Live Scan-Procedures, ID, Locations, and Results

(Revised 06/22/18)

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Forms

The following forms are referenced in this file:

- 04-30 Notification of Response
- 04-130 Authorization for County Payment (CWS/CMS Template)
- BCIA 4084 Facsimile Inquiry For Child Abuse Central Index (CACI) Search
- BCIA 9010 Request for Department of Justice Name Check
- BCIA 8016 Live Scan Application - Adoptions
- BCIA 8016 Live Scan Application - Foster Care Mentor/Volunteer
- BCIA 8016 Live Scan Application - Guardianship
- BCIA 8016 Live Scan Application - Licensing
- BCIA 8016 Live Scan Application - RFA (Form to be generated and used by RFA Staff Only)
- BCIA 8016 Live Scan Application - Sub-Arrest
- JUS 204 Applicant Transmittal Form - BILLED

Policy

All new applicants for Resource Family Approval (RFA) will be referred to the RFA Backgrounds Unit for Live Scan procedures. SW staff will refer all individuals having significant contact with a foster child, any new adults moving into an approved relative/NREFM home not yet converted to RFA, and mentors/volunteers for fingerprinting to one of the six regional Live Scan locations. The County does not pay or reimburse applicants for fingerprinting who are referred to any other location without prior approval from a CWS manager (see Out of County Applicants). In most cases, the San Diego County Live Scan Request form can be taken to other locations and billing and routing codes are inputted with no effect to cost or results (barring the rolling fee, see Note below).
When SWs are reunifying a child with his parent(s), the household members in the home do not have to be fingerprinted.

Further information on the Department of Justice's (DOJ) Live Scanning expectations can be found on their website.

Fingerprint process

Live Scan operators will:
- fingerprint applicants for relative placement, non-relative extended family member placement, RFA, individuals with significant contact and foster care mentors/volunteers.
- fingerprint anyone who comes in with a Live Scan request form filled out by the SW or RFA unit (this indicates that the SW is taking responsibility for the validity of needing to Live Scan this person).

Live Scan operators will not:
- fingerprint applicants who cannot provide an acceptable photo identification card and the SW’s name and worker number.
- fingerprint RFA applicants who do not have an assigned RFA number completed on the form.
- fill out the Live Scan request forms; these must be completed by the SW. The client must arrive with a completed form. LSOs may call the SW for clarification.

NOTE: In the past, parties such as babysitters and others who will have significant contact with the child, but do not reside in the home, were cleared via Trustline. DOJ has now authorized Live Scan for these parties. Trustline or Live Scanning may be used for babysitters or others whom will have significant contact with the minor, but do not reside in the home.

See Relative and Non-Relative Extended Family Member Approvals for more information.

Procedure

SW staff will refer applicants for fingerprinting to one of the regional Live Scan Locations.

SW staff will:
1. provide the applicants with a completed* Live Scan Application (BCIA 8016)
   - BCIA 8016 (Adoptions)
   - BCIA 8016 (Guardianship)
   - BCIA 8016 (Licensing)
   - BCIA 8016 (Sub-Arrest)
   - BCIA 8016 (Volunteers)
   - BCIA 8016 (RFA) - Form to be generated and used by RFA Staff Only

* when filling out the Live Scan application ensure that the line titled “your number” has:
  - the SW number or RFA Worker number (if applicable)
  - the license number OF# (if for licensing),
  - RFA# (if for RFA) and the associated case number
**Procedure (cont.)**

2. instruct applicants to call ahead for an appointment using the location list on the second page of the Live Scan request form

3. inform the applicant that he/she must bring an acceptable photo identification card to the appointment.

**NOTE:** SWs do not need to fax a separate request to the Child Abuse Central Index (CACI) for child abuse history checks.

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**Locations**

Live Scan operations can be transmitted at one of six locations that serve CWS:

<table>
<thead>
<tr>
<th>Office</th>
<th>Address</th>
<th>Day/Time</th>
<th>Appointment Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balboa</td>
<td>8911 Balboa Ave.</td>
<td>Monday - Friday 8:30 am - 4:30 pm</td>
<td>Main Reception: (858) 650-5627</td>
</tr>
<tr>
<td>Central</td>
<td>4305 University Ave.</td>
<td>Monday - Friday 8 am - 4 pm</td>
<td>Main Reception: (619) 521-7300</td>
</tr>
<tr>
<td>Chula Vista</td>
<td>303 H Street, Suite 201</td>
<td>Monday - Friday 8:30 am - 4 pm</td>
<td>Main Reception: (619) 585-5290</td>
</tr>
<tr>
<td>El Cajon</td>
<td>389 N. Magnolia Ave.</td>
<td>Monday - Friday 8 am - 4:30 pm</td>
<td>Main Reception: (619) 401-3800</td>
</tr>
<tr>
<td>Escondido</td>
<td>649 W. Mission Ave</td>
<td>Monday - Friday 8 am - 4 pm</td>
<td>Main Reception: (760) 740-3686</td>
</tr>
<tr>
<td>Oceanside</td>
<td>1320 Union Plaza Court</td>
<td>Monday - Friday 8 am - 3:30 pm</td>
<td>Main Reception: (760) 754-3456</td>
</tr>
</tbody>
</table>

**NOTE:** Polinsky also runs some County Employee Live Scan applications, but Polinsky is not available to the Regions as a Live Scanning site.

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**Portable Live Scan**

If one of the residents in the home is so incapacitated they cannot travel to one of the Live Scan locations listed above, then:

- the SW should notify the Live Scan Operator who will contact the Fiscal/Program Support Unit, to schedule a time to pick up the portable Live Scan machine. One day advanced notice is required because updates from DOJ must be loaded onto the portable Live Scan Machine.
- the Live Scan Operator will:
  - travel to the 8911 Balboa Ave. office to pick up the Live Scan machine.
  - go to the home to complete the Live Scan fingerprint clearance.
  - return the Live Scan machine to 8911 Balboa Ave. where the images are uploaded and submitted to DOJ for clearance information.
If the applicant resides **outside of San Diego County**, the social work staff will:
- obtain and complete application form BCIA 8016
- review [Out-of-County Live Scan Locations](www.oag.ca.gov/fingerprints/locations) (from DOJ’s website) to obtain the location of where to send the out-of-county applicant for Live Scan fingerprinting or refer the client to the DOJ website to find a convenient location
- send the completed BCIA 8016 form to the out-of-county applicant with a letter instructing the applicant where to go for Live Scan fingerprinting, and call that location to ask if they would like a fax of the BCIA 8016 prior to the client coming.

If the applicant resides **outside the State of California**:

<table>
<thead>
<tr>
<th>Who</th>
<th>What</th>
</tr>
</thead>
<tbody>
<tr>
<td>SW (or designated placement worker)</td>
<td>Contacts the Live Scan Policy Analyst (name at the end of this file) to acquire two FD-258 Applicant Fingerprint Cards (hard cards used for ink print rolling).</td>
</tr>
</tbody>
</table>
| SW                           | • Complete the top portion of the fingerprint cards.  
  • The same information is used on the fingerprint card as is used to complete the BCIA 8016 Request for Live Scan form.  
  Look at the corresponding BCIA 8016 for the type you are printing, to gain the necessary numbers to write on the fingerprint card (types and links listed above). |
| SW                           | Mails the completed cards to the applicant with instructions to have their fingerprints completed by a local law enforcement agency only. |
| Applicant                    | Has fingerprints rolled and sends completed cards back to SW (or designated placement worker).                                 |
| SW                           | Send one fingerprint card with the completed form BCIA 8016 and JUS 204 form* to the Department of Justice (DOJ).               |

**NOTE:** DOJ advises that results for prints submitted via the fingerprint card can take as long as eight weeks to complete.
Out-of-county applicants (cont.)

**NOTE:** By using the County billing codes all DOJ clearance fees will be paid. However, any client live scanning outside of San Diego County must be notified that they are expected to pay for the rolling fee. A rolling fee is a fee that individual sites charge as an administrative cost. These fees vary and are listed on the Out-of-County Live Scan Location List. For clients that live in neighboring counties, they should be advised that if they drive down to San Diego County the prints will be free but if they choose to print in their County the rolling fee will apply. Some regions may have regional funding that a CWS manager can approve to reimburse the rolling fee via form, 04-130. Contact your supervisor/manager to inquire.

External clients

If CWS clients from a neighboring County come to a San Diego CWS office to live scan, we provide this service free of charge as a courtesy to other CWS agencies and their clients.* Our offices will **not** accept general live scan requests. If an individual comes in wanting to live scan for any non-CWS purpose, they should be referred to the DOJ list of alternate locations.

**NOTE:** The rolling fee is waived, but all clearance fees will be paid by the sending County. This is accomplished by the Live Scan Operator (LSO) inputting the billing code information from the live scan request form that that client brings in from their County. The LSO will also input the sending County’s ORI number, contributing agency information and DOJ Mail Code along with the proper billing code from the live scan request form into the live scan machine. This will ensure that the results are properly sent to the other County.

Name check for those unable to submit fingerprints

Some clients may be unable to submit fingerprints due to physical deformities. Many clients can still submit some prints and should try the live scan process first. DOJ regulations state that the name check is only to be used “if the applicant is unable to provide any fingerprint images at all. If the applicant can provide one or more fingerprint images, regardless of the quality, he or she must do so.” The LSO inputs comments into the live scan machine as to the absence of or inability to scan some fingers.

If a client is missing both hands or all ten fingers then a name check is done following these procedures:

For the DOJ policy, see Information Bulletin 08-05. The necessary form (BCIA 9010 - Request for DOJ Name Check) is on the second page of this pdf, DOJ Information Bulletin 08-05. The notice refers to the form also being available on the DOJ website; however, a confirmation with DOJ reveals that they have not posted the form to date. Therefore, a form attached to the notice must be used.

Clients will need to go to a law enforcement agency for this process. It is advised that the SW give the client a copy of the DOJ notice to bring with them as it has instructions to the law enforcement agency on it.

SW must fill out form BCIA 9010 and give the completed form to the client. For the second section beginning with “Applicant Agency Name,” all of this information must be copied exactly from a BCIA 8016 (see below) form for the type of live scan you are trying to do. By filling in the agency billing number, the clearance fees will be paid.
Name check for those unable to submit fingerprints (cont.)

Request for Live Scan Service forms, BCIA 8016:
- Petition for Adoption
- Sub-Arrest
- Foster Family Home Licensing
- Guardianship
- Foster Care Mentor/Volunteer
- Resource Family Per WIC 16519.5.

NOTES on DOJ Policy, Information Bulletin 08-05:
- Notice 08-05 states that this policy is for “employment, certification or licensing.” It has been confirmed with DOJ that this process also covers all of our CWS live scan types (e.g. relatives, guardianship, adoption, foster care mentor/volunteer, etc.).
- Form BCIA 9010 does not have a check box for clearing for CACI. It only clears for DOJ and FBI. For a CACI clearance on an individual who is completely unable to submit any sort of live scan would instead be cleared by using the BCIA 4084 form (also available in hard copy in regions). CACI has confirmed with our agency that for the purpose of those completely unable to submit live scans, the “placement of child in an emergency situation” check box may be used on this form. For licensing purposes, form LIC-198A would be used.

Checking Live Scan results

The fingerprinting results are disseminated within 24 hours of receipt as follows:

<table>
<thead>
<tr>
<th>If the results are for...</th>
<th>results will be sent to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-arrest results such as:</td>
<td>each region’s designated contact</td>
</tr>
<tr>
<td>- relative placements,</td>
<td></td>
</tr>
<tr>
<td>- non-relative extended family member placements, or</td>
<td></td>
</tr>
<tr>
<td>- relative respite applicants</td>
<td></td>
</tr>
<tr>
<td>• foster home licensing, or</td>
<td>Foster Home Licensing contact</td>
</tr>
<tr>
<td>• foster parent respite applicants</td>
<td></td>
</tr>
<tr>
<td>guardianship applicants</td>
<td>Guardianship Unit contact</td>
</tr>
<tr>
<td>adoption applicants</td>
<td>Adoptions Clerk</td>
</tr>
<tr>
<td>RFA applicants</td>
<td>RFA Unit Contact</td>
</tr>
</tbody>
</table>

Staff may check the status of the results by checking the DOJ’s Applicant Background Check Status. The client’s date of birth and ATI number are required to perform the search. The ATI number is handwritten on the bottom of the Live Scan request form after a Live Scan is completed.
Checking Live Scan results (cont.)

SWs must first check with their regional Live Scan liaison for Live Scan results. If there are delays or a need for follow-up, see Live Scan-Application, Corrections, and Follow-Up.

**NOTE:** SWs must not have any applicant re-fingerprinted unless all resubmission policies have been followed (see Live Scan - Reject Notices and Resubmission). Contact the Live Scan Policy Analyst with any issues/concerns.

Results and the NOR

Most Live Scan results will come to the SW through their region's Live Scan designated contact. Occasionally, after a follow up request, the results may come directly to a SW or LSO. If a SW receives the actual results document from any entity (FBI, DOJ or CACI), the SW must inform the TAC (Type of Application Coordinators, see list in Live Scan-Application, Corrections, and Follow-Up) to transpose results to 04-30 form. The NOR may be kept in the case file. The actual results documents must be shredded.

Tips for creating a NOR from Live Scan result documents:

<table>
<thead>
<tr>
<th>Document says....</th>
<th>On the NOR that translates to....</th>
<th>Explanation...</th>
</tr>
</thead>
<tbody>
<tr>
<td>“no match”</td>
<td>cleared/clearance</td>
<td>no criminal or CACI record match was found, DOJ/FBI/CACI have nothing, person is cleared</td>
</tr>
<tr>
<td>“Date Submitted”</td>
<td>“Transmission Date”</td>
<td>the date that our Live Scan machines transmitted the electronic fingerprint images = the day that the images were submitted to DOJ/FBI/CACI</td>
</tr>
<tr>
<td>[date on top of form]</td>
<td>the clearance date (e.g., “DOJ clearance was received on ___”)</td>
<td>the date on the top of the form from DOJ/FBI or CACI is the date that they processed the results and sent them to us = the day we knew they were cleared or not</td>
</tr>
</tbody>
</table>

If a SW ends up with a DOJ/FBI or CACI document that indicates a clearance or a rap sheet or CACI listing, that document must be shredded after the information is used. Those rap sheets/official DOJ documents cannot be kept in the CWS case file. NORs are sent out with the rap sheets attached must be shredded.
Fingerprinting results retention

Fingerprinting results include both criminal history clearances and child abuse history clearances. Per California Department of Social Services All County Letter 03-55, we “...must retain criminal background and Child Abuse Central Index (CACI) clearance results obtained on foster parents and other individuals living in homes licensed and approved by county welfare departments for at least three years after the home is no longer in use” (45 CFR 74.53). RHA (relative home approval) homes are held to the same standard as licensed homes for audit purposes. As a result, all relative home (Sub-arrest type) Live Scan clearance results received by the Live Scan Policy Analyst will be maintained and filed in a secure location.

All FBI results will be shredded on site with an Agency staff witnessing that the information is being shredded onsite.

For more information on retention, see Live Scan-Retention.

Sharing Live Scan results

Per DOJ notice 10-02 (website or .pdf version), the results of a client’s Live Scan CORI (Criminal Offender Record Information) may be shared with them (verbal and written). However, they must be advised that they cannot give the information to another person or another agency.

If you have already sent the DOJ rap sheet back for proper shredding and the client requests a review, they may obtain a printout directly from DOJ by calling (916) 227-3835 or by accessing the required forms at https://oag.ca.gov/fingerprints.

Delay notifications

Sometimes instead of receiving the results, the SW may receive one of the following notifications:

Delay Notification:
These notifications are sent by the DOJ when they are experiencing difficulties in processing the applicant’s fingerprints. The delay is usually for 30 days. Upon receipt of a delay notification, the SW must file the delay notification in the case file under the Intake/Law Enforcement tab.

If the delay continues another 30 days, the SW will need to follow the procedures for Follow-Up Inquiries listed in the Live Scan-Application, Corrections, and Follow-Up file. The Live Scan Policy Analyst will contact the DOJ and follow-up on the delay if the SW’s follow up request avails no response. Normally, the delay continues another 30 days, but may be longer.

Subsequent Arrest Notification:
Refer to Live Scan- Subsequent Arrest Notification.

Reject Notices and Resubmissions:
Refer to Live Scan - Reject Notices and Resubmission.
Acceptable photo identification cards

The following is a list of acceptable photo identification cards for Live Scan fingerprinting:

- California Driver license
- California DMV identification card
- A valid out of state driver license
- Any passport (U.S. or foreign)
- An Alien Registration Card/Immigration/Pink Card
- A Military card
- A Mexican photo identification card
- A foreign consulate identification card.

Expired identification information will not be accepted.

The Department of Justice also authorizes the Live Scan Operators to utilize secondary forms of identification to ascertain that the person Live Scanning is who they say they are. The above list is the preferred list, but secondary forms may be accepted in lieu of the above list. See the DOJ publication, Guidelines for Submitting Applicant Live Scan Transactions. Page 3 and 4 of this pdf explain DOJ’s guidelines for secondary identification. DOJ has confirmed with our agency that the Counties are given discretion on proper identification. DOJ has advised that even if the client has none of the forms of identification listed in the guidelines, we may still Live Scan them. DOJ has reiterated that these are guidelines only. The LSO (Live Scan operator) must be reasonably certain that the person presenting to print is who they say they are. It is advised that the LSOS seek a second opinion if unsure. The case-carrying SW or any associated probation officer may be used for corroboration of identity. Sometimes probation officers will have a photo on file to verify the client. The LSO may refuse to print those whose identification appears invalid.