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FROM: JOHN J. FARMER, JR., ATTORNEY GENERAL

DATE: March 29, 2001

SUBJECT: ATTORNEY GENERAL LAW ENFORCEMENT
DIRECTIVE NO. 2001-3

New Jersey State Police Bureau of Identification Conducting CCH/III
Background Checks of Emergent Care Givers

Introduction

Unfortunately, there are children within the State of New Jersey whom the Division of Youth and Family Services must remove from their homes due to abuse and/or neglect. The Division of Youth and Family Services prefers to place such children with relatives, rather than in foster care. Existing state and federal regulations that govern the use of the New Jersey Computerized Criminal History/Interstate Identification Index ("CCH/III") background checks do not permit look-ups of emergent care givers as this is considered a non-criminal justice purpose pursuant to N.J.A.C. 13:59-1, *et seq.* However, the Division of Criminal Justice, the New Jersey State Police and the Division of Youth and Family Services recognize that conducting background checks of emergent care givers is an important step in protecting those children who are being removed from their homes due to abuse and/or neglect.

Compliance with Federal Requirements



New Jersey Is An Equal Opportunity Employer

The Federal Bureau of Identification's Compact Council, established pursuant to the National Crime Prevention and Privacy Compact Act of 1998 ("Compact") to promulgate the rules and procedures necessary to regulate the use of Interstate Identification Index has acknowledged the necessity of permitting the CCH/III system to be used to check the criminal backgrounds of care givers who are selected to care for children in exigent circumstances and has adopted rules to permit such background checks to begin April 1, 2001. It will be necessary for the New Jersey State Police to work in tandem with the Division of Youth and Family Services to take those steps necessary to implement the Compact Council's recommendations for the use of criminal history record information for the emergency placement of children in exigent circumstances.

Utilizing the CCH/III System for Emergent Care Giver Background Checks

The New Jersey State Police shall be the only law enforcement agency in the state authorized to use the CCH/III system for this purpose and will implement those procedures necessary to begin using the CCH/III system for this purpose. These procedures must include a mechanism for verification that the DYFS employee requesting the background check is authorized to request such information.

Upon receipt of a request from the Division of Youth and Family Services to conduct a CCH/III background check to facilitate the emergency placement of a child when exigent circumstances exist, the New Jersey State Police Bureau of Identification shall comply. If local law enforcement agencies receive requests from the Division of Youth and Family Services to conduct CCH/III background checks for this purpose, they must be referred to the New Jersey State Police Bureau of Identification for processing pursuant to this Directive.

Within 5 (five) business days of receiving the original request for a CCH/III background check, the New Jersey State Police Bureau of Identification shall receive from the Division of Youth and Family Services the emergent care giver's state and federal fingerprint cards plus appropriate user fees so that a positive identification may be made.

Conclusion

We are hopeful that conducting CCH/III background checks of care givers in emergent circumstances will ensure that children who are being removed from their homes due to abuse and/or neglect will be placed in a safe environment. The collaborative efforts of the New Jersey State Police Bureau of Identification and the Division of Youth of Family Services in obtaining this information is vital to protect those children who are most at risk.

Questions regarding the use of the CCH/III system for this purpose should be directed to the New Jersey State Police Bureau of Identification at (609) 882-2000, ext. 2318. Questions regarding the content

of this Directive should be addressed to the Prosecutors and Police Bureau, Division of Criminal Justice, at (609) 984-2814.

cc: Chief of Staff Debra L. Stone, Division of Criminal Justice
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DAG Charles Grinnell, Acting Chief, Prosecutors and Police Bureau
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