



CDSS

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

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EDMUND G. BROWN JR.
GOVERNOR

March 22, 2013

CCLD INFORMATION RELEASE NO. 2013-01

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Initiated by CCL

TO: CHILD CARE PROGRAM STAFF
CHILDREN'S RESIDENTIAL PROGRAM STAFF
CONTRACTED COUNTY FOSTER FAMILY HOME LICENSING PROGRAM
CONTRACTED COUNTY FAMILY CHILD CARE HOME LICENSING PROGRAM

SUBJECT: **ASSEMBLY BILL (AB) 2343, CRIMINAL HISTORY INFORMATION:
NEW REQUIREMENTS ON SHARING CRIMINAL OFFENDER RECORD
INFORMATION**

This letter addresses recently enacted legislation that expands the scope of criminal history information provided from the Department of Justice (DOJ) to the California Department of Social Services (CDSS) and contracted counties, and new requirements for the CDSS and contracted counties on sharing Criminal Offender Record Information (CORI).

Effective January 1, 2013, AB 2343, Chapter 256, Statutes of 2012, amended Sections 11105 and 11105.2 of the California Penal Code. These sections authorize the DOJ to provide subsequent disposition information, in addition to arrest information, to the CDSS and contracted counties. The law also requires the CDSS and contracted counties, to expeditiously furnish a copy of the CORI to the individual (even when the individual has not requested a copy) if the information is the basis for an adverse employment, licensing, or certification decision.

Current law requires a background check of all applicants, licensees/caregivers, adult residents, volunteers, and employees of community care facilities who have contact with clients. If the CDSS or contracted counties find that an individual has been convicted of a crime other than a minor traffic violation, the individual cannot work or be present in any community care facility unless they receive a criminal record exemption from the CDSS or contracted counties. The Community Care Licensing Division (CCLD) or contracted counties also examine arrest records to determine if there is a possible danger to clients.

To comply with AB 2343 legislation, CDSS and contracted counties must assure the exemption notification process includes all information from an individual's CORI, including convictions and infractions. Since the bill stipulates the CORI shall be expeditiously furnished, CCLD in consultation with the CDSS Legal Division have determined that the individual is to be notified of all CORI information at the beginning of the exemption process.

Please note: Health and Safety Code 1522(a)(4)(G) and 1596.871(i) still allows a denied applicant the right to request a full un-redacted CORI upon notification of a denial.

The Community Care Licensing Division Evaluator Manual will be updated to reflect these changes. Any questions regarding this Information Release can be directed to Caregiver Background Check Bureau at (916) 653-1923.

Sincerely,

Original signed by JEFFREY HIRATSUKA

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division