

Res. file # 419

MARIPOSA COUNTY

AGENDA

DATE: December 05, 2000

BOARD OF SUPERVISORS

ACTION FORM

AGENDA ITEM NO.:

9B

DEPARTMENT: Human Services Dept. BY: Cheryle Rutherford-Kelly

Social Services Division PHONE: 966-3609

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_X)

It is respectfully recommended that your Board grant Children's Protective Services the right to receive criminal background information as necessary from the California Law Enforcement Telecommunications System (CLETS).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

SB 2161 allows child welfare workers who have been delegated Welfare and Institution (W&I) Code 300 responsibilities for dependent children (under W&I 272) to receive information from CLETS. Such information is of critical importance for the protection of children. It is under Welfare and Institutions Code 272 that social workers, rather than probation officers, serve battered children. The majority of California counties transferred overall responsibility to their social service departments in the early 1970's. What we need at this time is your authorization to receive information which, in fact, we are currently receiving. The California State Attorney General had indicated that the Department of Justice needs authorization from the county Boards of Supervisors to continue to provide information to each county.

The Attorney General needed a letter indicating this department had responsibility for dependents and authorization to secure criminal background checks by 12-1-00. To avoid a situation that could result in our inability to gain access to information necessary to make good decisions about children, I forwarded the required letter. My rationalization was that I am responsible for Children's Protective Services. Normally, I would not write a letter stating I had authorization from your Board without first receiving your approval Board.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Your Board could elect to instruct this Department to no longer receive criminal background information. Such an action would have a negative impact on our ability to protect children.

COSTS: ( ) Not Applicable		SPECIAL INSTRUCTIONS:
A. Budgeted current FY	\$ 0	List the attachments and number
B. Total anticipated costs	\$ 0	the pages consecutively:
C. Required additional funding	\$ 0	
D. Internal Transfers	\$ 0	
SOURCE: ( ) 4/5ths Vote Required		
A. Unanticipated revenues	\$	
B. Reserve for contingencies	\$	
C. Source description:		
Balance in Reserve for Contingencies,		
if approved: \$		

CLERK'S USE ONLY:

Res. No.: 00-219

Vote - Ayes: 5

Absent: \_\_\_\_\_

*AW*  Approved

Minute Order Attached  No Action Necessary

Ord. No. \_\_\_\_\_

Noes: \_\_\_\_\_

Abstained: \_\_\_\_\_

Denied

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

BY: \_\_\_\_\_  
Deputy

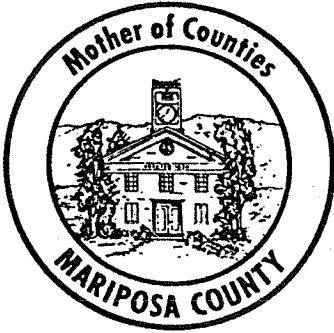
ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

- \_\_\_\_\_ Recommended
- \_\_\_\_\_ Not Recommended
- \_\_\_\_\_ For Policy Determination
- \_\_\_\_\_ Submitted with Comment
- \_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: *AW*



# MARIPOSA COUNTY

## DEPARTMENT OF HUMAN SERVICES

Cheryle Rutherford-Kelly  
Director  
Public Guardian / Conservator

5186 Highway 49 North  
Post Office Box 7  
Mariposa, CA 95338

• Divisions of:  
Mental Health  
Social Services  
Mariposa County Housing Authority  
Alcohol and Drug Services  
Calaveras - Mariposa  
Community Action Agency

November 22, 2000

The Honorable Bill Lockyer  
Attorney General, State of California  
1300 I Street  
Sacramento, CA. 95814

Dear Attorney General Lockyer:

This letter is to certify that, in the County of Mariposa, all those duties of probation that concern dependent children (described in Section 300 of the Welfare and Institution Code, as authorized by WIC Section 272 (a)) are delegated in their entirety to the welfare department.

In this County, the welfare department is called the Human Services Department.

As noted above, the Board of Supervisors has delegated to the department all responsibility for child welfare services and that department has the authority to receive summary criminal history information pursuant to Section 11105 of the Penal Code. The summary criminal history information is necessary for the department to carry out their duties concerning children reasonably believed to be described in Welfare and Institutions Code 300. The authority for delegation is contained in Welfare and Institution 272 (b).

Please do not hesitate to contact me if you have any questions about this matter.

Sincerely,

Cheryle Rutherford-Kelly, MSW  
Director of Health and Human Services

