

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 13: Background Checks	Effective Date: June 1, 2021
	Section 07: Conducting Background Checks for Adoptions	Version: 10

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) requires background checks on all persons who:

1. Are members of the prospective DCS adoptive household;
2. Stay in a prospective DCS adoptive home for 21 days or more, within a 12-month period. The days do not have to be consecutive; or
3. Are members of a prospective private adoptive home who are applying for the Indiana Adoption Assistance Program (AAP).

The following background checks may be required depending upon the age of the subject of the check:

Note: Background checks are a requirement for a petitioner’s spouse, even when the married couple is not living together in the adoptive home.

1. A Child Protective Services (CPS) History Check on all persons six (6) years of age and older in every state in which the subject of the check has resided during the last five (5) years;
2. A National Sex Offender Registry Check for all persons 14 years of age and older in every state in which the subject of the check has resided during the last five (5) years;
3. A Local Criminal Court Records Check on all persons 18 years of age and older in every criminal court jurisdiction in which the subject of the check has resided during the last five (5) years; and
4. A Fingerprint-Based Check must be completed and returned with qualified results, for all persons 18 years of age and older. See policy 13.15 Fingerprint-Based Checks for further guidance.

Note: Fingerprint-Based Checks conducted for any other purpose (e.g., foster family home licensure, unlicensed placement, or employment) may not be used for the purpose of adoption. A new Fingerprint-Based Check will be required.

Background checks must be completed for purposes of the adoption home study, adoption summary, or AAP eligibility determination. If it has been 12 months since the last adoption background check, new background checks must be completed prior to the following:

1. Pre-adoptive placement;
2. Adoption home study or adoption summary;
3. Submission of the Indiana Adoption Program Application; or
4. Filing the petition for adoption.

After a child is placed in a prospective adoptive home, DCS requires background checks on new household members who stay in the home for 21 days or more, within a 12-month period.

The days do not have to be consecutive. Checks must be completed prior to the new household member moving into the prospective adoptive home and must be completed annually. The checks not completed prior to the child's placement (due to the individual's age) must be initiated 30 days prior to the current household member's sixth (6th), 14th, or 18th birthday.

Note: Fingerprints may not be completed prior to 18 years of age. Fingerprints must be obtained within 30 days after the subject's 18th birthday.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws as well as Criminal Justice Information Services (CJIS) security protocols. See policy 2.06 Sharing Confidential Information for additional information.

Note: DCS will not conduct background checks on children under DCS care and supervision.

Code References

1. [IC 31-19-11-1: Decree; affidavit; criminal convictions and juvenile adjudications](#)
2. [IC 31-19-7-1: Prior written approval of placements; criminal history checks](#)
3. [IC 31-9-2-22.5: "Conduct a criminal history check"](#)
4. [IC 31-19-2-7.3: Waiver of criminal history check requirements prohibited](#)
5. [IC 31-19-2-7.5: Submission of information, forms, or consents for criminal history check](#)
6. [IC 31-19-8-5: Agency report and recommendation; filing requirements; waiver of report](#)
7. [IC 12-17.2-2-8: Licensure exemptions](#)

PROCEDURE

The adoption worker¹ will complete the following (this includes private adoption cases where the prospective adoptive parent is applying for AAP):

1. Verify the identity of each subject of a background check, regardless of age, by reviewing one (1) available and current, government-issued identification (ID). See policy 2.09 Verifying Identity for further guidance. Examples of government-issued IDs include, but are not limited to:
 - a. Drivers' License,
 - b. Government issued picture ID,
 - c. Social Security Card,
 - d. Birth Certificate, or
 - e. Passport.
2. Have each subject of a background check, 18 years of age and older, complete the Application for Criminal History Background Check (SF 53259):
 - a. The subject of the check's legal name should be used as it appears on a current government issued picture ID,
 - b. The subject of the check must sign and date the form, and
 - c. The adoption worker must place the original form in the file after completion of the Background Check Process.

¹ The "adoption worker" may either be DCS or the LCPA worker. The person conducting the home study would complete the required background checks.

3. Register each person 18 years of age and older for a Fingerprint-Based Check, unless he or she requests an Exception to Fingerprinting. See policy 13.15 Fingerprint-Based Checks for further information.
4. Conduct a Local Criminal Court Records Check on all persons 18 years of age and older by completing a court record search, including all aliases, in each county court and applicable city courts where the subject of the check has resided the past five (5) years. For further instructions see the Local Criminal Court Records Check Instructions – Available on the Background Check Resources SharePoint;
5. Conduct a National Sex Offender Registry Check for all persons 14 years of age and older, using the DRU SJODIN National Sex Offender Public Website:
 - a. Search each name or combination of names used within the subject’s lifetime individually.

Note: If searching a common name and results show multiple matches, narrow the search by state. If this occurs, search every state the subject has resided for the past five (5) years.

- b. Print out the results of each name searched,
 - c. Sign and date the printed results, and
 - d. Write “NO MATCH” on the printed page if there is no match.
6. Conduct an Indiana CPS History Check for all persons six (6) years of age and older by:
 - a. Completing Section A of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802).
 - b. Having the subject of the check or representative, if a minor, complete Section B of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802), and
 - c. Completing a state-wide search within the case management system and reflect the results of the search in Section C of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802).

Note: LCPAs are unable to access this information and will need to submit a request to COBCU using the KidTraks Vendor Portal or send a copy of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802) (with section A and B complete) to the local office for completion.

7. Conduct a CPS search for each additional state in which the household member has resided during the past five (5) years, if applicable. Locate information for a CPS administrator to process the search request at Out-of-State CPS Contact List – Available on the Background Check Resources SharePoint.

Note: If a household member has CPS history in any state, refer to policy 13.08 Evaluating Background Checks for Adoptions for further required action.

The FCM Supervisor will:

1. Ensure all appropriate background checks have been conducted and documented; and
2. Complete and submit the Request for Additional Funding (SF 54870) to the Division Manager (DM) or Local Office Director (LOD), when applicable.

PRACTICE GUIDANCE

Undocumented Individuals

Fingerprints are still required if an individual is undocumented. For adoptions, the adoption worker should contact the COBCU for instructions and approval. The fingerprint registration for the purpose of adoption cannot be completed without a valid SSN or the assistance of COBCU. A request to COBCU should be emailed to cobcuinquiry@dcs.in.gov, and include the following information (#1 - #14) for **each** applicant **and** all household members, that do not have a SSN:

1. Legal name, maiden name, and all aliases;
2. Date of birth (DOB);
3. Height;
4. Weight;
5. Eye color;
6. Hair color;
7. Country of birth;
8. Country of citizenship;
9. Short explanation of how long the individual has been in the United States of America (USA);
10. Steps taken by the individual, if any, to become a legal resident in the USA and obtain a SSN;
11. Copy of a current government-issued photo ID;
12. Completed and signed Application for Criminal History Background Check (SF 53259);
13. Address of the location where the individual wants to be printed; and
14. Three (3) dates and times that the individual is available to be printed.

Note: The FCM may complete a referral through KidTraks for the International and Cultural Affairs (ICA) liaison to assist in locating the required documents. See policies 2.22 International and Cultural Affairs Services and 2.23 Verifying Citizenship or Immigration Status for further guidance.

Notifying the Adoption Worker of Arrest, Conviction, or Substantiation of Abuse or Neglect

The prospective adoptive home must notify the adoption worker within 24 hours of the arrest, conviction, or substantiation of abuse or neglect of the prospective adoptive parent, or a household member. The adoption worker and supervisor will evaluate the severity and seriousness of the offense on a case-by-case basis. If there is an arrest that results in a conviction or CPS substantiation, the COBCU should be contacted for additional guidance and instruction.

Employees, Contractors, and Volunteers of the Prospective Adoptive Home, including Child Care Providers

If the family utilizes a child-care provider who is licensed by the Division of Family Resources (DFR), all background checks have already been completed as part of the licensing process. DCS should not complete additional background checks. Background checks are not required on employees, contractors, and/or volunteers of a prospective adoptive home including child-care providers. Discretion may be used to decide if a CPS History Check, National Sex Offender Registry, and/or Limited Criminal History Check should be completed. However, Fingerprint-Based Checks should not be conducted.

Private Adoptions

DCS does not conduct Fingerprint-Based Checks for domestic or international private adoptions. The private adoption agencies and/or legal representative will run Fingerprint-Based Checks through the Indiana State Police (ISP). The only exception is when the prospective private adoptive home is applying for AAP through DCS.

FORMS AND TOOLS

1. [Application for Criminal History Background Check \(SF 53259\)](#)
2. DCS Ward Adoption Registration Instruction for Fingerprinting in Indiana – Available on the [Background Check Resources SharePoint](#)
3. [Dru Sjodin National Sex Offender Public website](#)
4. [Child Protective Index Checks/Child Protection Services History Checks/CANS/Adam Walsh Checks/Out of State Child Welfare Agency](#)
5. Local Criminal Court Records Check Instructions – Available on the [Background Check Resources SharePoint](#)
6. Out-of-State CPS Contact List – Available on the [Background Check Resources SharePoint](#)
7. [Request for Additional Funding \(SF 54870\)](#)
8. [Request for Child Protection Service \(CPS\) History Check \(SF 52802\)](#)

RELATED INFORMATION

N/A