



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

January 22, 2015

ALL COUNTY INFORMATION NOTICE NO. I-03-15

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL TITLE IV-E TRIBES
ALL FOSTER CARE MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL ADMINISTRATIVE LAW JUDGES
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: FINGERPRINT CLEARANCES/CRIMINAL RECORD HISTORIES FOR
TITLE IV-E AUDITS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

Since January 2013, the California Department of Social Services (CDSS) has been conducting county reviews of Title IV-E eligibility cases in counties. During these past county Title IV-E reviews and the federal Title IV-E eligibility placement reviews by the federal Department of Health and Human Services, county staff has been uncertain whether it was permitted to release fingerprint clearances/criminal record histories information to both federal and state auditors. Accordingly, this All County Information Notice outlines the relevant authority of the state and federal entities to review fingerprint clearances.

Release of the fingerprint information for the purpose of an audit is provided for in both state and federal statute as well as the Manual of Policies and Procedures:

Welfare and Institutions Code, section 361.4, requires CDSS to

“...monitor county implementation of the authority to grant an exemption under this paragraph to ensure that the county evaluates individual criminal records and allows or disallows placement according to the standards set forth in paragraph (1) of subdivision (g) of Section 1522 of the Health and Safety Code”. This activity cannot be performed without fingerprint clearances/criminal record histories information.

42 United States Code 671(a)(8) provides:

The state “provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan; (D) any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity...”

Welfare and Institutions Code, section 10850(b) provides:

“...Any county welfare department and the State Department of Social Services shall provide any governmental entity that is authorized by law to conduct an audit or similar activity in connection with the administration of public social services. Those entities may only request or use these records for the purpose of investigating the administration of public social services and shall not disclose the identity of any applicant or recipient except in the case of a criminal or civil proceeding conducted in connection with the administration of public social services.”

Penal Code, section 11080 provides:

“Nothing in this article shall be construed to affect the right of access of any person or public agency to individual criminal offender record information that is authorized by any other provision of law.”

Manual of Policies and Procedures, section 19-004.31:

“Certain public officials, and their duly appointed agents, and deputies are entitled to examine confidential information.... The officials who are entitled to examine confidential information include but are not limited to...

.312 State Department of Social Services....”

Accordingly, because federal and state law cited above allow for release of fingerprint clearances by the county in connection with the administration of public social services and Penal Code 11080 states that access to records is authorized where other law

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permits, there are no restrictions on the sharing of fingerprint clearances/criminal record histories with federal and state auditors. If you have any questions regarding this letter, please contact your county's Funding and Eligibility Consultant at (916) 651-2752.

Sincerely,

Original Signed By:

CHERYL TREADWELL, Chief
Foster Care Audits and Rates Branch
Children and Family Services Division

c: CWDA