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

Effective Date: June 15, 1999
Current Revision Date: September 21, 2018

Number: B-0107

DMV Clearances

Purpose	To provide guidelines for completing Department of Motor Vehicles (DMV) clearances.
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Approved	This policy was approved by Anne Bloxom, Director of CFS. <i>Signature on file.</i>
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Most Recent Revision	This revision of the Policy and Procedure (P&P): <ul style="list-style-type: none">• Clarifies the authority for obtaining DMV records• Updates terminology to reflect implementation of Resource Family Approval (RFA)• Updates guidelines for requesting DMV access
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Background	Criminal background clearances (e.g., CLETS, Live Scan, etc.) contain limited information about DMV violations. Accessing information directly from DMV records is a valuable tool in forming a comprehensive assessment of child safety.
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In 1992, Children and Family Services (CFS) applied to the California DMV for a Government Requestor Account to obtain direct access to DMV information for necessary clearances. CFS was granted direct access for a selected number of staff and agreed to maintain compliance with required security measures.

Available DMV information includes a driver's physical description, license number, current vehicle(s), current and past addresses, known aliases, date of birth, vehicle license plate number, registration information, license status, traffic violation(s), failure to appear information, and accident notices.

This policy applies to California records only.

Definitions None.

POLICY

DMV Clearances

Pursuant to California Vehicle Code (VC) § 1808.21 and the [Driver's Privacy Protection Act of 1994 \(DPPA\), Title 18 Section 2721 \[18 U.S.C. § 2721 et. seq.\]](#), CFS has the authority to access confidential DMV records.

Pursuant to CFS policy, staff will obtain DMV records when:

- Locating absent parents [CFS P&P [Absent Parent Search/Relative Search \(G-0801\)](#)]
- Processing Resource Family Approval (RFA) and adoptive parent applications [CDSS RFA Written Directives and 18 U.S.C. § 2721.13]

Pursuant to 18 U.S.C. § 2721.1, other reasons to obtain DMV clearances may include the assessment of child safety when:

- Compiling information on child abuse referrals
- Supporting detention recommendations
- Verifying the registered owner of a car used by a client
- Clearing a member of a family's safety network who provides transportation for the parent and child, with written consent [18 U.S.C. § 2721.13]
- Verifying and/or reconciling Registered Sex Offender (RSO) reports at the Child Abuse Registry (CAR) to determine whether a registered sex offender is residing in the home of a dependent child [ACL 13-64]

The Social Services Agency (SSA) and County Executive Office (CEO) Information Technology (IT) Departments serve as the system administrator for CFS. IT will monitor the agreement, assign access to designated staff, and maintain a file containing signed statements of staff agreeing to the DMV security policy, pursuant to Vehicle Code 18087.46.

CFS staff requesting authorization to obtain DMV access will complete and submit the *System Access Request Form (CalWIN97)*.

DMV records can be accessed between the hours of 6:00 a.m. and 5:00 p.m. weekdays, except holidays.

DMV Security Requirements

Pursuant to the [DMV Security Requirements](#), staff requesting and/or accessing DMV information will:

- A. Maintain the security and integrity of the information received.
- B. Ensure compliance with all the provisions of the Agreement.
- C. Report suspected or confirmed abuse of the Agreement within one business day, by phone to (916) 657-5583, followed by written notification within three business days to:

Department of Motor Vehicles
Policy and Information Privacy Section – H225
P.O. Box 942890
Sacramento, CA 94290-0890

- D. Complete and sign an *Information Security Statement (INF 1128)* as requested by the designated IT administrator. Staff will update the statement annually after initial authorization.

The signed statements will be maintained on file with SSA IT for at least two years following the staff member's termination of authorization. Upon request, the signed statements will be made available to the DMV.

- E. Restrict use and/or knowledge of DMV codes and operational manuals to staff who have signed an *Information Security Statement (INF 1128)*.

Requesting DMV Clearances

Staff needing DMV record information to carry out their job duties will:

- A. Request DMV clearances by email to the designated authorized user indicated in the table below. In the absence of the assigned authorized user, the back-up staff member, identified in the out-of-office message, will be contacted.

Note: To reduce risk of client identity theft, do not include the client's social security number with the request, as this information is not used in searching DMV records.

Requesting Program	Staff Positions with Authorized DMV Access
CAR/ER	Information Processing Technician Office Supervisor Clerical
Intake/MOB/Court Services	Information Processing Technician Office Supervisor Clerical
Absent Parent Search/Court Services	Social Worker II, Search Unit
Resource Family Approval (RFA)	Clearance Unit mailbox
ICS/PSP/SFS/Adoptions/ Adoption Focus	Office Supervisor Clerical, SFS
Tustin Family Center	Information Processing Technician

- B. Request/use the information for legitimate business needs only.
- C. File hard copies on the *Clearances Acco (F063-25-1130)* or *Court/Search Acco (F063-25-1120)*. The DMV record information will not be placed anywhere it can be viewed by the public or other unauthorized persons.
- D. Per best practice, destroy/shred DMV information received in a manner that cannot be reproduced or identified in any physical or electronic form, once the legitimate business need has ended (e.g., referral/case closure, etc.). Refer to SSA [Information Security Rules of the Road](#) and [DMV Security Requirements](#).

Authorized Users

Pursuant to VC § 1808.45 and VC § 1808.46 staff designated to have access to DMV records will:

- A. Keep their assigned access code and/or password confidential.
- B. Secure the terminal when not in use, either by locking or shutting down the system.
- C. Respond to staff requests and provide DMV record information, as needed, for child welfare purposes.
- D. Report suspected misuse or unauthorized disclosure of obtained information to their immediate supervisor or Program Manager (PM) and follow instructions outlined in the “DMV Security Requirements” Policy section.

Misuse Penalties

Failure to comply with the DMV security policy can result in disciplinary action and/or termination of the DMV’s service to SSA/CFS, pursuant to [VC § 1808.45](#) and [VC § 1808.46](#).

REFERENCES

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.

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 [CLETS \(B-0116\)](#)
 - CFS P&P [Absent Parent Search/Relative Search \(G-0801\)](#)
 - SSA [Information Security Rules of the Road](#)
 - [California DMV Security Requirements](#)
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Other Sources Other printed references include the following:
None.

FORMS

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
Information Security Statement	INF 1128
System Access Request Form	CalWIN97

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

**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.	

Brochures

Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
None.	

LEGAL MANDATES

[Driver's Privacy Protection Act of 1994 \(DPPA\), Title 18 Section 2721 \[18 U.S.C. § 2721 et. seq.\]](#), of the [Violent Crime Control and Law Enforcement Act Public Law 103-322 \[42 U.S.C. 13701\]](#), provides that personal information in motor vehicle records is confidential unless the information is requested and used for an identified "permissible use" which includes use by a governmental agency, including any court, in carrying out its functions. A "permissible use" also includes use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

[California Code of Regulations \(CCR\) Title 13, Section 350.02](#) defines a government entity.

[CCR 13 § 350.14](#) authorizes the release of DMV information to a governmental entity without notice to the person whom the information relates.

[California Vehicle Code \(VC\) § 1808.21](#) authorizes law enforcement or other government agencies to obtain an otherwise confidential residence address.

[VC § 1808.47](#) requires establishment of guidelines to protect the confidentiality of DMV records. Confidential information will not be disseminated to any other person or agency not authorized by law to receive the information. The use of DMV information is restricted to the business purpose for which it was requested.

[VC § 1808.46](#) prohibits using false representations or distribution of restricted/confidential information to any unauthorized person or use the information for an unauthorized reason. Violation of this section is liable for civil penalties and DMV privileges will be suspended or revoked. Additionally, requires regulatory agencies (i.e., SSA) to develop procedures to ensure compliance with limitations on use of DMV information and to report suspected or confirmed violations of DMV

access, distribution, or misuse of confidential information.

[VC §1808.45](#) states that knowingly providing DMV information to unauthorized persons is a misdemeanor.

[VC §1810](#) allows government entities to obtain a driver's license or vehicle registration record.

[California Department of Social Services \(CDSS\), Resource Family Approval \(RFA\), Written Directives](#) require consent to be obtained from each applicant and all adults residing or regularly present in the home in order to obtain a clearance.

[All County Letter \(ACL 13-64\)](#) provides instructions for the investigation and reporting of suspected registered sex offenders residing in a county or court-specified placement.

REVISION HISTORY

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 30, 2009