

Steps for the Local Church to Comply with AB506

Key Words:

- **ORI Number:** stands for "Originating Agency Identifier" and is a unique, nine-character code assigned to a law enforcement agency or other authorized organization, allowing them to access criminal justice information systems and submit fingerprint data through the FBI's CJIS system; essentially identifying the agency requesting the background check when submitting fingerprints for processing.
- **COR:** "Custodian of Records", this is an individual within the local church (who should **not** be the pastor) that is responsible for managing, safeguarding, and controlling all official records from the Department of Justice, ensuring their proper storage, accessibility, and compliance with relevant retention policies and legal requirements.
- **DOJ:** Department of Justice

What is AB 506?

Effective January 1, 2022, all churches in California that have any form of "youth service organization" within their ministries, which most likely includes Sunday School in addition to more recognizable ministries such as AWANA, Vacation Bible School, and youth sports league participation, must now adhere to a new three-prong "Standard of Care" which includes training their employees who are either mandatory reporters (pastors, church administrators) or employees and volunteers who have direct contact with or supervisory control over children under age 18 (youth and/or children's ministers, nursery workers, Sunday School teachers, children's choir directors, children's church workers, youth sports team personnel . . . the list is virtually endless) in the topics of child sexual abuse and general child abuse and neglect.

These new requirements are imposed on all "youth service organizations" in California as a result of the passage and signing into law of AB 506.

The second prong of the Standard of Care responsibilities is the requirement to have each of these persons fingerprinted via Live Scan as a type of background check. The requirement for Live Scan fingerprint checks will mean that EVERY church must apply to become an "Applicant Agency" and obtain an "ORI" number necessary for submitting fingerprints to the Department of Justice (DOJ), set up an optional account to pay the state fees (\$32 for employees, \$0 for volunteers), and at least one person in each church must become the "Custodian of Records" who will receive the fingerprint check results from the DOJ to a "secure" email server (something more than "gmail" or "yahoo mail") and be responsible for their confidential storage and eventual destruction of the results. That person will have to submit his or her own Live Scan fingerprints (this will cost \$79) when the church's application for the ORI is approved.

On top of the state's fee to perform each fingerprint check, each employee and volunteer will have to pay a separate "rolling fee" to the Live Scan provider who submits the fingerprint images, which can vary from about \$25-\$30 (if the church does not set up the DOJ payment account, the DOJ Live Scan fee will have to be paid to the vendor at the time of rolling, and volunteers could inadvertently be charged \$32). Churches are required to reimburse their employees for all Live Scan expenses, and would be expected to also reimburse their volunteers for their expenses.

Finally, as the third prong of the Standard of Care, if they don't already have them as they should, churches must adopt written policies covering the subjects of child abuse and neglect and reporting requirements. Because of the Live Scan limitations, most churches will need to implement a more thorough method of "screening" employees and volunteers than they have been using in the past. AB 506 permits insurance companies to "review" a church's policies and procedures and other recordkeeping in compliance with the new law. A church which fails to fully implement the requirements could potentially face nonrenewal of their liability insurance policy.

What do I do now?

Step 1: Register as a "Youth Services Organization"

- a. Your church or ministry must file an application with the California Department of Justice ("DOJ") and receive its own "ORI" number.
- b. The ORI number identifies your church as the organization which is submitting the Live Scan background check request and will direct the results to your "Custodian of Records" ("COR"). You can download a copy of the application here: <https://oag.ca.gov/system/files/media/crimrec-packet.pdf>
- c. There is a \$79 application fee that must be paid to the DOJ with the application.
- d. This is a two step process that can take several weeks to complete due to the hundreds of applications being submitted. Once the application has been approved, the Custodian of Records must obtain his or her fingerprints for California and FBI background checks, using the DOJ's ORI number as the submitter. There is a \$79 fee for this background check, plus the "rolling fee" paid to a Live Scan vendor, which can range from \$25-\$30. The DOJ maintains a current list of authorized vendors by county which is accessible here: <https://oag.ca.gov/fingerprints/locations>
(hint - scroll to the bottom of the page)

Step 2: While you wait for your ORI number

- a. In the next four to eight weeks, your church needs to get busy with all other aspects of compliance with AB 506. You will need to appoint the COR, who should not be the pastor of the church, and you will need a secure email server kept under lock and key which is only accessible by the COR. This should be on a computer separate from any other computer at your church in order to maintain the strict confidentiality required. You should also obtain a secure email address dedicated solely to receiving DOJ findings and communicating with the DOJ. It should not be a “gmail”, “yahoo” or similar type of email address. You can obtain a free email account from Protonmail, it is secure and private.
- b. Every employee and child-facing volunteers must receive training in recognizing and reporting Child Abuse and Neglect. Those persons who are “mandated reporters” must take a four-hour training course. Mandated reporters include clergy, HR administrators, children’s and youth program leaders, and volunteers who will have supervisory authority over other volunteers and children. Ministers, including your children’s and youth program leaders should also take the additional clergy specific course. Non-mandated reporters need to take the two-hour course.
- c. Links to these no-cost courses are available at <https://mandatedreporterca.com>
- d. Your Policies and Procedures need to be written, independently reviewed, and distributed to each of your employees and child-facing volunteers. You should conduct information sessions for employees and volunteers to go over each of the policies, what they mean and how they are going to be implemented and monitored. These are all elements of the new “Standard of Care” prescribed in AB 506.
- e. You should create a list of your mandated reporters, complete with cell phone numbers, email addresses, and alternate phone numbers, and distribute it to all employees and volunteers so that everyone knows who they may call when necessary. A proper “Chain of command” will keep things orderly. If something needs to be reported, it should happen as soon as possible.

Step 3: Live Scan Fingerprinting

- a. While you are waiting for your ORI number, you should locate and make arrangements with a Live Scan vendor to “roll” all of your employees and volunteers. You should be able to negotiate a discounted fee for this service. If you can locate a “mobile” vendor, it will make things more convenient for everyone to have the vendor come to the church for a few hours (or longer) to roll everyone's fingerprints at one time. Plan on about 6-8 minutes per person (your vendor will tell you what to expect).
- b. Setting appointments and having the COR check the completed Live Scan request forms for accuracy in advance can make things go much smoother for all.
- c. Because your church is a nonprofit corporation, there will be no fees charged by the DOJ for the Live Scan background check in compliance with AB 506. The COR should begin receiving results within 24-72 hours in most cases.
- d. Occasionally, it may take a bit longer. Your Policies and Procedures should detail what the COR’s responsibilities are and what the next steps are in the event a “Red Flag” were to pop up.