

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 8: Out of Home	Effective Date: 3/1/07
	Section 6: Conducting Background Checks for Unlicensed Placements	Version: 1

POLICY [NEW]	OLD POLICY: N/A
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For unlicensed relative placements, there is no fingerprint processing fee for the applicant (s).

DCS requires Child Protection Services History checks on all persons age 0 to 13 years who live in the household. This will be done to assess placement capacity and compatibility.

Prior to placing a child in an unlicensed home, the Indiana Department of Child Services (DCS) will complete a background check on all persons¹ age 14 and older, who live, volunteer or work in that household.

For unlicensed placements, a “background check” for persons age 14 to 17 will consist of the following criminal (or juvenile) and civil history checks:

1. State Limited Criminal History Check
2. Indiana State Juvenile History
3. Sex and Violent Offender Registry
4. Child Protection Services History
5. Local law enforcement agencies (LEA)/county sheriff records

For unlicensed placements, a “background check” for all persons 18 and older will consist of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History which includes Indiana State Juvenile History and a 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 requires the following additional background checks:

1. for every new household member²;
2. for a new employee or volunteer in the household who has or will have direct contact, on a regular and continuing basis, with children who are under the supervision of DCS.

Note: Effective July 1, 2007, employees and volunteers for whom a criminal history check is required have a 90-day provisional status while the criminal history is being conducted and evaluated. During this time, the employee or volunteer may not have direct contact with a child unless in the presence of another employee or volunteer who has completed an

¹ This does not include children who are under DCS supervision.

² 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.

approved criminal history check. When determining whether to provisionally hire or assign as a volunteer, the applicant or licensee must consider:

1. The training time required by an employee or volunteer.
2. The safety and security of the children under the supervision of the applicant or licensee.
3. The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.
4. The staffing concerns of the applicant or licensee.
5. Any other factor relating to the safety and security of the applicant's or licensee's operation.

Background checks may be conducted when moving a child to the custody of the non-custodial parent. Non-custodial parents cannot be licensed to provide care for their child.

If all members of the household have completed a DCS background check within the past four (4) years, DCS will not conduct a new background check if a subsequent placement is made in the same unlicensed home. Background checks conducted for unlicensed relative placements can be used for foster care licensing as long as less than four years has lapsed since the check was completed. For adoption, the checks can be used as long as less than one year has lapsed since the check was completed. The evaluation criteria are different for these three actions. Therefore, the Background Check Unit must re-evaluate the qualification status of the applicant.

DCS requires the applicant to notify the family case manager (FCM) within 24 hours of the arrest or conviction of the applicant/licensee or any household member.

All unlicensed relative placements must begin the licensing process, by completing an application for initial licensure. The application must be signed and dated prior to placement of a related child. An application for initial licensure consists of one of the following:

1. Completion of the name-based criminal history check and signature on the [Application for Criminal History Background Check](#) form; or
2. Completion of the [Application for a Foster Home License SF 10100/CW 0317](#).

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](#).

Complete the procedural steps below to conduct a background check for unlicensed placement. Then refer to policy [12.30 Evaluation of Background Checks for Foster Family Home Licensing](#). Applicants who do not meet criteria to be licensed will be denied licensure and then can be considered for unlicensed placement status. Refer to separate policy, Chapter 13 Denials and Chapter 8, [Evaluations of Background Checks for Unlicensed Placements](#).

Code References

- [IC 31-34-4-2 Placement of child with relative; criminal history check required; exceptions](#)
- [IC 10-13-3-31 Release of data to subject person; fee; challenge of data authorized](#)
- [IC 10-13-3-27.5 Record check by department of child services under exigent circumstances](#)
- [IC 31-9-2-22.5 Definition of criminal history check](#)
- [-34-18-6.1 Predispositional report; contents](#)
- [IC 31-26-5 Family preservation services](#)

- [IC 31-34-20-1.5 Placement in household with certain individuals prohibited; exceptions](#)
- [240 IAC Article 6: Criminal History Record Information](#) (State Police Department)

PROCEDURE

**EMERGENCY PLACEMENTS MADE PRIOR TO DETENTION HEARING AND
PLACEMENTS MADE AFTER THE DETENTION HEARING {BOTH USE STEPS 1-7}**

The family case manager will complete the following steps:

1. Verify the identity of all individuals living in the home, regardless of age, by reviewing one available and valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. Refer to separate policy, [2.10 Verifying Identity](#).
2. Complete a search for all individuals in the home, regardless of age, for previous Indiana Child Protection Services (CPS) history and evaluate. Refer to separate policy, [8.7 Evaluation of Background Checks for Unlicensed Placements](#).
3. Complete an Indiana State Limited Criminal History Check for all persons 14 -17.
4. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state in which the individual is known to have resided for the past five (5) years.
5. Visit the prospective home and interview the primary substitute caregiver and other adults who will provide care for the child. Assess the appropriateness of the placement, and discontinue the placement process if warranted.
6. Prepare the family for fingerprinting for the National Criminal History Check by explaining the fingerprinting process. Refer to related information.
7. Complete the applicable sections on the [Application for Criminal History Background Check](#). Assist the prospective placement with completing the remaining information.
 - a. The form is not complete until it is signed and dated.
 - b. The form must be signed and dated prior to any placements being made in the home.

EMERGENCY PLACEMENTS MADE PRIOR TO DETENTION HEARING

8. When requesting a Name-based Criminal History Check, contact the Indiana State Police (ISP) Headquarters. The FCM can call 317-232-8294 or 800-622-4961 and identify him/herself through an assigned password, and challenge question via phone. Convey all required identifying information from the Application for Criminal History Background Check . ISP will not run the check if any of the required information is missing.

Within 24 hours³ after requesting the check, transmit a copy of the [Application for Criminal History Background Check](#) to ISP, attention: Data Operations fax: 317-234-4427 or email: DOC@ISP.state.in.us.

Note: DCS MUST comply with this step. Failure to do so places the interagency agreement between DCS and ISP in jeopardy

9. The FCM will instruct the prospective placement to be printed at a LEA/sheriff's office, ISP post or DCS fingerprint vendor. All household members for whom a name-based check was completed must be fingerprinted within 72 hours. Return each fingerprint card and the Application for Criminal History Background Check to the FCM. Failure to return the completed information within the required time frame will necessitate removal of the children from the home.
10. When the prospective placement returns all completed fingerprint cards and forms, document receipt of each item before forwarding to the Central Office Background Check Unit. Verify that the following information is completed legibly on the fingerprint card:
11. Make a copy prior to sending to the Central Office Background Check Unit.
12. **Within 72 hours** of completing the Name-based Criminal History Check, the FCM will ensure that every member of the household aged 18 and older has been fingerprinted. Verify receipt of the completed fingerprint cards by checking the log book at the local DCS office. See Practice Guidance for details.

If any household member aged 18 and older failed or refused to get fingerprinted, the FCM will:

1. remove any children that were placed in the home pending the results of a Fingerprint-based National Criminal History Check.
 2. update the [National Criminal History Record Information](#) to document the efforts made by DCS to convince the individual(s) to submit to fingerprinting and the reason(s) why the individual(s) declined.
 3. document household's failure to complete the fingerprinting process in ICWIS.
13. **Within 30 days** of placing a child, the FCM will:
- a. complete a search of CPS records for all other states in which each individual living in the home, regardless of age, is known to have resided for the past five (5) years.
 - b. complete a search of the Sex and Violent Offender Registry for every state in which the individual is known to have resided for the past 5 years.
 - c. complete a search of local police and sheriff records.
 - d. ensure the results from the fingerprint-based national criminal history check and the Indiana State Juvenile History Data check are received.
 - e. Re-evaluate the appropriateness of the placement based on the results of these checks and, if needed, take appropriate action. See separate policy, [8.7 Evaluating Background Checks for Unlicensed Placements](#).

³ There is no exception for weekends and holidays. Example: FCM calls in name-based check Friday at 5pm. He/she must transmit a copy of the form by 5pm Saturday.

14. Summarize the results of the checks, without referencing specific convictions, etc., and the decision in ICWIS in the assessment (investigation) log notes.

The Central Office Background Check Unit will provide a letter to the FCM informing them of the qualifying status. The FCM must inform prospective placement of the final determination. If the applicant is qualified based upon criminal history, the FCM will summarize the results of the checks, without referencing specific convictions, and the placement decision in ICWIS.

15. For conditionally disqualified or disqualified, refer to separate policies, [8.7 Evaluation of Background Checks for Unlicensed Placements](#).
16. At the appropriate time, the FCM will submit the results of the background checks to the Court.

PLACEMENTS MADE AFTER THE DETENTION HEARING

17. The FCM should instruct the prospective placement to be printed at a LEA/sheriff's office, ISP post or DCS fingerprint vendor.
18. When the prospective placement returns all completed fingerprint cards and forms, document receipt of each item before forwarding to the Central Office Background Check Unit. Verify that the following information is completed legibly on the fingerprint card:
 - a. Signature of the prospective placement (Signature of Person Printed) in **black** ink.
 - b. The printed first and last name (include middle initial, if applicable).
 - c. Date applicant was printed.
 - d. Reason printed (Emergency Placement IC 10-13-3-27.5 or Non-Emergency Placement).
 - e. Social Security number.
 - f. Sex, race, height, weight, eye color, hair color, place of birth, and date of birth.
 - g. County name in "Reason Printed" box.
19. Make a copy prior to sending to the Central Office Background Check Unit.
20. The Central Office Background Check Unit will provide notification to the FCM informing them of the qualifying status. The FCM must inform prospective placement of the final determination. If the applicant is qualified based upon criminal history, the FCM will summarize the results of the checks, without referencing specific convictions, and the placement decision in ICWIS.
21. For conditionally disqualified or disqualified, refer to separate policies, Chapter 8, [8.7 Evaluation of Background Checks for Unlicensed Placements](#).
22. At the appropriate time, the FCM will submit the results of the background checks to the Court.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Application for Criminal History Background Check, SF 53259 / CW 3610](#)
2. [Request for a Child Protection Services \(CPS\) History Check, SF 52802 / CW 2128](#)

RELATED INFORMATION

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 their designees should contact the Central Office Background Check Unit when replacement cards are needed.

Special Fingerprinting Issues

1. 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.
2. 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 FBI rejects the applicant's fingerprints twice, ISP will coordinate with the FBI to allow 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 Indiana 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 subject of the check's criminal history to the subject of the check **if** the disqualifying decision is challenged. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the disqualification. DCS may disclose to the employer the general category (listed felony, general felony or misdemeanor) on which the decision was made.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police

Disclosing State Limited Criminal History Check Information to the Subject of the Check

DCS may provide a copy of the state limited criminal history check to the subject of the check or the subject's employer.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police

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. For individuals age 14-17, request this check from ISP.

Indiana Limited Criminal History

A Limited Criminal History contains only felonies and class A misdemeanor arrests within the State of Indiana. 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.

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 Access Indiana 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. This information is a public record.

CPS History

In Indiana, CPS history is checked by searching the electronic Child Protection Index (CPI) and to the extent possible, all hard copy records. The CPI 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.

Name-based National Criminal History

REMINDER: THIS CHECK IS ONLY FOR EMERGENCY PLACEMENTS MADE PRIOR TO THE DETENTION HEARING.

IC 10-13-3-27.5 allows family case managers (FCMs) the ability to access national criminal history information without fingerprints at the time of an emergency placement. An emergency placement is considered to be the time at or after removal and before a detention, hearing order has been made. It can also include any time after an order (either detention or otherwise) has been made that a situation is determined to be an emergency by either the agency or the court as is necessary to protect the health or safety of the child. Emergency placements typically involve exigent circumstances. In either case, the name-based query is only used to provide immediate results for an emergency placement, with fingerprints to follow within 72 hours to verify identity and results. Do not attempt to use the name-based query for non-emergency placements. This violates the law and DCS procedure. This check retrieves information from the Interstate Identification Index or "Triple I." The Federal Bureau of Investigation (FBI) maintains it. The check can be conducted in-person at an Indiana State Police (ISP) post or via phone from any location. The FCM can call 317-232-8294 or 800-622-4961, identify him/herself through an assigned password, and challenge question. **Reminder: The FCM must not share his/her password and challenge question with anyone, including other FCMs.** The FCM will be asked for a reason code, which is "Emergency Placement." If the FCM has trouble using his/her password, the FCM should send an email requesting help to: background.check@dcs.in.gov. The FCM will receive an immediate verbal report of the applicant's name based criminal history.

Important reminders:

1. The FCM must transmit to the Indiana State Police headquarters the Application for Criminal History Background Check form within 24 hours of requesting a name-based check.
2. If an individual for whom the FCM has conducted a name-based check subsequently refuses to submit to fingerprinting, the FCM must document the reason why in the National Criminal History Record Information County Log Sheet.
3. If an FCM runs a name-based check on an individual and subsequently decides not to use that individual as a placement, the individual must still complete the fingerprinting process. Failure to do so would be a violation of FBI procedure.

Becoming Authorized to Request Name-based Criminal History Checks

FCMs must register to become authorized to request name-based criminal history checks through ISP. To register, an FCM must send the following information to his/her local office director or the director's designee. (If the local office director/designee determines that it is appropriate to authorize the FCM, the director/designee will forward the information via email to background.check@dcs.in.gov. FCMs should NOT email information directly to background.check@dcs.in.gov.)

Determine your password: Your password must be your initials (two: first and last name, or three: first, middle and last) and the last four digits of your Social Security number. Example: John Smith's password would be "JS4823." Jill Marie Johnson would be "JMJ7621."

1. Select your challenge question and give your answer: Your challenge question can be:
 - (a) your mother's maiden name; **or**
 - (b) the name of the high school from which you graduated.

You must include the challenge question **and** answer. **NO OTHER CHALLENGE QUESTIONS CAN BE USED.**

Your password and challenge question and answer will be submitted to ISP on the Friday of the week it is received in Central Office. ISP will enter your information into a database which will complete your authorization (allow approximately one week). Until you are authorized, you are responsible for working with your supervisor to arrange for an authorized user to complete name-based checks for your cases.

Conducting Background Checks on Non-Custodial Parents

Background checks can be conducted on the non-custodial parent if the FCM has reason to question the safety of the placement or if risk factors are present. Safety or risk factors that would necessitate a criminal history check include but are not limited to the following:

1. Child raises concern regarding the placement.
2. Custodial parent or members of the Child and Family Team have concerns regarding the placement.
3. Custodial parent or member of the Child and Family Team report past or current criminal history perpetrated by the non-custodial parent.
4. Non-custodial parent does not have regular visitation with the child (ren).

The FCM must document in ICWIS if criminal history checks are not conducted on a non-custodial parent.

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