



REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06

**CRIMINAL  
CLEARANCES-Live Scan**

SECTION: 31-801.2  
PAGE NO.: 1  
EFFECTIVE: 06-20-18

## **I. OVERVIEW**

Criminal clearances are vital to child abuse/neglect investigations and placement to ensure children are safe and protected wherever they may reside. In order to attain up-to-date and expeditious criminal records, Children and Family Services through WIC Section 165404.5 and CA. Penal Code Section 11105 has the authority to obtain background clearance through the California Law Enforcement Telecommunications Systems (CLETS) through Live Scan. Live Scan allows Social Workers the authorization to receive a full disclosure of Federal, State and local criminal history through fingerprint verification as part of an assessment of the suitability of placing a detained or dependent child in the home of a relative, non-relative extended family member (NREFM), or prospective legal guardians as well as for the purpose of reunification if the parent/guardian provides consent.

This manual section outlines policy and procedures for obtaining criminal history information through Live Scan.

## **II. DEFINITIONS**

### **A. Social Worker**

Assigned as the person(s) responsible for monitoring an open case or referral. A Social Worker can be either assigned as primary or secondary. As such, their responsibilities vary depending on assignment.

### **B. CLETS- California Law Enforcement Telecommunications Systems**

A system used by law enforcement personnel to access criminal information obtained from state computerized files using personal identifiers, such as name, birth date and social security number.

### **C. LIVE SCAN**

A fingerprinting identification process used to provide a criminal clearance on applicants using CLETS.

### **D. FBI - FEDERAL BUREAU OF INVESTIGATION**

The principal investigative arm of the United States Department of Justice (DOJ) whose primary function is to investigate violations of federal criminal law.



## REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06CRIMINAL  
CLEARANCES-Live ScanSECTION: 31-801.2  
PAGE NO.: 2  
EFFECTIVE: 06-20-18

Information obtained from the FBI is sent to the California State DOJ. This applies to Live Scan results when an FBI clearance is required.

**E. DEPARTMENT OF JUSTICE**

The executive department of the federal government that is mainly responsible for supervising U.S. district attorneys, administering federal prisons, and representing the U.S. government in legal matters. DOJ manages and oversees CLETS operation, policies, service evaluation, and system discipline.

**III. POLICY****A. LIVE SCAN** must be initiated:

1. **To assess the appropriateness and safety of placing a child** who has been detained or is a dependent of the court, in the home of a relative assessed or in the home of a Non-Relative Extended Family Member (NREFM) in an **emergency situation** within ten days of CLETS request.
2. **To assess the appropriateness and safety of placing a child** who has been detained or is a dependent of the court, in the home of a relative assessed or in the home of a Non-Relative Extended Family Member (NREFM) assessed during a **non-emergency situation**.
3. **To determine whether or not to reunite a dependent child** subject to the jurisdiction of the juvenile court with their parents or legal guardians as long as the parent or legal guardian agree to submit fingerprints as part of the case plan and the court has ordered the Live Scan clearance.

**NOTE-** Please develop case plan goals accordingly when in the early phase of the reunification case. Furthermore, the court may only consider the criminal history subsequent to removal of the child.

**IV. PROCEDURES****A. LIVE SCAN****1. SOCIAL WORKER:**

- a. **For Caregiver (Relative/NREFM)**-including foster care licensing and adoption placements:

DMCL # 18-14



REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06

**CRIMINAL  
CLEARANCES-Live Scan**

SECTION: 31-801.2  
PAGE NO.: 3  
EFFECTIVE: 06-20-18

- 1) **Advise the caregiver of the legal requirement to be fingerprinted as a condition of placement** and inquire of the caregiver if any adult in the household has a history involving arrest and/or conviction for any crime. All adults in the household that have contact with the child shall submit fingerprints for final placement decisions.
- 2) **Provide the caregiver with the Application For Child Placement For Caregivers ([CWS 4](#))**. Have the caregiver complete the form, sign and date.

**NOTE**-If the caregiver discloses criminal history that does not involve violent crime, substance abuse, or child abuse AND, the caregiver continues to be interested in placement of child, **advise the caregiver that placement can only be considered after fingerprint results are received.**

- 3) **Complete the BCIA 8016**, using the appropriate form for the type of application requested. There are three "Request For LIVE SCAN Service forms available on STARS, BCII 8016 FCL – Foster Care Licensing, BCII 8016 PFA – Petition for Adoption, and [BCII 8016 RSA – Relative/NREFM Family](#). Send a photocopy of the appropriate BCII 8016 to the Live Scan Clerk. This process notifies the Live Scan Clerk of the name of the worker and who to send the results to when the Live Scan results arrive.

**NOTE**-In-house fingerprinting does not require completion of the Authorization for Fingerprint Charges.

- 4) If the LIVE SCAN is done by a provider other than the District offices provide the BCII 8016 form to the applicant so they will not be charged for the report.
- 5) **Give the applicant the phone numbers for scheduling an appointment with one of the district offices:** There is no fee for caregivers associated with LIVE SCAN.

The appointment phone numbers are as follows:



REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06

**CRIMINAL  
CLEARANCES-Live Scan**

SECTION: 31-801.2  
PAGE NO.: 4  
EFFECTIVE: 06-20-18

West (510) 231-8457  
East (925) 522-7621  
Central (925) 602-9200

**NOTE-** Ensure that a fingerprint check /LIVE SCAN transaction is initiated within 10 judicial days on an emergency placement of a relative or NREFM and any other persons who are living in the home.

- a. Make a copy of the BCII 8016
- b. Mail the original with all copies intact to the applicant at their home address.
- c. Fax a copy of the BC11 8016 to the office that the client tells you they will schedule an appointment with. The Fax numbers are listed below:

DISTRICT OFFICE	FAX NUMBERS
CENTRAL-500 Ellinwood Way, Pleasant Hill	(925) 602-9209
WEST- 1275A Hall Ave., Richmond	(510) 231-8453
EAST-4549 Delta Fair Blvd., Antioch	(925) 522-7601

- b. **For Parent/Legal Guardian (For a Family Reunification Case recommending return home AND after the court has ordered it)** per W&I Code 16540.5(f)(1):

- 1) Ensure the parent has agreed to being fingerprinted using the Live Scan process.

**NOTE-** Please discuss the criminal clearance through Live Scan with the parent early on in the court process; before or just after the dispositional hearing. If the parent refuses once the court orders the Live Scan please refer to County Counsel on how to proceed. Because Live Scan uses fingerprinting, you may also remind the parent that Live Scan is a more verifiable way to confirm criminal history than CLETS, which may have been used for the dispositional hearing.

DMCL # 18-14



REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06

**CRIMINAL  
CLEARANCES-Live Scan**

SECTION: 31-801.2  
PAGE NO.: 5  
EFFECTIVE: 06-20-18

- 2) Ensure it has been identified for the parents/guardians as a case plan objective.
- 3) **Complete the [BCIA 8016](#)**, ensure you complete the entire form and fill in the fields below with the specified information:
  - **ORI-A0237**
  - **Authorized Applicant Type-Parent Reunite**
  - **Type of License-Parent Reunite 16504.5**
  - **Mail Code- 06389**
  - **Billing Code-142395**
- 4) If the LIVE SCAN is done by a provider other than the District offices provide the BCII 8016 form to the applicant so they will not be charged for the report.
- 5) **Give the parent(s) the phone numbers for scheduling an appointment with one of the district offices:** There is no fee for parents in reunification associated with LIVE SCAN. The appointment phone numbers are as follows:

Richmond	(510) 231-8457
Antioch	(925) 522-7621
Summit	(925) 602-9200

- a. Make a copy of the BCII 8016
- b. Mail the original with all copies intact to the applicant at their home address.
- c. Fax a copy of the BC11 8016 to the office that the parent tells you they will schedule an appointment with. The Fax numbers are listed below:

DISTRICT OFFICE	FAX NUMBERS
500 Ellinwood Way, Pleasant Hill	(925) 602-9209
1275A Hall Ave., Richmond	(510) 231-8453
4549 Delta Fair Blvd., Antioch	(925) 522-7601



REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06

**CRIMINAL  
CLEARANCES-Live Scan**

SECTION: 31-801.2  
PAGE NO.: 6  
EFFECTIVE: 06-20-18

- 6) **Court Report Statement:** Once you have received the results of the Live Scan you must update the court about any criminal history listed for each parent/guardian that was live scanned. This should be done within the report for the reunification hearing under 'Criminal History' section or within an Interim Report or Memorandum if it is a special hearing that was calendared.

Please follow the statement outline below for criminal history **ONLY** from the date of removal to the date of the reunification hearing. Do not list any criminal history prior to the removal date as this was already disclosed in the Disposition report. Per federal mandate, criminal history prior to removal is not allowed to be included in any reports post Disposition.

a. **No record of criminal history since removal-**

- i. *Mr/Mrs Smith, father/mother/guardian, has no criminal history since the removal of the child on 00/0000*

b. **Record of criminal history since removal-**

- i. *Mr/Mrs Smith, father/mother/guardian, was arrested on 00/00/00 for xxxxxxxx. They were not convicted and were released without any charges. **OR** Mr/Mrs Smith was convicted on 00/0000 of xxxxxxxx (list out the full conviction ie. Misdemeanor Driving Under the Influence) **OR** A disposition for Mr/Mrs Smith's charge(s) has not yet occurred. A hearing is set for 00/00/0000 for disposition.*

**2. LIVE SCAN CLERK will:**

- a. Upon receipt of the BCII 8016 schedule the applicant for a LIVE SCAN appointment review the applicant's information with the applicant and verify that the applicant's identification (i.e. drivers license; California I.D., etc) is consistent with the information written by the Social Worker on the Request for LIVE SCAN (BCII 8016)

DMCL # 18-14



REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06

**CRIMINAL  
CLEARANCES-Live Scan**

SECTION: 31-801.2  
PAGE NO.: 7  
EFFECTIVE: 06-20-18

- b. Mail instructions to the applicant.
- c. When the fingerprinting is completed send the assigned Social Worker a copy of the form with the date and the clerk's name on the bottom box of the form. This will verify that the applicant completed the LIVE SCAN and that the results are forthcoming.

**NOTE-** LIVE SCAN clerks will not accept a BCII 8016 referral if the form is not completed fully with the Social Worker's name, PCN, and foster care case number obtained from case file.

**3. OUT-OF-COUNTY LIVE SCAN REFERRAL PROCESS**

- a. The Social Worker will contact the CLETS/LIVE SCAN Program Analyst prior to referring a client for a non-district or out-of-county LIVE SCAN fingerprint.
- b. The CLETS/LIVE SCAN Program Analyst will provide the Social Worker with in-state contact information and wording that should be written on the "Request for LIVE SCAN" form.
- c. Out-of-County referrals must include the Social Worker's name, PCN, and case number in the "OCA" (Agency Identifying No.) field.

**NOTE:** A preprinted Request for LIVE SCAN form should not be given to the client to take with them for the appointment because the agency will need to be given copies for mailing to the department. The CLETS/LIVE SCAN Program Analyst will provide the worker with a BCII 8016 for out of county fingerprint referrals.

**4. RECEIPT OF LIVE SCAN RESULTS**

- a. LIVE SCAN fingerprint results are generally available within 1-3 days after the fingerprint is taken.
- b. The DOJ will forward the results directly to the CFS Live Scan Custodian of Records.
- c. Final placement decisions for Relative and NREFM cases are based on the outcome of the fingerprint clearances



REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06

**CRIMINAL  
CLEARANCES-Live Scan**

SECTION: 31-801.2  
PAGE NO.: 8  
EFFECTIVE: 06-20-18

**NOTE-** there are certain exceptions that can be made by the Director or designee for specific types of criminal history allowing that a relative or NREFM be approved for placement. Please refer to the Policy on Relative/NREFM Placements, [DM section 31-211](#).

**5. SUBSEQUENT ARREST NOTIFICATION**

- a. The DOJ may provide subsequent arrest information and notification to any agency authorized by Penal Code 11105 to receive state summary criminal information as a result of an application for licensing, employment, certification or approval.
- b. Relative and NREFM member's fingerprints are maintained on file at the DOJ to assist in fulfilling the duties of approving relatives and NREFM for placement purposes.
- c. The Social Worker must submit a "No Longer Interested" (BCII 8302) to the DOJ when a caregiver is not selected for placement or when the last dependent child in the home leaves.
- d. The Social Worker who removes the last child in a caregiver's home is required by law to notify the DOJ by submitting a "No Longer Interested" form (BCII 8302). Submission of this form will cancel the Subsequent Arrest Notification on the caregiver.
- e. If the caregiver desires placement of a child in the future a new LIVE SCAN fingerprint is necessary.

**6. SECURITY AND RETENTION OF CRIMINAL OFFENDER RECORD INFORMATION**

- a. The use of criminal record information is restricted to the sole purpose for which it was requested, i.e. placement of a detained or dependent child in the home of a relative or NREFM caregiver.
- b. Retention of record information is permissible until CFS determines that the information is no longer needed and if the Department has a legitimate business need for the information and there are no statutory requirements to destroy such information.

DMCL # 18-14





REPLACES:

SECTION: 31-801  
PAGE NO.: 1  
ISSUED/REVISED: 04-01-06

**CRIMINAL  
CLEARANCES-Live Scan**

SECTION: 31-801.2  
PAGE NO.: 9  
EFFECTIVE: 06-20-18

- Any record information that is retained by the Department must be stored in a secure and confidential file.
- c. Criminal Offender Record Information should be destroyed when the business need has been fulfilled.
  - d. Results of Live Scan clearances should be stored in the case file for relative and NREFM caregivers for three years after the case is closed.

**7. AUTHORIZATION FOR FINGERPRINT CHARGES**

- a. The Authorization For Fingerprint Form can only be used if the client is scanned at the Sheriff's Office located at 500 Court Street, Martinez, CA. The CLETS/LIVE SCAN Program Analyst can provide this form.

**V. REFERENCES**

W& I Code 361.4 & 16504.5  
Health and Safety Code Section 1522.06  
ACL 03-55  
Penal Code Sections 667.5(5); 11170(a)  
DOJ Information Bulletin #01-03-BCIA

**VI. FORMS**

[BCIA 8016](#) (State Live Scan Form)  
[BCII 8016 FCL](#) (Foster Care Licensing)  
[BCII 8016 PFA](#) (Petition for Adoption)  
[BCII 8016 RSA](#) (Relative/NREFM Family)

CONTACT PERSON: Persons with questions concerning this department manual section may contact the CLETS/LIVE SCAN Program Analyst.