact the Applicant Processing Program, DOJ, at (916) 227-3865.

If you have any questions about this ACL, please contact the Kinship Care Policy and Support Unit at (916) 657-1858.

Sincerely,

Original Document Signed By:

MARY L. AULT
Deputy Director
Children and Family Services Division