

---

---

**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CFS OPERATIONS MANUAL**

**Effective Date: March 8, 2000**  
**Revised: December 5, 2005**  
**Revised: July 15, 2008**  
**Revised: January 7, 2009**  
**Revised: March 10, 2011**

**Number: K-0101**

## **Clearances—Relative Assessment**

---

**Purpose** To provide guidelines for obtaining and evaluating criminal and child abuse history information as part of a relative/NREFM placement assessment. Information for processing exemption requests for criminal convictions is also included.

---

**Approved** This policy was approved by Gary Taylor, Director of CFS, on March 10, 2011. *Signature on file.*

---

**Background** [Senate Bill 645 \(1998\)](#) added Section 361.4 to the Welfare and Institutions Code (WIC). WIC § 361.4 outlines the procedure for county placement of children in the home of a person not licensed or certified.

WIC § 361.4(d)(2) prohibits the placement of a child in a home in which an adult resident has been convicted of a crime that would preclude licensure under Health and Safety Code (HSC) § 1522 unless the history meets exemption criteria.

WIC § 361.4(d)(3) provides a means by which a county social service agency may grant an exemption to this prohibition. Pursuant to WIC § 361.4(d)(3)(A), the California Department of Social Services has given the Orange County Social Service Agency the authority to grant criminal record exemptions.

[SB 703 \(2007\)](#) amended WIC § 361.4 and HSC § 1522.1 to comply with [The Adam Walsh Protection and Safety Act of 2006](#), providing the legal mandate for completing a check of the child abuse and

neglect registry maintained by any state in which a relative/NREFM caregiver applicant, and any adult residing with the applicant, has resided in the preceding five years.

HSC § 1522(a)(4)(G) outlines the conditions under which an individual who has been denied a criminal record exemption may request a copy of his/her own state and/or federal Criminal Offender Record Information (CORI) search response.

---

#### Legal Mandates

- [Welfare and Institutions Code § 309\(d\)\(1–3\)](#)
  - [Welfare and Institutions Code § 361.3 and 361.4](#)
  - [Health and Safety Code § 1522\(a\)\(4\)\(G\)](#)
  - [Health and Safety Code § 1522\(g\)](#)
  - [Health and Safety Code § 1522.1\(b\)](#)
  - [Penal Code § 849\(b\)](#)
  - [Penal Code § 1203.4 or 1203.4a](#)
  - [Penal Code § 4852.01, 4852.03, and 4852.05](#)
  - [All County Letter \(ACL\) 07-39](#)
  - [All County Letter \(ACL\) 08-46](#)
- 

## POLICY

---

#### Policy Statement

Pursuant to [Senate Bill 645 \(1998\)](#), when evaluating relative/NREFM caregiver applicants, Orange County Children and Family Services (CFS) staff will request, investigate, and evaluate child abuse and criminal histories for all applicants, including all adults in the home, all adults who will provide childcare for the child and all adults who will have significant contact with the child.

Exemptions for criminal histories will be granted for caregiver applicants and other associated adults when the history meets exemption criteria, and when an exemption will allow placement in the homes of relatives/NREFM's whenever such a placement does not compromise the safety of the child, and when the placement is in the child's best interests.

All evaluations of criminal and child abuse histories, as well as the granting of criminal exemptions will be considered in light of the child's best interests for both immediate and long-term placement needs. Additionally, relative/NREFM caregiver applicants will be supported in an effort to maintain familial and mentoring relationships for children in out-of-home care.

Criminal record exemptions will be processed in accordance with state regulations, and will be recorded on the Orange County criminal exemption request form and log, as noted in the P&P.

**Criminal History Clearances**

- A. When completing an assessment for a relative/NREFM placement, the following clearances must be completed for all adults in the home, as well as any adults outside of the home who will have significant contact with the child.

Clearance Needed	Emergency Placement Assessment	Rel/NREFM Placement Assessment	New Adult in the Home AND Reassessment (Not previously cleared)	Annual Reassessment (Previously cleared)
CWS/CMS	X	X (by ASW)	X	X
CACI	X		X	X
*Out-of-State Child Abuse Records	X (initiated)	X	X	
CLETS/CII	X		X	
Live Scan • CACI • CLETS • FBI • Subsequent Arrests	X (initiated)	X	X	
DMV	X	X	X	X
Megan's Law Sex Offender Database	X	X	X	X (residential address only)

**\*Note:** Out-of-state child abuse record clearances must be completed for all adults residing in the home who have resided in another state in the preceding five years, as detailed below in the section entitled Out-of-State Child Abuse Clearances (Adam Walsh Act). These clearances **are not required** for adults outside of the home who will have significant contact with the child.

Refer to [Attachment 7—Parties Subject to Live Scan Clearances](#) of CFS P&P [Live Scan Fingerprinting \(B-0115\)](#) for guidelines regarding parties subject to Live Scan.

- B. Pursuant to [All County Letter \(ACL\) 07-39](#), the *Criminal Record Statement (LIC 508D)* must be completed by all adults in the home and all adults who will have significant contact with the child, **prior to placement (including emergency placement) and final approval** of a relative/NREFM home.
- C. Clearances must be completed on the legal spouse of a caregiver applicant, even if the spouse does not live in the home. If the legal spouse is incarcerated, attempt to determine the possible date of release. The spouse's legal

right to enter the home is to be considered in assessment, and appropriate actions must be taken to protect any children placed in the home, as necessary. An example of appropriate protective action is for the caregiver applicant to obtain a restraining order preventing the spouse from entering the home.

- D. Pursuant to [Senate Bill 645 \(1998\)](#), Live Scans MAY be done on any youth residing in the home who is 14 years or older when the social worker has reason to believe that the youth may have a criminal record. Additionally, staff may call the Juvenile Officer of the Day at (714) 935-6611 to determine if the youth is on probation. Results of clearance information received on all youth must be evaluated by the same standard used to evaluate adult offenses; however, exemptions for criminal histories of juveniles are not completed.
- E. If the records clearance results show a criminal history that would allow an exemption per WIC 361.4, the child may be placed in the home IF an exemption is granted and documented on page 3 of the *SOC 815* and on the *Criminal Exemption Request—Relative Assessment (F063-25-291)*. See the Exemption section below for further information.
- F. Live Scan clearances need to be done only once on each adult in the home as long as the Live Scan was successful (e.g., fingerprints were not rejected) and subsequent arrest reports were requested. Subsequent arrest reports will provide CFS with information regarding any subsequent reports of criminal activity.
- G. *No Longer Interested Notice (BCII 8302)* forms will be sent to the DOJ for persons who were Live Scanned when:
  - 1. The assessment is disapproved, or
  - 2. The assessment is approved but the home is not to be used for placement, or
  - 3. The placement ends, or
  - 4. The Live Scanned person moves out of the placement home.

See the Procedure sections below for further information.

- H. Once a home has been approved and a child placed in the home, if at any time during the placement a new adult moves into the home, that adult must be cleared, as described in the clearances needed chart above. The assigned social worker will submit a request to the Relative Assessment Unit (RAU) for these clearances to be completed, emailing a completed *Relative/NREFM Clearance and Assessment Referral (SOC 815A)* to the Relative Assessment Unit In-Box.
- I. If at reassessment it is found that an uncleared adult is in the home, a CWS/CMS search and review of Megan’s Law Sex Offender Locator Database will be completed. Additionally, a faxed CLETS (CII) and CACI are to be completed immediately, followed by Live Scan within 10 calendar days, and a check of out-of-state child abuse records, if applicable.
- J. A search of CWS/CMS and a faxed CACI report must be completed on each adult at reassessment as subsequent reports are not received from CACI.

**Sex Offender  
Locator  
Database  
(Megan’s Law)**

Although not mandated to do so by law, prior to placement of any child with a relative/NREFM, staff will verify that no adults in the home of the prospective caregiver or adults that will have significant contact with the child, are registered sex offenders. A Name and Residential Address search will be completed using the [California Megan’s Law Sex Offender Locator Database](#).

Additionally, upon annual reassessment, staff will also verify that any adult who has moved into a relative/NREFM caregiver home subsequent to placement is not a registered sex offender. If no new adults have moved into the home prior to the annual reassessment, staff will only complete a Residential Address search within the database.

**Out-of-State  
Child Abuse  
Clearances  
(Adam Walsh  
Act)**

Pursuant to [Senate Bill 703](#) and [The Adam Walsh Protection and Safety Act of 2006](#), staff will **request a check** of the Child Abuse and Neglect Registry maintained by any other states (includes U.S. territories) in which the following individual(s) has/have resided within the past five years:

- Relative/NREFM caregiver applicant
- Adult who resides with a Relative/NREFM caregiver or applicant

Identification of states in which an individual has resided within the past five years can be obtained from the *Criminal Record*

*Statement (LIC 508D)* completed prior to placement with a prospective relative/NREFM caregiver.

Prior to requesting a check of the child abuse and neglect registry of another state, staff will review the out-of-state index. Refer to the [Adam Walsh State Child Abuse Registry Contacts](#) to determine if that state maintains a registry and to identify state-specific forms/procedures, following all instructions provided by each state.

If the state does not maintain a registry, CFS staff will proceed with the evaluation of the relative/NREFM caregiver applicant.

If the state maintains a registry, information obtained from the state's registry indicates a history of child abuse or neglect, and the initial investigation documents are not provided, CFS staff will contact the child protective agency with the case record and request the investigation documents and/or other available case specific information.

**Note:** Pending the completion of out-of-state child abuse clearances (when applicable), a child may be placed in the relative/NREFM home as an emergency placement pursuant to WIC § 309(d)(1–3). However, the placement will not be eligible for Title IV-E funding until all out-of-state information is received and evaluated by CFS staff.

### **Criminal and Child Abuse History Results**

Results obtained from criminal and child abuse history clearances are to be evaluated carefully and in keeping with legal and regulatory guidelines. Additionally, the best interests of the child and the ability of the prospective caregiver(s) to meet both the short-term and long-term needs of the child are to be considered when evaluating clearance results.

If the results indicate any conviction other than a minor traffic violation, an exemption must be requested and approved for the assessment to be approved. Staff will complete *Criminal History Worksheet (F063-25-411)* to document all criminal history information other than a minor traffic violation. This worksheet is to be completed regardless of staff's intention to request a criminal history exemption.

If a non-exemptible conviction is found, the home is disapproved with no further assessment and a *Notice of Relative/NREFM Assessment Disapproval (F063-25-381)* is to be sent. See the Criminal Exemptions section below for further information.

When an applicant self-discloses a conviction on the *Criminal Record Statement (LIC 508D)* but the conviction does not show on the clearances result, investigate the information and attempt to determine if a conviction actually occurred, according to the information below. Unless information from the investigation clearly indicates otherwise, process the self-disclosed information as a conviction.

### **Notice of History Investigation**

If results from the child abuse and/or criminal history clearances indicate a history, the individual must be notified that an investigation of that history will be conducted:

- For information indicating a child abuse history (CACI or out-of-state), send *Notice of Criminal/Child Abuse History Investigation* letter (F063-25-412) to both the individual with the history and the relative/NREFM applicant, indicating that an investigation of a historical child abuse report is to be conducted
- For CLETS and/or Live Scan results indicating a criminal history, send *Notice of Criminal/Child Abuse History Investigation* letter (F063-25-412)
- If the individual with the history is different than the relative/NREFM applicant, provide an individual letter to both parties
- For the individual with the history, note on the letter the specific criminal codes cited on the criminal history
- For the relative/NREFM, state only that someone in his or her household has a criminal history that must be investigated

### **Investigation and Evaluation of Child Abuse Records**

If information received from CACI or the Child Abuse and Neglect Registry of any state indicates a child abuse history (e.g., substantiated or inconclusive findings), the following steps will be completed by the assessing social worker prior to **final approval** of a relative/NREFM home:

- Notify the individual of the possible match **in writing**, as noted in the Notice of History Investigation guidelines above utilizing the *Notice of Criminal/Child Abuse History Investigation (F063-25-412)*
- Confirm that the person indicated in the report is the individual being cleared
- Conduct a field investigation consistent with [CCL Evaluator Manual section 3-2710, as described below](#)
- Request that the individual provide a written explanation of the incident
- Obtain and review the initial investigation documents prepared

- by the investigating child protective agency
- Consider contacting potential witnesses

Some of the required background information may be obtained from CWS/CMS, when possible.

Staff, in consultation with their supervisor and/or program manager, will review the facts of the case and make a decision regarding the suitability of the relative/NREFM caregiver home for placement of a child, using California standards and all information available.

Allegations will be evaluated according to current practice and regulatory standards (e.g., would the allegation be substantiated by today's practice standards?).

When evaluating the incident, staff will consider:

- The nature of the offense
- The evidence available
- The risk and harm to the child at the time
- Current or ongoing risk to the child who may be placed

Upon review of child abuse history information, if the individual is cleared, the assessing social worker will proceed with the evaluation of the relative/NREFM caregiver applicant.

Upon review of child abuse and neglect history information, if the individual is not cleared, the assessment of the relative/NREFM caregiver applicant will be disapproved and the applicant will be sent a *Notice of Relative/NREFM Assessment Disapproval (F063-25-381)*.

**Note:** Do not process a criminal record exemption request for historical child abuse information from CWS/CMS, CACI, or out-of-state child abuse and neglect registries.

All documentation supporting compliance with Child Abuse and Neglect Registry checks, including CACI and out-of-state clearances, will be maintained on the Clearance Acco and the SOC 815, as applicable. Document all contacts related to the investigation and evaluation of child abuse records, print the contacts out, and file along with relevant hard copy information on the Clearance Acco.



## Investigating Criminal Arrests

Although criminal exemptions are **not** requested or granted for **arrests only**, arrests with no conviction are to be investigated and evaluated, as follows:

- If arrests with no disposition are reported, a Judgment of Conviction or other evidence of the disposition of the arrest must be obtained. This may include the individual's written statement
- Information indicating an arrest only may not in itself support denial of an application
- Do not investigate the following "arrests only":
  - Released/detention only/Penal Code § 849(b)
  - Complaint refuse prosecution
  - Diversion or deferred entry of judgment  
SUCCESSFULLY completed
  - Finding of factual innocence
  - Exonerated
  - Juvenile arrest only entries in which minor was release to parent or guardian
  - Acquitted or not guilty
  - Infraction
- If none of the above information is noted, review the information to determine if the crime is serious or non-serious (see the [CCL Evaluator's Manual, Criminal Background Checks](#) for a list of serious crimes)
- If the arrest is for a crime that is not serious and does not indicate a threat to the child's well-being, no further action is required
- If the arrest is for a crime that is serious:
  - Determine if a conviction occurred by contacting the court or the arresting agency in the county where the individual was arrested. Ask the individual to provide a written statement regarding the incident and the disposition of the arrest
  - Obtain a copy of the arrest report and evaluate the individual's role in the crime. This is particularly important if the arrest was for a crime that may have involved violence
  - Contact witnesses
  - If applicable, obtain a copy of the individual's DMV record
  - Consider the individual's actions in terms of risk or harm to the child to be placed

- If subsequent information indicates that the individual was convicted, process as a conviction

**Non-Exemptible Convictions**

When criminal history results show a conviction that is not exemptible, the assessment will be discontinued and a *Notice of Relative/NREFM Assessment Disapproval (F063-25-381)* will be sent to the prospective caregiver. If the individual with the criminal history is someone other than the prospective caregiver, follow the guidelines in the Notice of History Investigation section above.

Refer to [Attachment 2—Non-Exemptible Crimes/Federal Five Year Ban Crimes](#) for a list of state and federal non-exemptible crimes. **Federal Five Year Ban Crimes** are felony convictions that are not eligible for a criminal record exemption if they have occurred within the last five years. For further information, see the [CCL Evaluator's Manual, Reference Material for Background Check Procedures](#).

**Certificate of Rehabilitation**

Specified non-exemptible offenses may be exempted if the individual has:

- Been rehabilitated as provided in [Penal Code § 4852.03](#), **and**
- Maintained the conduct required in [Penal Code § 4852.05](#) for at least 10 years, **and**
- The recommendation of the district attorney representing the individual's county of residence

**OR**

- If the individual has received a certificate of rehabilitation pursuant to [Penal Code § 4852.01](#)

These specified offenses are listed in the [CCL Evaluator's Manual, Criminal Background Checks](#), Section 7-2100.

**Exemptible Convictions**

When criminal history results show a conviction that is exemptible (not on the non-exemptible list), an exemption may be processed and approved (by the Placement/Diversion Program Manager) if the individual presents information to support a reasonable belief that the person is of good character and is not a threat to the well being of children.

To request an exemption, the assessing social worker is to obtain and evaluate relevant information as described in the policy sections below. Then, if the information available indicates that the individual has rehabilitated, and the placement is in the child's best interest, an exemption request is to be completed. All information

related to the convictions is to be documented on the *Criminal History Worksheet (F063-25-411)*. The request for an exemption is to be documented on the *Criminal Exemption Request (F063-25-291)*.

### **Emergency Assessments**

For emergency assessments, approval for an exemption may be made on the basis of CLETS prior to receipt of Live Scan results. However, the CLETS information must be verified when Live Scan results are received. The Placement/Diversion Program Manager will approve or disapprove the exemption request.

### **Non-Emergency Assessments**

For non-emergency assessments, the assessing social worker will coordinate the exemption process with the assigned social worker. The Placement/Diversion Program Manager will approve or disapprove the exemption request.

### **Documentation**

Decisions regarding exemption requests are to be documented on the *Criminal Exemption Request form (F063-25-291)* and on the *Criminal Exemption Log (F063-28-292)*. The Placement/Diversion Program Manager will send the *Criminal Exemption Log* in each month with the program statistics.

## **Other Convictions**

### **Governor's Pardons**

Does not require an exemption.

### **Set Aside, Dismissed**

If a conviction has been set aside or dismissed pursuant to:

- A. [Penal Code § 1203.4 or 1203.4a](#), it is still considered a conviction for exemption processing purposes. The action to set aside or dismiss could have been a result of the individual satisfactorily fulfilling the probation, and applying to the court to set aside/dismiss the plea and/or the verdict. It does not mean that the individual was never convicted of the crime.
- B. [Penal Code § 1210 and 1210.1](#), following successful completion of a Prop. 36 Drug Treatment Program, the non-violent drug possession offense shall be considered by the Court never to have occurred, and shall not be evaluated as a conviction.

### **Nolo Contendere**

Any conviction rendered as a result of a nolo contendere plea shall be evaluated as a conviction.

### **Warrants**

When information is received indicating that an individual is the subject of a warrant, staff are to:

- Contact the court to determine if the warrant is valid, current, active or resulted in a conviction
- Consider contacting the issuing law enforcement agency to advise them that the address of the individual is known
- Consider disapproving the assessment based on the individual's conduct

**Note:** An exemption cannot be processed until the crime underlying the warrant is resolved. **DO NOT REQUEST AN EXEMPTION FOR AN OUTSTANDING WARRANT.**

### **Simplified Exemption**

The simplified exemption process may be used for individuals convicted of one non-violent misdemeanor that is over five years old. The simplified exemption process entails only an examination of the convicted person's rap sheet. It does not include involvement of the individual and/or caregiver applicant, and it is not necessary to obtain information from the original investigation or letters of reference for the individual.

The following criteria must be met in order to approve a simplified conviction:

- The individual does not have a demonstrated pattern of criminal activity
- The individual has no more than one conviction
- The conviction is a misdemeanor and is a crime that is nonviolent and does not pose a risk of harm to an individual
- The crime was not reduced down from a felony to a misdemeanor
- It has been at least five consecutive years since the completion of the most recent period of incarceration or supervised probation, or if the probation was informal, or unsupervised, it has been at least five years since the date of conviction
- There have been no serious arrests within the last three years

Examples include driving on a suspended license, welfare fraud, false identification to a police officer, unlawful assembly/picketing, perjury, drawing check on insufficient funds, petty theft, DUI.

**Standard Exemption— Required Documentation**

Required documentation to process a request for a standard criminal exemption includes:

- Completed *Criminal Record Statement (LIC 508D)*
- Written statement signed by the individual describing the events surrounding each conviction including the approximate date, what happened, why it happened, and any other information he/she feels is important about the crime. The individual must also describe what he/she has done since the conviction to ensure he/she will not be further involved in criminal activity
- Documentation (Minute Order, court issued Judgement of Conviction or a letter from the Probation Department) indicating that the individual's current or last period of probation was unsupervised/informal or that the supervised/formal probation was successfully completed
- Written verification of any training, classes, courses, treatment or counseling sessions completed
- Three signed character references including the telephone number and address of the person writing the reference. References are to be completed on *Reference Request, Relative/Non-Related Extended Family Member (F063-25-380)*. Character references must be current and cannot be from the individual's relatives or family members
- A copy of all police reports involving the crimes for which the individual was convicted, or a letter from law enforcement stating that a report no longer exists

**Standard Exemptions— Evaluation and Approval**

To approve an exemption, the possibility of **potential risk or threat to children** in care must be evaluated. Factors such as lack of remorse, honesty, integrity or education, etc., are not automatic grounds for denial if there is other convincing evidence to grant an exemption. In all cases, **the rationale for the decision must be thoroughly documented in writing in the case file.**

**Criteria to be evaluated:**

- Potential risk or threats to the child
- Remorse, honesty, integrity or education, etc.
- The nature of the crime
  - Violent? Severity of violence?
  - Elapsed time since the violation. A minimum of 15 years since conviction of a violent crime (or completion of formal probation, whichever is most recent) is desirable, but not mandatory. Refer to [CCL Evaluator's Manual, Criminal Background Checks](#), section 7-1735 for further guidelines

- Repeat violations, especially of the same type of crime. Repeat violations showing a pattern of behavior must demonstrate more elapsed time to warrant an exemption
  - Patterns of behavior that may present a danger to the child?
  - Was there a victim? If the crimes were victimless, was there potential danger?
  - What age was the individual when the crimes were committed?
  - Was there impaired judgement (e.g., under influence of drugs or alcohol)?
  - Was there a violation of trust, e.g., a dependent child or adult as victim?
- Determine status of outstanding warrants. An exemption cannot be processed until the crime underlying the warrant is resolved. **DO NOT REQUEST AN EXEMPTION FOR AN OUTSTANDING WARRANT.** See Warrant section above for further information

**Rehabilitation:**

- What has the individual done since his or her last conviction to demonstrate rehabilitation and “good character?” Consider: Employment, therapy, counseling, 12-step programs. Were these programs voluntary or court-ordered? Education and community activities
- Certificate of rehabilitation
- Honest regarding criminal history and the events surrounding the arrest and conviction. Does the individual’s statement on their Criminal Record Statement accurately reveal the crime as described on their rap sheet and/or police reports?
- Does the individual demonstrate responsibility and remorse regarding the conviction?
- Obvious attempts to hide a criminal history, particularly when it involves denying the existence of a recent conviction can and should form a basis for an exemption denial
- Successful completion of probation or parole. Will probation/parole officer make a recommendation? Refer to [CCL Evaluator’s Manual, Criminal Background Checks](#), section 7-1731 for further information
- Status of any required restitution
- Carefully read character references:
  - Consider the source
  - Contact character references to substantiate any questionable references

➤ Failure to produce character references does not necessarily result in denial

- Possible effect on children
- Consider the age, history and any special needs of the child to be placed
- Consider type of crime in relationship to the possible effect on the child (e.g., DUI's for someone who is transporting; fraud or fiduciary abuse for someone who will be handling the child's personal finances)

### **Conditional Exemptions**

When an individual meets all other exemption approval criteria, but there are concerns about his or her ability to provide care in a specific area, an exemption with conditions may be approved.

**Example:** One or two DUI convictions, consider granting a conditional exemption with the criteria that the adult not transport the placed child.

### **Disapproval of Criminal Exemption Requests**

#### **Caregiver applicant**

When a criminal exemption is not approved, the applicant must be informed in writing, utilizing the *Notice of Relative/NREFM Assessment Disapproval (F063-25-381)*. In the detail section of the letter, note that the assessment is denied because the applicant's criminal history cannot be exempted. Detail the specific reason for denial of the exemption (e.g., not enough time has elapsed since the conviction, or there is not sufficient evidence of rehabilitation).

#### **Household member**

When a criminal exemption is not approved for someone who lives in the caregiver applicant's household, both the caregiver applicant and the household member must be informed of the denial.

*Notice of Exemption Denied (F063-25-435)* is to be sent to the person with the criminal history. Provide enough detail for the applicant to make an informed decision whether to request a review of the denial, e.g., the exemption could not be approved because there is not sufficient evidence of rehabilitation.

At the same time, the *Notice of Relative/NREFM Assessment Disapproval (F063-25-381)* is to be sent to the caregiver applicant. Note in the detail section of the letter that the criminal exemption for (insert household member's name) could not be exempted and, therefore, the placement assessment is not approved. Do not provide specific information regarding the individual's criminal

history or why the criminal exemption was denied (this information is confidential to the applicant).

### Release of Criminal Offender Record Information

A relative/NREFM caregiver applicant, or an individual residing with an applicant, whose request for a criminal record exemption has been denied/rescinded, may request a copy of his/her own state and/or federal Criminal Offender Record Information (CORI) search response. A copy of the CORI search response will be provided to the individual to whom the search response pertains, or their attorney, when all of the following circumstances apply:

- The individual has been denied a request for exemption of an exemptible crime, or has had a criminal record exemption rescinded, based upon information contained in the CORI search response
- The individual, to whom the search response pertains, sends a written request to CFS staff within 15 days of the date of the *Notice of Relative/NREFM Placement Assessment Disapproval (F063-25-381)*
- The individual signs and dates the written request, specifying an address to which the CORI search response will be sent

**Note:** The CORI search response provided upon request will be limited to the criminal record transcript (rap sheet) provided by the Department of Justice and/or Federal Bureau of Investigation, originally received in response to the submission of fingerprints (Live Scan), and will be unaltered in form or content.

---

## REFERENCES

---

### Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- [Community Care Licensing Division \(CCLD\) Evaluator's Manual, Reference Material for Background Check Procedures](#)
- [CCLD Evaluator's Manual, Complaints Investigations](#)
- CFS P&P [Relative/NREFM Placement Assessments \(K-0105\)](#)
- CFS P&P [Live Scan Fingerprinting \(B-0115\)](#)
- [Attachment 1—Instructions for Completion of Clearances Grid \(page 3 of SOC 815\)](#)
- [Attachment 2—Non-Exemptible Crimes/Federal Five Year Ban Crimes](#)
- [Adam Walsh State Child Abuse Registry Contacts](#)



---

## REQUIRED FORMS

---

**Online Forms** Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

<b>Form Name</b>	<b>Form Number</b>
<a href="#">Relative/NREFM Clearance and Placement Assessment Referral</a>	F063-04-815A
<a href="#">Out-of-State Child Abuse/Neglect Report Request</a>	F063-25-LIC 198B
<a href="#">Corrective Action Plan—Relative Assessment</a>	SOC 817A
<a href="#">Criminal Record Statement</a>	LIC 508D
<a href="#">Facsimile Inquiry for Child Abuse Central Index Request for Live Scan</a>	BCIA-4084 BCII 8016
<a href="#">Applicant Fingerprint Follow-up Request</a>	LIC 107
<a href="#">No Longer Interested Notice</a>	BCII 8302
<a href="#">Letter in Response to CORI Request</a>	F063-25-535
<a href="#">Criminal History Exemption Worksheet—Relative Assessment</a>	F063-25-411
<a href="#">Adam Walsh Act—Clearance Unit Referral</a>	F063-25-555
<a href="#">Adam Walsh Act Facsimile Cover Sheet</a>	F063-25-546
<a href="#">Adam Walsh Act Cover Letter—State Request</a>	F063-25-547
<a href="#">Adam Walsh Act Cover Letter—Client Release</a>	F063-25-556
<a href="#">Relative/NREFM Placement Assessment—Reference Request</a>	F063-25-380
<a href="#">Relative/NREFM Placement Assessment—Reference Request (Spanish)</a>	F063-25-380SP
<a href="#">Criminal Record Exemption Request—Relative Assessment</a>	F063-25-291
<a href="#">Criminal History Exemptions Log—Relative Assessment</a>	F063-28-292
<a href="#">Notice of Relative/NREFM Assessment Disapproval</a>	F063-25-381
<a href="#">Notice of Relative/NREFM Assessment Disapproval (Spanish)</a>	F063-25-381SP
<a href="#">Notice of Exemption Denied</a>	F063-25-435
<a href="#">Notice of Exemption Denied (Spanish)</a>	F063-25-435SP
<a href="#">Relative/NREFM Assessment Checklist</a>	F063-28-386

**Hard Copy Forms**

Forms listed below must be completed in hard copy (including multi-copy NCR forms). **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
<a href="#">Notice of Criminal/Child Abuse History Investigation</a>	F063-25-412
<a href="#">Notice of Criminal/Child Abuse History Investigation (Spanish)</a>	F063-25-412Sp
<a href="#">Issuance Memo</a>	F063-04-57

**CWS/CMS Forms**

The following required forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Approval of Family Caregiver Home	SOC 815

**Brochures**

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

**PROCEDURE**

**Required Actions—  
Emergency Placement  
Clearances**

The following steps are to be taken when completing child abuse and criminal history clearances for a prospective relative/NREFM caregiver and other related adults when an **emergency placement** is needed. Additionally, all emergency clearances are to be followed by Live Scan within 10 calendar days of the CLETS clearance.

Staff Responsible	Step	Required Action
Assessing Social Worker	1.	List all adults in household, as well as any other adults who will have significant contact with the child on <i>Relative/NREFM Placement Assessment and Clearances Referral Form (F063-04-815A)</i> .
		<b>Note:</b> Youth in the home between the ages of 14 and 17 years may be cleared if there is reason to believe that the youth may have a criminal history.

2. Search CWS/CMS for all adults for prior involvement in child abuse or neglect reports.
3. Obtain a completed *Criminal Record Statement (LIC 508D)* for each adult in the household.
4. Access [California Megan's Law Sex Offender Locator Database](#) using the link provided, and complete the following:
  - a. Run a search of residential address, all adults in the home, and any adult that will have significant contact with the child, to verify there are no registered sex offenders in the home.
  - b. Note date of completion of search in contact narrative in CWS/CMS and on *Relative/NREFM Assessment Checklist (F063-28-386)*.
5. Complete a DMV check on all adults.
6. Fax request for emergency CII and CLETS clearances (*Facsimile Inquiry for Child Abuse Central Index [BCIA 4084]*) indicating that the reason is emergency placement.
7. Inform all adults that they must complete Live Scan within 10 calendar days of the CLETS clearance. Assist all adults in completing Live Scan, as needed.
8. Review *Criminal Record Statement* to determine need for out-of-state child abuse and neglect registry clearances for any adult in household. If clearances are required, complete *Adam Walsh Act—Clearance Unit Referral (F063-25-555)*, specifying states to be contacted, and email to Clearance Unit Mailbox.

**Note:** An **emergency** placement may be temporarily approved in a home without completed out-of-state child abuse clearances. However, final approval of a relative/NFREM caregiver will not be made until all out-of-state information is received and evaluated.

**Clearance Unit**

9. Upon receipt of *Adam Walsh Act—Clearance Unit Referral (F063-25-555)*, update the **RAU Adam Walsh Act Out-of-State Clearance Log** (located on RAU Shared Drive) to indicate receipt of referral.
10. Review the [Adam Walsh State Child Abuse Registry Contacts](#) to identify all state-specific forms, notarization requirements, processing fees, and acceptable methods of transmission of request:
  - a. If notarization is required, contact CFS Reception Desk for a list of available county employee certified notaries.
  - b. If processing fees are required, complete *Issuance Memo (F063-04-57)* to request petty cash.
    - In Justification section, reference WIC 361.4(c) and note that turn-around is required within 24 to 48 hours
    - Forward to Atrium Accounting (Building 122)
11. Obtain signed *Out-of-State Child Abuse/Neglect Report Request (F063-25-LIC198B)* or equivalent specified by state from which clearance check is requested.
  - Schedule appointment with individual requiring out-of-state clearances if signature of consent is required by state
  - If unable to schedule appointment or individual resides out-of-county, mail the *Adam Walsh Act Cover Letter—Client Release (F063-25-556)* along with state-specific forms requiring signature and a self-addressed return envelop
    - Send email notification to requesting social worker and Clearance Unit supervisor
12. Submit request for out-of-state clearances following procedures identified in [Adam Walsh State Child Abuse Registry Contacts](#)
  - Via **Facsimile**, utilize:
    - *Adam Walsh Act Facsimile Cover Sheet (F063-25-546)*

- *Adam Walsh Act Cover Letter—State Request (F063-25-547)*
- *Out-of-State Child Abuse/Neglect Report Request (F063-25-LIC198B), or equivalent*

- Via **Certified Mail**, utilize:

- *Adam Walsh Act Cover Letter—State Request (F063-25-547)*
- *Out-of-State Child Abuse/Neglect Report Request (F063-25-LIC198B), or equivalent*

13. Subsequent requests for out-of-state clearances will be indicated as such (e.g., stamped) and resubmitted every 14 days until state responds to clearance request.

If no reply has been provided following a second request, forward a copy of all subsequent requests to individual who has federal oversight of the Adam Walsh Act (refer to the U.S. Administration for Children and Families, [www.acf.hhs.gov](http://www.acf.hhs.gov)).

14. Update the **RAU Adam Walsh Act Out-of-State Clearance Log** (located on RAU Shared Drive) upon initial and subsequent requests regarding out-of-state clearances, and receipt of out-of-state response.

15. Document completion of out-of-state child abuse clearance information on the *SOC 815* in CWS/CMS (RAU Unit IPT).

16. Email and/or forward all clearance history information to assessing Placement social worker for Clearance Acco.

**Assessing  
Social Worker**

17. Document completion of criminal and in-state child abuse clearance information on page 3 of the *SOC 815*. Refer to instructions contained in [Attachment 1—Relative/NREFM Assessment Process](#) for further information.

18. Continue with steps required in **Evaluate Criminal Clearance Results** procedure below.

**Required Actions—  
Non-Emergent  
Placement  
Clearances**

The following steps are to be followed when completing a **non-emergent** criminal history of all adults associated with a potential relative/NREFM placement.

<u>Staff Responsible</u>	<u>Step</u>	<u>Required Action</u>
Assigned Social Worker	1.	Confirm relationship of NREFM applicant to child when applicable and document on forms <i>F063-04-75C</i> and <i>F063-04-815A</i> .
	2.	Complete <i>Relative/NREFM Clearance and Assessment Referral Form (F063-04-815A)</i> . List all adults in household, as well as any other adults who will have significant contact with the child.  <b>Note:</b> Youth in home between the ages of 14 and 17 may be cleared if there is reason to believe that youth may have a criminal history.
	3.	Send a completed <i>Relative/NREFM Clearance and Placement Assessment Referral (F063-25-815A)</i> to Placement Unit Inbox, "Referral, FH."
Placement Supervisor	4.	Review <i>Relative/NREFM Clearance and Placement Assessment</i> referral and assign to a Placement social worker.
Placement Social Worker	5.	Send <i>Relative/NREFM Clearance and Placement Assessment</i> referral to the Clearance Unit.
	6.	During home assessment, obtain a completed <i>Criminal Record Statement (LIC 508D)</i> for each adult in household.  <ul style="list-style-type: none"> <li data-bbox="600 1504 1337 1647">• Refer to CFS P&amp;P <a href="#">Relative/NREFM Placement Assessments (K-0105)</a> for specific policy and procedural information regarding completion of in-home assessments</li> </ul>
	7.	Review <i>Criminal Record Statement (LIC 508D)</i> to determine need for out-of-state child abuse and neglect registry clearances for any adult in household. If clearances are required:

- Complete *Adam Walsh Act—Clearance Unit Referral (F063-25-555)* specifying states to be contacted, and email to Clearance Unit Mailbox

8. Access [California Megan's Law Sex Offender Locator Database](#) using the link provided, and complete following:

- a. Run a search of residential address, all adults in the home, and any adult that will have significant contact with the child, to verify there are no registered sex offenders in the home.
- b. Note date of completion of search in contact narrative in CWS/CMS and on *Relative/NREFM Assessment Checklist (F063-28-386)*.

9. Contact and assist all adults to complete Live Scan appointments. Live Scan clearances will provide the following:

- DOJ Live Scan (criminal record)
- DOJ CACI (child abuse record)
- FBI results
- Subsequent reports (for future arrests)

**Clearance Unit**

10. Complete a DMV check for each adult.

11. Upon receipt of *Adam Walsh Act—Clearance Unit Referral*, update the **RAU Adam Walsh Act Out-of-State Clearance Log** (located on [RAU Shared Drive](#)) to indicate receipt of referral.

12. Review [Adam Walsh State Child Abuse Registry Contacts](#) to identify all state-specific forms, notarization requirements, processing fees, and acceptable methods of transmission of request:

- a. If notarization required, contact CFS Reception Desk for a list of available county employee certified notaries.
- b. If processing fees required, complete *Issuance Memo (F063-04-57)* to request petty cash.

- In Justification section, reference WIC 361.4(c) and note that turn-around is required within 24 to 48 hours
  - Forward to Atrium Accounting (Building 122)
13. Obtain signed *Out-of-State Child Abuse/Neglect Report Request (F063-25-LIC198B)*, or equivalent specified by state from which clearance check is requested.
- Schedule appointment with individual requiring out-of-state clearances if signature of consent required by state
  - If unable to schedule appointment or individual resides out-of-county, mail the *Adam Walsh Act Cover Letter—Client Release (F063-25-556)* along with state-specific forms requiring signature and a self-addressed return envelop
    - Send email notification to requesting social worker and Clearance Unit Supervisor
14. Submit request for out-of-state clearances following procedures identified in [Adam Walsh State Child Abuse Registry Contacts](#)
- Via **Facsimile**, utilize:
    - *Adam Walsh Act Facsimile Cover Sheet (F063-25-546)*
    - *Adam Walsh Act Cover Letter—State Request (F063-25-547)*
    - *Out-of-State Child Abuse/Neglect Report Request (F063-25-LIC198B)*, or equivalent
  - Via **Certified Mail**, utilize:
    - *Adam Walsh Act Cover Letter—State Request (F063-25-547)*
    - *Out-of-State Child Abuse/Neglect Report Request (F063-25-LIC198B)*, or equivalent
15. Subsequent requests for out-of-state clearances will be indicated as such (e.g., stamped) and resubmitted every 14 days until state responds to clearance request.

If no reply has been provided following a second request, forward a copy of all subsequent requests to



individual who has federal oversight of the Adam Walsh Act (refer to the U.S. Administration for Children and Families, [www.acf.hhs.gov](http://www.acf.hhs.gov)).

16. Update the **RAU Adam Walsh Act Out-of-State Clearance Log** (located on [RAU Shared Drive](#)) upon initial and subsequent requests regarding out-of-state clearances, and receipt of out-of-state response.
17. Document completion of criminal and in-state child abuse clearance information on page 3 of the *SOC 815*. Refer to instructions contained in [Attachment 1—Relative/NREFM Assessment Process](#) for further information.
18. Document completion of out-of-state child abuse clearance information on the *SOC 815* in CWS/CMS (RAU Unit IPT).
19. Email and/or forward all clearance history information to assessing Placement social worker for Clearance Acco.
20. Continue with steps required in **Evaluate Criminal Clearance Results** procedure below.

**Assessing  
Social Worker**

**Required Actions—  
Evaluate Criminal  
Clearance Results**

The following steps are to be completed when evaluating clearance results. All criminal and child abuse history information received is to be evaluated carefully to determine possible risk to the child, as well as legal and regulatory requirements regarding the granting of criminal history clearances and exemptions.

<b>Staff Responsible</b>	<b>Step</b>	<b>Required Action</b>
<b>Assessing Social Worker</b>	1.	<p>Evaluate <b>child abuse history</b> information received from CWS/CMS, CACI, and out-of-state child abuse and neglect registries. See policy information above in section entitled Investigation and Evaluation of Child Abuse Records for further information.</p> <ul style="list-style-type: none"> <li>• If a history of child abuse is indicated, send or give a copy of <i>Notice of Criminal/Child Abuse History Investigation</i> to the applicant</li> <li>• If individual with the history is someone in</li> </ul>

applicant's household, send or give individual a copy of the notice. See Policy section entitled Notice of History Investigation for further information

2. Evaluate **criminal history** information received from CLETS, Criminal Record Statement, Megan's Law Sex Offender Database, and Live Scan and FBI results. See Policy section above for further information. If anything other than a minor traffic offense is indicated:
  - Send or give a copy of *Notice of Criminal/Child Abuse History Investigation (F063-25-412)* to applicant
  - If individual with history is someone in applicant's household, send or give individual a copy of the notice to applicant. See Policy section entitled Notice of History Investigation for further information
  - Complete *Criminal History Exemption Worksheet—Relative Assessment*
  - Discuss with supervisor and assigned social worker
  - Obtain supervisor's signature on worksheet
3. If history indicates one or more criminal convictions that are exemptible, and if placement appears to be in child's best interest, discuss allegations with caregiver or other adult and determine if an exemption is desired. If yes, complete steps in the Criminal History Exemptions procedure below.

Refer to [Attachment 2—Non-Exemptible Crimes/Federal Five Year Ban Crimes](#) for a list of all state and federal non-exemptible crimes.

4. Disapprove the assessment if:
  - History is not exemptible, **or**
  - An exemption does not appear to be in child's best interest, **or**
  - Caregiver does not desire an exemption
5. Document rationale for refusal in Comments section of *Criminal History Worksheet*.
6. Document all contacts in CWS/CMS, including caregiver's or other individual's desire to not request an exemption, when applicable.

7. Send *Notice of Relative/NREFM Assessment Disapproval (F063-25-381)*. Include in detail section of the letter that assessment is denied due to the caregiver's criminal or child abuse history. Note the specific Penal Codes and/or WIC codes that denial is based upon.
8. Send a *No Longer Interested (BCII 8302)* form to DOJ.
9. File all clearance information on Clearance Acco, including printed out copies of contacts in CWS/CMS.

<b>Required Actions— Criminal History Exemptions</b>	The following steps should be taken when a criminal records exemption request is processed for a relative/NREFM placement applicant.	
<b><u>Staff Responsible</u></b>	<b><u>Step</u></b>	<b><u>Required Action</u></b>
<b>Assessing Social Worker</b>	1.	<p>Obtain as much information from individual with criminal conviction record as is available and as is needed to determine evidence of rehabilitation sufficient to warrant an exemption. See Standard Exemption in the Policy section above for further information.</p> <p><b>Note:</b> This information is not needed if a Simplified Exemption is requested. See Simplified Exemption in the Policy section above for further information.</p>
	2.	Document information on <i>Criminal History Worksheet (F063-25-412)</i> .
	3.	<p>Consult with supervisor and assigned social worker regarding desirability of requesting a criminal exemption.</p> <ul style="list-style-type: none"> <li>• Document rationale in Comments section of worksheet</li> <li>• Obtain supervisor's signature on worksheet</li> </ul>

4. If decision is to request an exemption, submit *Criminal Exemption Request (F063-25-291)* to Placement/Diversion Program Manager for approval/denial. Attach the following to request:

- Criminal Record Statement
- Criminal History Worksheet
- All information gathered through investigation of history

Skip to step 12 below.

**NOTE: It is essential to verify information received through CLETS with DOJ Live Scan information once it is received.**

5. Deny application based on criminal history without requesting an exemption if:

- History is not exemptible, **or**
- Assessing and assigned social workers and supervisors believe individual has not demonstrated proof of rehabilitation, **or**
- Exemption is not in child's best interest

Document rationale for denial in the Comments section of the worksheet.

6. File all related documentation on Clearance Acco.

7. Send *Notice of Relative/NREFM Assessment Disapproval letter (F063-25-381)* to applicant. Note in detail of letter the specific WIC and/or Penal Codes that denial was based upon, including specific Penal Codes cited on Live Scan or DOJ rap sheet.

8. Send a *No Longer Interested Form* for all adults who were Live Scanned.

9. Communicate assessment results to other associated staff (e.g., assigned social worker).

**Placement/  
Diversion PM**

10. Review Criminal Exemption Request, Criminal History Worksheet, and all related clearance results information and documentation, referring to exemption criteria described in Policy section above.
11.
  - a. If evidence of rehabilitation is demonstrated, and exemption is in child's best interest., complete *Criminal Exemption Request* form as follows:
    - Indicate type of exemption granted
    - Document rationale in the Comments section of request form, attaching additional sheets if necessary
    - Date and sign form
    - Note exemption decision on monthly *Criminal Exemption Log*, attaching NCR copy of *Criminal Exemption Request* form to log
    - Return original of *Criminal Exemption Request* to requesting social worker
    - Submit *Criminal Exemption Log* with program's monthly statistics
  - b. If evidence of rehabilitation is not demonstrated, or the exemption is not in child's best interest, complete *Criminal Exemption Request* as follows:
    - Indicate that exemption request is denied
    - Document rationale in Comments section
    - Date and sign exemption form
    - Note exemption decision on monthly *Criminal Exemption Log*, attaching the NCR copy of the *Criminal Exemption Request* to log (send *Criminal Exemption Log* with program's monthly stats each month)
    - Return original of *Criminal Exemption Request* to requesting social worker
12.
  - a. If criminal record exemption is approved, continue with assessment. See CFS P&P [Relative/NREFM Placement Assessments \(K-0105\)](#) for further information.
  - b. If the criminal record exemption is denied, disapprove assessment:

- Send *Notice of Relative/NREFM Placement Assessment Disapproval letter (F063-25-381)*
- Send *Notice of Exemption Denied (F063-25-435)* to individual with the history, as described in Exemption Disapproval in the Policy section above
- Send *No Longer Interested (BCII 8302)* form to DOJ
- File all clearance information, including *Criminal History Worksheet* and *Criminal Exemption Request* on Clearance Acco
- File all other assessment information on Relative Acco
- Communicate assessment results to other associated staff (i.e., assigned social worker or placement worker)

**Required Actions—Request for Criminal Offender Record Information** The following actions must be completed when a copy of the Criminal Offender Record Information (CORI) search response has been requested by an individual who has been denied a criminal record exemption.

<b>Staff Responsible</b>	<b>Step</b>	<b>Required Action</b>
<b>Assessing Social Worker</b>	1.	Photocopy CORI search response state and/or federal criminal record transcript (rap sheet).
	2.	Mail copy of CORI search response along with a dated <i>Letter in Response to CORI Request (F063-25-535)</i> addressed to the individual to whom record pertains or their attorney.
	3.	File original written request for CORI search response, along with a copy of <i>Letter in Response to CORI Request</i> on Clearance Acco.