

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



July 11, 2003

TO: ALL COMMUNITY CARE FACILITY LICENSEES  
(EXCEPT FOR FOSTER FAMILY HOMES)

FROM: DAVE DODDS, Deputy Director  
Community Care Licensing Division

SUBJECT: **CHANGES TO BACKGROUND CHECK PROCEDURES**

This notice is to inform you that we have concluded the comprehensive evaluation of the background check process ordered by the Governor in 2002. While the evaluation revealed that the current system is one of the most rigorous in the nation, we are implementing changes that will provide additional protections for individuals in care. *For child care facilities, the moratorium on approving new criminal record exemptions has ended. The Department of Social Services has already reinstated the process to review and approve criminal record exemptions for child care facilities.*

As a result of the review, several important changes were made to the background check process, and emergency regulations implementing changes are effective on July 16, 2003. For example:

- Before being allowed in a licensed facility, all individuals who submit their fingerprints on or after July 16, 2003, must have a Department of Justice (DOJ) notice indicating that the individual has no criminal history, or an approved criminal record exemption from this Department. You are required to maintain documentation of the DOJ notice or the exemption in your facility records, and to make them available for review by your licensing analyst.
- When the Department orders that an individual be removed from a facility due to the background check, you will be required to send written confirmation that the individual has in fact been removed. Forms for this confirmation will be provided and attached to the Department's order for removal. Failure to comply with the order to remove the individual is grounds for license revocation.
- Individuals with either a clearance or an exemption must report any subsequent arrest, conviction, and probation or parole violation to the Department within 48 hours.
- Criteria for reviewing criminal record exemptions are being included in regulations to ensure consistency. Requirements for considering an exemption will include:
  - An exemption request will be denied if an individual fails to disclose or misrepresents his/her criminal history.
  - Exemptions for violent felony convictions will not be granted.
  - The number of convictions allowed has been reduced and the time required after the conviction or completion of supervised probation has been increased.

You are encouraged to review the regulations at the licensing website at <http://www.cclid.ca.gov/>. If you have any questions, please contact your Regional Office or county licensing agency.