

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 6, 1988

ERRATA AND ADDENDUM

TO: All County Welfare Directors
All Public and Private Adoption Agencies
All SDSS Adoption District Offices

SUBJECT: All County Letter No. 87-20, Criminal Record Clearances
Errata and Addendum

This letter corrects, clarifies and updates the information provided in ACL 87-20 in regard to fingerprinting and criminal record clearance requirements in adoption cases.

1. The proposed criminal record clearance regulations will require the review of Federal Bureau of Investigation (FBI) criminal records in certain cases only. These cases include: 1) applicants and petitioners who have moved into California within the last two years; and, 2) any applicant or petitioner who the State Department of Social Services (SDSS) or the licensed public or private adoption agency has reason to believe has committed a Federal crime or a crime in another state.
2. Licensed private adoption agencies requiring FBI clearances for clients according to the above criteria will submit a second fingerprint card (BID-7) to the California Department of Justice. This card should clearly indicate the name and address of the appropriate State Adoptions District Office as the contributing agency. (See attached list.) The private agency should send a copy of the BID-7 to the assigned State Adoptions District Office with the private agency's name, together with a request for an FBI clearance follow-up and a supplemental court report as authorized by Civil Code Section 226.6(b). The State Adoptions District Office will notify the private agency when the State office has received FBI clearance information and will complete the assessment of any FBI criminal record within ten (10) working days of receipt of the information. The Adoptions District Office will notify the private agency whether or not information contained in the record precludes the agency from making an adoptive placement with the applicant.

Federal statute prohibits a governmental agency from sharing FBI criminal record information with private agencies or parties. Therefore, under no circumstances may the SDSS provide actual FBI criminal record information to a private agency or party.

3. The fingerprinting and criminal record clearance requirements of Civil Code Section 226.55 do not apply to stepparent adoptions as was incorrectly stated in ACL 87-20 since that Civil Code Section applies only to functions of the SDSS and licensed public and private adoption agencies.

Also, that Civil Code Section does not authorize the Department of Justice (DOJ) to release the criminal record in stepparent cases. Investigation in stepparent adoptions is a county function which is delegated by the board of supervisors pursuant to Civil Code Section 227a and not a function for which county adoption agencies are licensed by the State. Even in those cases where the same staff is providing adoption services for stepparent as well as other types of adoption, the stepparent services are not being provided pursuant to the adoption agency status or license. County agencies may wish to advise their county counsel or board of supervisors that the amended Civil Code Section 226.55 mandate for fingerprinting and criminal record checks does not include the stepparent adoption function.

4. Licensed foster parents who want to adopt must be refingerprinted and checked for that purpose. Persons who are simultaneously applying for foster parent licensing and adoption must have a criminal record clearance specifically for each purpose because the criminal record information provided for adoption purposes is more complete than the record provided for foster care licensing. Criminal record information provided for licensing purposes contains convictions only, whereas Civil Code Section 226.55 authorizes the DOJ to release arrest as well as conviction information for adoption purposes. In addition, the criminal record security regulations of the DOJ prohibit the passing of criminal record information from one agency to another or the use of criminal record information for a purpose different from that which was originally intended.

The Department has recently sponsored legislation, AB 3592, introduced by Assembly Member Tim Leslie, which is intended to reduce the amount of duplicate fingerprinting required for purposes of criminal record checks.

5. In order to avoid considerable delay in obtaining criminal records from the Department of Justice, all fingerprint cards (BID-7) must be clearly marked for "Adoption" and not "fost/adopt" or other entries. If the BID-7 is not clearly

marked "Adoption," the agency will receive only the information which is authorized for foster-parent licensing and not the full record which is released for adoptions.

6. Please **do not** order or use fingerprint card forms (BID-7) from the State warehouse using the SDSS forms catalogue because these forms are pre-printed and pre-addressed only for licensing purposes, not for adoption. **To obtain a criminal record clearance for the purposes of adoption, the cards must be marked by the user for Adoption and the cards must be obtained directly from the DOJ.**
7. Submit the fingerprint cards to the DOJ Bureau of Criminal Identification, P.O. Box 903417, Sacramento, CA 94203-4170, Attention: Applicant Control Unit. **Do not send them to SDSS or county licensing offices for processing.**
8. Fees which are waived, reduced, or deferred by the adoption agency must be paid by the agency, i.e., DOJ must still be paid for the fingerprint check.
9. Criminal record clearance information must be current or as current as possible at the time the adoption is finalized. In order to assure this, each agency and SDSS Adoptions District Office will need to 'contract' with DOJ for the Subsequent Arrest Notification Service. (See attached contract form.) Use of this service means that when someone applies to adopt a child and the fingerprint cards are submitted, you will continue to receive any new criminal record information until you notify DOJ that the adoption has been finalized, dismissed or denied. Such notification is required by Section 11105.2 of the California Penal Code. (You may use the attached form BCID 8302, or return a 'rapsheet', or submit your own form clearly marked "No Longer Interested Notification" with the following minimum information: name; date of birth; CII Number; and identifying agency information.) Thus, even if the adoption process takes some time or if the applicant applies to adopt a second child during the time that the first adoption is in process, he/she will not need to be refingerprinted. The DOJ charges 40 cents for each update provided.
10. You should allow about three weeks for adoption fingerprint card processing for a State DOJ criminal record search. FBI checks take longer. If you do not receive a response to your request for processing of the fingerprint cards, you may submit a fingerprint follow-up request. (See attached form BCID 8043 which may be duplicated and used for that purpose.)

11. The rapsheet information is strictly confidential. You may discuss the contents with the person fingerprinted and show him/her the record, but do not provide a copy of the record.

Effective July 1 for Fiscal Year 1987/88, the Department of Justice reduced the fingerprint processing fee for the State-level clearance from \$17.50 to \$16.50.

Please contact Ms. Jackie Stroud, Policy Consultant, at (916) 323-0469 (ATSS 473-0469) if you have questions regarding this matter.



LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA

Attachments

**COUNTIES SERVED BY THE
STATE DEPARTMENT OF SOCIAL SERVICES ADOPTIONS DISTRICT OFFICES
FOR LICENSED PRIVATE ADOPTION AGENCY FBI CLEARANCES**

(The county in which the licensed private adoption agency is located dictates which State Adoptions District Office will provide the service.)

Berkeley Adoptions District Office

1625 Shattuck Avenue, Room 101
Berkeley, CA 94709
Telephone: (415) 540-2028

Counties Served:	Alameda	Contra Costa
	Marin	Monterey
San Benito	San Francisco	San Mateo
Santa Clara	Santa Cruz	Solano

Chico Adoptions District Office

520 Cohasset Road, Suite 11
Chico, CA 95926
Telephone: (916) 891-1986

Counties Served:	Butte	Colusa
	Glenn	Lassen
Modoc	Nevada	Plumas
Shasta	Sierra	Siskiyou
Sutter	Tehama	Trinity
Yuba		

Los Angeles Adoptions District Office

107 S. Broadway, Room 6027
Los Angeles, CA 90012
Telephone: (213) 620-4365

Counties Served:	Imperial	Kern
	Los Angeles	Orange
Riverside	San Bernardino	San Diego
San Luis Obispo	Santa Barbara	Ventura

Sacramento Adoptions District Office

2400 Glendale Lane, Suite G
Sacramento, CA 95825
Telephone: (916) 920-6897

Counties Served:	Alpine	Amador
	Calaveras	El Dorado
Fresno	Inyo	Kings
Madera	Mariposa	Merced
Mono	Placer	Sacramento
San Joaquin	Stanislaus	Tulare
Tuolumne	Yolo	

Santa Rosa Adoptions District Office

50 D Street, Room 301
Santa Rosa, CA 95404-4759
Telephone: (707) 576-2205

Counties Served:	Del Norte	Humboldt
	Lake	Mendocino
	Napa	Sonoma

APPLICANT FINGERPRINT CARD FOLLOW-UP REQUEST

(Please Submit in Duplicate)

Mail To: Department of Justice
 Bureau of Criminal Identification
 Attn: Applicant Control Unit
 Record Control Section
 P.O. Box 903417
 Sacramento, CA 94203-4170

Telephone: (916) 739-5140
 ATSS 497-5140

An applicant fingerprint card was submitted by this agency. However, no reply has been received from:

- THE BUREAU OF CRIMINAL IDENTIFICATION
- THE FEDERAL BUREAU OF INVESTIGATION

Applicant Agency and Address				Name of Person Making This Request			
				Phone Number			
				Today's Date			
Applicant's Last Name		First	Middle	Date of Birth	Sex	Height	Weight
CII Number (If Known)		Contributing Agency Number			Date Print Submitted		

Your Fingerprint Follow-Up Request was processed. Based upon the applicant's name and date of birth, the results of that search are as follows:

1. There is no record of the fingerprint card of your inquiry. Please resubmit.
2. Your fingerprint card was received and processed. The results of that request are attached.
3. We were unable to locate the fingerprint card of your inquiry. However, our file does contain a card from your agency dated _____, for the same type of applicant clearance. Attached is a copy of the current record transcript for this applicant.



P.O. BOX 903417
SACRAMENTO 94203-4170

Department of Justice
Bureau of Criminal Identification
P.O. Box 903417
Sacramento, CA 94203-4170

ATTN: Record Control Section
Applicant Operations

Contract for Subsequent Arrest Notification Service

The agency listed below is authorized to receive state summary criminal history information from the files of the Bureau of Criminal Identification for adoption purposes. This agency further requests that fingerprint cards submitted for this purpose be retained in Bureau files for subsequent arrest notification service pursuant to Section 11105.2 of the California Penal Code.

Mail All Subsequent Arrests to:

Agency _____

Address _____

Attention: _____

Mail Billing for Payment of Fee to:

Agency _____

Address _____

Attention: _____

Should there be any questions, please contact:

Name _____ Phone # _____

It is also understood that this agency ceases to be entitled to receive criminal history information on applicants when the adoption has been finalized or the petition to adopt has been dismissed or denied by the court. This agency will notify the Bureau of Criminal Identification when this occurs, as required by Section 11105.2a, 11105.2b and 11105.2c.

Signature Date

Title

NO LONGER INTERESTED NOTIFICATION

Complete this form if your agency is no longer interested in receiving subsequent arrest information on a subject previously fingerprinted for adoption purposes. Return this form to the Department of Justice, Bureau of Criminal Identification, P.O. Box 903417, Sacramento, CA 94203-4170. In lieu of submitting this form, agencies may return a copy of the subject's rapsheet, fingerprint card, or develop your own advise no record form. Should you choose this alternative, please clearly indicate on the returned document "No Longer Interested Notification".

PLEASE TYPE OR PRINT CLEARLY

Last Name				First Name		Middle Initial
Sex	Height	Weight	Hair	Eyes	Date of Birth	Place of Birth
Driver's License Number				CII Number		Application Date
Applicant Agency Data: ALWAYS COMPLETE THIS SECTION						
Agency				Branch		Agency ID Number
Address				Type of Application		Date of this request

BCID 8302 (4/87)

NO LONGER INTERESTED NOTIFICATION

Complete this form if your agency is no longer interested in receiving subsequent arrest information on a subject previously fingerprinted for adoption purposes. Return this form to the Department of Justice, Bureau of Criminal Identification, P.O. Box 903417, Sacramento, CA 94203-4170. In lieu of submitting this form, agencies may return a copy of the subject's rapsheet, fingerprint card, or develop your own advise no record form. Should you choose this alternative, please clearly indicate on the returned document "No Longer Interested Notification".

PLEASE TYPE OR PRINT CLEARLY

Last Name				First Name		Middle Initial
Sex	Height	Weight	Hair	Eyes	Date of Birth	Place of Birth
Driver's License Number				CII Number		Application Date
Applicant Agency Data: ALWAYS COMPLETE THIS SECTION						
Agency				Branch		Agency ID Number
Address				Type of Application		Date of this request

BCID 8302 (4/87)