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

**Effective Date: May 17, 2004**  
**Current Revision Date: May 31, 2018**

**Number: B-0116**

## **CLETS**

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<b>Purpose</b>	To provide guidelines for obtaining statewide criminal history information through the California Law Enforcement Telecommunications System (CLETS).
<b>Approved</b>	This policy was approved by Anne Bloxom, Director of CFS. <i>Signature on file.</i>
<b>Most Recent Revision</b>	This revision of the Policy and Procedure (P&P) includes: <ul style="list-style-type: none"><li>• Provision of authority for California Law Enforcement Telecommunications System (CLETS) per Welfare and Institutions Code (WIC) Sections (§§) 16504.5 and 361.4</li><li>• Alternatives for clearances when CLETS is unauthorized</li><li>• Clarification of confidentiality pursuant to WIC §16504.5</li><li>• Access to CLETS after regular business hours</li><li>• Revised request form <i>Cover Sheet for Criminal Clearances (CII/CLETS) (F063-28-306)</i> (previously titled <i>FAX Cover Sheet for Criminal Clearances [CII]</i>)</li><li>• Clarification of agreement maintained between Orange County Sheriff's Department (OCSD) and the Social Services Agency (SSA) for the provision of CLETS</li><li>• Clarification of CLETS training requirements and signature on <i>CLETS Employee/Volunteer Statement (HDC 0009)</i> for employees and volunteers</li></ul>
<b>Background</b>	CLETS is the statewide system that maintains a summary of criminal history information. Child welfare agencies are authorized access to CLETS information through the Orange County Sheriff's Department (OCSD), in order to assess the safety of children.

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Historically, child welfare agencies were authorized to receive Federal Bureau of Investigation (FBI) criminal history information through CLETS. However, Assembly Bill (AB) 1774 (Chapter 726, Statutes of 2006) amended WIC §16504.5, terminating child welfare agency access to FBI criminal history effective September 29, 2006. California Department of Justice (DOJ) Information Bulletin 06-19-BCIA, notified child welfare agencies that the DOJ would no longer supply this information. Since 2006, Children and Family Services (CFS) has exclusively received California criminal history from CLETS.

A written agreement is maintained between OCSD and the Social Services Agency (SSA) and is renewed when the SSA Director changes or upon request of the California DOJ. The agreement confirms the OCSD agrees to provide CLETS information to SSA and both agencies agree to conform to the CLETS Policies, Practices and Procedures (PPP). A signed copy of this agreement is kept on file with both county agencies and a third copy is sent to the California DOJ, Sacramento, California.

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## Definitions

**State Summary Criminal History Information:** The master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person.

**California Law Enforcement Telecommunications System (CLETS):** The database of the master record of state criminal history maintained by law enforcement pursuant to WIC § 11105(a).

**Criminal Offender Record Information (CORI):** Penal Code § 11075 defines CORI as records and data compiled by criminal justice agencies for the purposes of identifying criminal offenders, including a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. Pursuant to California DOJ, Information Bulletin 13-04-CJIS, state and local summary of criminal history (CLETS) is considered CORI.

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## POLICY

**Confidentiality** Pursuant to WIC § 16504.5, criminal record history obtained by CFS social workers is confidential and will not be disseminated to any other person or agency not authorized by law to receive the

information. Knowingly providing CLETS information to unauthorized persons is a misdemeanor as specified in PC § 11142.

In accordance with the California DOJ, CLETS Policies, Practices and Procedures (PPP), CFS staff and volunteers are will:

- Sign a *CLETS Employee/Volunteer Statement* (HDC 0009) prior to accessing CLETS information
- Receive CLETS training within six months of starting employment or a volunteer opportunity, to address security awareness, policy, regulation and liability

**Authorization to Receive CLETS**

Pursuant to WIC § 16504.5 and PC § 11105, the Orange County Sheriff's Department (OCSD) is authorized to provide CLETS information to CFS for specific circumstances. The use of CLETS information by CFS social workers is restricted to the sole purpose for which it was requested.

CFS social workers are authorized to receive CLETS information for the following purposes:

- A. A child abuse investigation involving a child alleged to be the victim of neglect or abuse (see WIC §16504.5).

CFS staff will share CLETS information received between programs as much as is feasible within the required timeframes, in order to avoid duplicate requests and processing by the OCSD.

**Example:** When a referral is being promoted to a case, CLETS information initiated by Emergency Response (ER) staff will be forwarded/ communicated to Dependency Intake.

- B. An absent parent search in an efforts to locate a parent or guardian whose child or youth is the subject of dependency proceedings (see WIC § 309).
- C. A Non-Minor Dependent (NMD) has petitioned the court to re-enter into foster care and a background clearance is warranted, in order to assess the appropriateness and safety of minor dependent children in the home (see WIC § 388).
- D. Probate guardianship investigations (see Probate Code § 1513 and PC § 11105).

- E. Emergency Placement Assessment of a relative or Nonrelative Extended Family Member (NREFM) being considered for emergency placement of a detained or dependent child (see WIC § 309 and WIC § 361.4).
1. Pursuant to WIC § 361.4, when assessing a relative or NREFM for emergency placement, CFS social workers have authority to run CLETS on the following persons:
    - All adults over 18 years of age living in the home
    - Any other person over 18 years of age known to CFS to be regularly present in the home
    - Any other person over 14 years of age living in the home who CFS believes may have a criminal record. Excludes children who are dependents of the juvenile court
  2. When a CLETS for emergency placement evaluation with a relative or NREFM is initiated, CFS social workers will initiate a live scan.

Refer to CFS P&P [Live Scan Fingerprinting \(B-0115\)](#) for guidelines related to the live scan process.

Refer to the [Resource Family Approval \(RFA\) Background Assessment Guide \(BAG\)](#) for requirements on initiating CLETS, live scan fingerprinting and applicable exemptions for the purpose of emergency placement.

When a relative/NREFM assessed as an emergency placement for a dependent child (in another County) moves to Orange County, the relative/NREFM will continue as an emergency placement (see WIC § 16504.5).

**Request  
for CLETS  
Criminal  
Clearances**

CFS social workers requesting CLETS will submit a *Cover Sheet for Criminal Clearances (CII) (F063-28-306)* to the OCSD via Secure Communication Management System (SCMS).

CFS social workers will provide known information for each client subject to a clearance on the *Cover Sheet for Criminal Clearances (CII/CLETS) (F063-28-306)* by:

- A. Obtaining client's identifying information, using information from reported data, *Application for Petition (Dependent Child) (F063-28-43)*, Department of Motor Vehicles (DMV) clearance, CWS/CMS, or other resource.
- B. Identifying contact information of the assigned Senior Social Worker (SSW) for return of the CLETS information.
- C. Indicating the time frame in which results are needed.
- D. Including identifying information of the client, such as:
  - Alias names
  - Multiple Dates of Birth (DOBs)
  - Social Security Numbers (SSNs), if applicable.
  - State ID or Referral Number

**Note:** OCSD cannot run a clearance without a DOB.

- E. Selecting a legal Reason for request.
- F. Using SCMS to send the CLETS request to OCSD.

Refer to the [Secure Communication Management System](#) on the CFS Intranet for guides and training materials.

**CLETS Not Authorized**

When a criminal background clearance is needed to identify and/or assess the level of risk an individual may pose to the safety of a dependent child, but CFS is not authorized to receive CLETS, CFS staff may use alternatives such as:

- [California Megan's Law Sex Offender Locator Database](#)
- The County Superior Court Criminal and Traffic Case system in which the person resides (e.g., [Orange County Superior Court of California Criminal and Traffic Cases](#))
- Police logs regarding history of calls to the address in which the child is residing
- Other publically available resources

**Record Filing and Storage**

Clearance results will be filed in the child's service file on the *Clearance Acco (F063-25-1130)*. For absent parent searches, the results will be filed in the child's service file, *Court/Search Acco (F063-25-1120)*.

**Destruction of CLETS**

Pursuant to California Code of Regulations, Title 11, Division 1, Chapter 7, Article 1, Section 708, when CORI is destroyed, the destruction will be carried out to the extent that the identity of the applicant can no longer reasonably be ascertained. Printouts of CORI will be destroyed at the completion of the function or purpose for which it was obtained.

However, if there is a business need to retain CORI, pursuant to [DOJ Bulletin 02-17-BCII—Retention of Criminal Offender Record Information](#), “retention of CORI is permissible if the agency has a legitimate business need for the information and there are no statutory requirements to destroy such information.” Pursuant to DOJ Information Bulletin 13-04-CJIS, the DOJ recommends agencies destroy CORI when the business need has been fulfilled.

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**REFERENCES**

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**Attachments and CWS/CMS Data Entry Standards**

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

None.

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**Hyperlinks**

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

- CFS P&P [Live Scan Fingerprinting \(B-0115\)](#)
  - CFS P&P [DMV Clearances \(B-0107\)](#)
  - SSA Administrative P&P [Access to State Summary Criminal History Authority \(D 33\)](#)
  - CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#)
  - CFS P&P [Dependency Intake \(A-0502\)](#)
  - CFS P&P [Absent Parent or Relative Search \(G-0801\)](#)
  - CFS P&P [Jurisdictional and Dispositional Hearing Report \(G-0310\)](#)
  - CFS P&P [FR Status Review Reports \(G-0317\)](#)
  - CFS P&P [Re-Entry into Extended Foster Care \(EFC\) \(J-0105\)](#)
  - [Resource Family Approval \(RFA\) Background Assessment Guide \(BAG\)](#)
  - CFS P&P [Probate Guardianship \(K-0401\)](#)
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**Other Sources** Other printed references include the following:

- [CDSS Foster Care Ombudsman](#)

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## FORMS

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

Form Name	Form Number
<a href="#">Cover Sheet for Criminal Clearances (CII/CLETS)</a>	F063-28-306
<a href="#">CLETS Employee/Volunteer Statement</a>	HDC0009

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

Form Name	Form Number
Clearances Acco	F063-25-1130
Court/Search Acco	F063-25-1120
<a href="#">Application for Petition (Dependent Child)</a>	F063-28-43

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**CWS/CMS Forms** Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

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**Brochures** Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
None.	

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## LEGAL MANDATES

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[Penal Code \(PC\) Section \(§\) 11105](#) requires the DOJ to maintain state summary criminal history information and the Attorney General to furnish the information to county child welfare agency personnel for purposes specified in Welfare and Institutions Code (WIC) § 16504.5, described below.

[PC §11105.2](#) allows the DOJ to provide subsequent arrest notification to agencies authorized to obtain CLETS information for the process of approving relatives and NREFM for placements, when a live scan fingerprint is on file.

[WIC § 272](#) allows the Board of Supervisors (BOS) to delegate to county welfare department staff the probation officer's right of access to state summary criminal history information as necessary to carry out duties concerning children reasonably believed to be described by Section 300. This authority was delegated to CFS by the Orange County BOS through Board Resolution 74-253 on March 26, 1991.

[WIC § 16504.5](#) allows child welfare agencies to access state summary criminal history information via the CLETS for specific circumstances to assess the safety of children. Additionally requires the child welfare agency to ensure a live scan is initiated for the purpose of an emergency placement evaluation.

[WIC § 309](#) requires child welfare agencies to consider results of a criminal records check when assessing a relative or NREFM for emergency placement pending the Detention hearing or Dispositional hearing.

[WIC § 361.4](#) requires a state-level criminal records check through CLETS for all adults over 18 in a home being considered for a child's placement and adults considered to be regularly present in the home. It also allows clearances conducted on any person over 14 years of age who the social worker believes may have a criminal record. The social worker is to ensure the initiation of a fingerprint clearance check with DOJ (within 10 calendar days or five business days for emergency placement, whichever is sooner) as a follow-up requirement for any person whose CLETS was obtained.

[Probate Code 1513](#) authorizes child welfare to investigate the potential dependency of a proposed non-relative potential guardian referred from Family Law Court.

[All County Information Notice \(ACIN\) I-62-02](#) alerted counties that social workers are authorized to a full disclosure of criminal history record obtained via CLETS as part of an emergency assessment of the suitability of temporarily placing a child with individuals not licensed nor certified.



[DOJ Bulletin 02-17-BCII—Retention of Criminal Offender Record Information](#) clarifies the responsibility of CFS to restrict the use of CORI to the sole purpose for which it was requested. Although there is no statutory requirement to destroy CORI, it is recommended that CORI be destroyed when the business need has been fulfilled.

Information Bulletin 01-03-BCIA mandates OCSD to provide CLETS information to SSA.

Information Bulletin 06-19-BCIA terminates child welfare access to FBI criminal history through CLETS.

Information Bulletin 13-04-CJIS describes the regulations to protect and access CLETS confidential information; and how it should be destroyed.

[California Law Enforcement Telecommunications System \(CLETS\) Policies, Practices and Procedures \(PPP\)](#) details the requirements, practices, system rules and statues issued by the California Department of Justice regarding CLETS.

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## REVISION HISTORY

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Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

June 25, 2009