

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 12: Foster Family Home Licensing</b>	<b>Effective Date: 3/1/07</b>
	<b>Section 29: Conducting Background Checks for Foster Family Home Licensing</b>	<b>Version: 1</b>

<b>POLICY [NEW]</b>	<b>OLD POLICY: N/A</b>
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The Indiana Department of Child Services (DCS) will complete a background check on all persons<sup>5</sup> aged 14 and older who:

1. applicants for a foster family home license
2. reside in the prospective foster home<sup>6</sup>
3. work or volunteer in the home and will have direct contact on a regular and continuing basis with children who are under the supervision of DCS

For the purposes of foster home licensing, a "background check" will consist of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History (includes Indiana State Juvenile History and fingerprint-based Indiana State Criminal History check)
2. Sex and Violent Offender Registry
3. Child Protection Services History
4. Local law enforcement agencies (LEA)/County Sheriff records

DCS will require Child Protection Services History checks on all persons aged 0 to 13 years who live in the household. This will be done for the purpose of assessing placement capacity and compatibility.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. Refer to separate policy, Chapter 2, Confidentiality of Background Check Data.

There is a \$33.00 (thirty-three dollar) fingerprint processing fee per applicant for all non-county licensed family foster homes. The individual must submit a check or money order made payable to the "Treasurer of the State of Indiana" when he/she returns the completed fingerprint cards and forms to the local DCS office or LCPA. The individual should NOT submit this payment where the prints are taken. Payment must be included to the Central Office Background Check Unit with the application and fingerprint cards.

DCS requires the applicant/licensee to complete the background check process at initial licensure and relicensure.

<sup>5</sup> This does not include children who are under DCS supervision.

<sup>6</sup> This includes any persons who, at the time the application is submitted, have been in the home for 21 days or longer. The 21 days do not have to be contiguous.

DCS requires background checks:

1. for every new household member<sup>7</sup>
2. anytime the household gains a new employee or volunteer who will have direct contact on a regular and continuing basis with children who are under the supervision of DCS

DCS requires the applicant / licensee to notify the licensing worker within 24 hours of the arrest or conviction of the applicant / licensee or any household member.

DCS requires the licensee to complete the criminal history check process at each annual review. For the purposes of foster home licensing, a "criminal history check" will consist of the following criminal (or juvenile) and civil history checks:

1. Indiana State Limited Criminal History check
2. Sex and Violent Offender Registry
3. Child Protection Services History
4. LEA/County sheriff records

**Note:** Criminal history checks for the annual review process do not require fingerprints.

Refer to separate policies, Chapter 12, Receipt of Application, Evaluation of Background Checks for Foster Family Home Licensing, License Denials, and Revocations.

#### Code References

IC 31-9-2-22.5: Conduct a Criminal History Check

IC 31-27-4-5: Applying for License

### PROCEDURE

The licensing worker will complete the following steps:

1. Verify the identity of all individuals living in the home, regardless of age, by reviewing one available valid, government-issued identification documents; i.e., social security cards, birth certificates, photo identification cards, and driver licenses. Refer to separate policy, Chapter 2, Verify Identity
2. Complete a search for all individuals in the home, regardless of age, for previous Child Protection Services (CPS) history and evaluate. Check and evaluate (if applicable) CPS records for **all other states** in which each individual is known to have resided for the past five (5) years. Refer to separate policies Chapter 12, Evaluation of Background Checks for Foster Family Home Licensing and License Denials

**Note:** For Indiana records, Licensed Child Placing Agencies (LCPA) are unable to access this information and will need to send a copy of the Request for Child Protection Service (CPS) History Check (SF 52802/CW 2128) form to the local DCS office to obtain results.

3. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state where the individual is known to have resided for the past five (5) years
4. Search LEA/Sheriff records for every county/state the individual is known to have resided in for the past 5 years
5. If the applicant has not been disqualified based on the results and evaluation of the background checks thus far, prepare the family for fingerprinting for the National Criminal History check by explaining the fingerprinting process. Refer to related information

<sup>7</sup> DCS defines a new household member as anyone who has been in the home for 21 days or longer. The 21 days do not have to be contiguous.

6. Licensing worker should complete the applicable sections on the Application for Criminal History Background Check. Assist the applicant with completing the remaining information
7. Licensing worker should instruct applicant to get printed at the LEA/Sheriff's Office or Indiana State Police Post or DCS fingerprint vendor
8. When the applicant returns all completed fingerprint cards, forms and payment, document receipt of item before forwarding to the Central Office Background Check Unit. verify that the following information is completed legibly on the Fingerprint Card:
  - a. Applicant must sign the card (Signature of Person Printed) in **black** ink
  - b. Print the first and last name (include middle initial, if applicable)
  - c. Date applicant was printed
  - d. Reason printed, use one of the following codes:
    - i. Emergency Placement IC 10-13-3-27.5
    - ii. Non-Emergency Placement IC 31-9-2-22.5
    - iii. Foster Care Licensing IC 31-27-4-5
  - e. Social Security Number
  - f. Sex, race, height, weight eye color, hair color, place of birth and date of birth
  - g. Include County or Agency name in "Reason Printed" box
  - h. Correct payment for non-DCS family foster home applicants
9. Make a copy prior to sending to the Central Office Background Check Unit
10. The Central Office Background Check Unit will provide a letter to licensing worker informing of qualifying status. Licensing worker should inform applicant of the final determination. Refer to separate policies Chapter 12, Evaluation of Background Checks for Foster Family Home Licensing and License Denials
11. If the applicant is **qualified** for foster family licensing, the licensing worker will:
  - a. Ensure that the applicant is currently in pre-service training
  - b. Schedule the second licensing home visit. Refer to separate policy, Chapter 12, Second Home Licensing Visit
12. For "**conditionally disqualified**" or **disqualified**, refer to separate policies Chapter 12, Evaluation of Background Checks for Foster Family Home Licensing and License Denials

#### PRACTICE GUIDANCE

- N/A

#### FORMS AND TOOLS

- Application for Criminal History Background Check
- Request for a Child Protection Services (CPS) History Check (SF 52802/CW 2128)

#### RELATED INFORMATION

##### Preparing the Family for Fingerprinting

The FCM should explain the following to the family:

1. All persons (except children under DCS supervision) living in the household age 14 and older must be fingerprinted plus any employees and/or volunteers who will have regular and continuous contact with except children under DCS supervision

2. Fingerprinting may occur at a LEA/ Sheriff's Office or Indiana State Police Post or DCS fingerprint vendor
3. Each person being printed must have a valid, government-issued identification document with them (i.e. driver's license, social security card, birth certificate, passport, visa, etc)
4. One copy of all completed forms must be presented to the law enforcement agency (LEA) at the time of fingerprinting
5. After taking the fingerprints, LEA will give the completed fingerprint cards of all household members to the primary applicant. The applicant is responsible for returning the cards, along with one copy of all of the completed forms (and payment, if applicable) to the local DCS office or LCPA.

### **Processing of Fingerprint Cards (for National Criminal History and Indiana State Juvenile History Reports)**

1. After being fingerprinted, the individual returns the completed fingerprint card, completed forms, and if applicable, payment, to the local DCS office (or LCPA if working through an LCPA for foster licensing)
2. The local DCS office or LCPA documents the date and time that the cards, forms, and if applicable, payment were received and carefully checks all forms for accuracy. See Sample Fingerprint Log Sheet
3. The local DCS office or LCPA mails all cards, forms, and if applicable, payment to: Central Office Background Check Unit, Indiana Department of Child Services, 402 W. Washington St. MS 49, Indianapolis IN 46204. *Note to local DCS office or LCPA: It will be necessary to use a sufficiently large envelope to avoid bending, creasing or folding the fingerprint cards. Cards cannot be processed if they do not arrive in good condition*
4. The DCS Central Office Background Check Unit delivers the cards to the ISP headquarters at Indiana Government Center North
5. ISP headquarters forwards the fingerprint card to the Federal Bureau of Investigation (FBI). The FBI conducts the check and returns a report to ISP
6. The DCS Central Office Background Check Unit retrieves the Indiana State Juvenile History and National Criminal History reports from ISP headquarters when they become available (usually within two weeks)
7. The DCS Central Office Background Check Unit evaluates the report within three (3) business day of receipt from ISP and will send a determination to the licensing worker

### **Blank Fingerprint Cards**

Each local DCS office is responsible for providing nearby State Police posts, local law enforcement offices and providers with a supply of blank copies of pre-printed DCS fingerprint cards. Local office directors or his/her designee should contact the Central Office Background Check Unit when replacement cards are needed.

### **Special Fingerprinting Issues**

**Homebound:**

If an individual is homebound and cannot appear at a facility for fingerprinting, the FCM should contact the ISP Post and request that an officer be sent to the individual's home to conduct the fingerprinting.

**Unreadable Prints:**

For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the FBI for the following reasons; smudged prints, not fully rolled, fingerprints too light or too dark, double prints in one box or all five prints not on the same card.

When this occurs, the Central Office Background Check Unit will send notification to the local DCS office where the child's case resides, that the applicant must be reprinted. If the applicant's fingerprints are rejected by the FBI twice, ISP will coordinate with the FBI to allow for a Name-Based National Criminal History Report to be generated without follow-up fingerprints. Rejection of the fingerprint card by ISP does not count as an FBI rejection.

#### **Checking the Status of a Fingerprint-Based National Criminal History Report**

To learn the status of a Fingerprint-Based National Criminal History Report, the FCM should contact his/her local office director (or the director's designee). Each local office director has access to an Access database. The file is updated regularly with the date that the Central Office Background Check Unit receives the Fingerprint-Based report from ISP headquarters and the date the report was mailed to the local DCS office.

#### **Disclosing National Criminal History Check Information to the Subject of the Check**

DCS may disclose the specific crimes that disqualified the applicant from licensure or placement. This information may only be disclosed to the subject of the check if the placement/licensing decision is challenged. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the denial.

#### **Indiana State Juvenile History**

This check will be initiated automatically when ISP receives the fingerprint card for the National Criminal History report. ISP will conduct the search and send the results to DCS Central Office Background Check Unit.

#### **Indiana Limited Criminal History**

A Limited Criminal History contains only felonies and class A misdemeanor arrests within the state of Indiana, which includes a disposition. Completeness of this information is based upon county participation. This search is available online at <https://secure.in.gov/apps/isp/lch/>. The user must submit a valid password to run the query. Results are immediate. For assistance with password issues please email [FieldOps@dcs.in.gov](mailto:FieldOps@dcs.in.gov).

#### **Additional directions:**

Please disregard the request for Client ID (it is an optional field). Do not agree to a fee if you are asked. This is an indication that the login was incorrect at the first screen. Answer the following questions in this manner:

1. Do you have not-for-profit status? NO
2. Do you have an ISP customer number? NO
3. Are you currently an accessIndiana subscriber? YES

#### **Sex and Violent Offender Registry**

This is a registry of individuals who have been convicted of sex and/or violent crimes. For Indiana, the link is: <http://www.insor.org/insasoweb/>. For all other states, the link is: [www.fbi.gov/hq/cid/cac/states.htm](http://www.fbi.gov/hq/cid/cac/states.htm).

#### **CPS History**

In Indiana, CPS history is checked by searching the electronic Central Client Index (CCI) and to the extent possible, all hard copy records. The CCI database is accessible through ICWIS or online at <http://www.in.gov/dcs/protection/onlineservices.html>. For all other states, use the following link to locate contact information for a CPS administrator who can process your search request: [http://www.acf.hhs.gov/acf\\_contact\\_us.html#regions](http://www.acf.hhs.gov/acf_contact_us.html#regions).