

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 10:</b> Adoption/Permanency	<b>Effective Date:</b> October 1, 2007
	<b>Section 12:</b> Conducting Background Checks for Adoptions	<b>Version:</b> 2

<b>POLICY</b>
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The Indiana Department of Child Services (DCS) will complete background checks for private domestic adoptions **only** if ordered by a court to complete the Report and Recommendation Summary for adoption finalization.

DCS will complete background checks on all persons who reside in a prospective adoptive household as well as anyone employed or volunteering in the home who has or will have direct contact, on a regular and continuous basis, with children who are or will be under DCS supervision in the home:

1. As part of the home study of the household;
2. Prior to written approval of the pre adoptive placement:
  - a. If the child is not already in the home and 12 months have elapsed since the home study, a new background check must be completed, and
  - b. If the child is already in the home and 12 months have elapsed since placement or home study, a new background check must be conducted prior to changing the child's placement status from "foster care" to "adoption."
3. Prior to the court's finalization of the adoption if 12 months have elapsed since placement or home study.

**Note:** If a family has been finger printed for the purpose of relative placement or foster care license, a new check must be completed for the purpose of adoption if more than 12 months have lapsed.

DCS requires Child Protection Services (CPS) history checks on all persons aged 0 to 13 years who live in the household.

A background check for persons age 14 to 17<sup>1</sup> will consist of the following criminal (or juvenile) and civil history checks:

1. State Limited Criminal History Check;
2. Indiana State Juvenile History;

**NOTE:** There is no current procedure to complete checks # 1 and 2 above on 14 to 17 year olds. Once a procedure is available, DCS local offices and Licensed Child Placing Agencies (LCPAs) will be notified.

3. Sex and Violent Offender Registry;
4. Child Protection Services History (CPI); and
5. Local Law Enforcement Agencies (LEA) and /or county sheriff records.

<sup>1</sup> This excludes the child being adopted. Background Checks are not completed on children who are being adopted.

A background check for persons age 18 and older 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. CPS History; and
4. LEA and/or sheriff records.

**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 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; and
5. Any other factor relating to the safety and security of the applicant's or licensee's operation.

DCS requires the prospective preadoptive applicants/petitioners to notify the adoption worker within 24 hours of the arrest or conviction of the applicant/petitioner or any household member.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws as outlined in separate policy, [2.6 Sharing of Confidential Information](#).

#### Code References

1. [IC 31-19-11-1: Decree; affidavit; felony convictions](#)
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 31-19-2-7.5: Submission of information, forms, or consents for criminal history check](#)

See separate policy, [10.13 Evaluating Background Checks for Adoption](#)

## **PROCEDURE**

The adoption worker will complete the following steps:

1. Verify the identity of all individuals living in the home, regardless of age, by reviewing an available valid, government-issued identification document (e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. See separate policy, [2.9 Verifying Identity](#));
2. Complete a search for previous CPS history and evaluate. Check and evaluate CPS records for Indiana and **all other states** in which each individual is known to have resided for the past five (5) years. See separate policies [12.30 Evaluation of Background Checks for Foster Home Licensing](#) and [12.18 License Denials](#). In Indiana, CPS history is checked by searching the electronic CPI and all hard copy

records. The CPI database is accessible through the Indiana Child Welfare Information System (ICWIS) or online at <http://www.in.gov/dcs/protection/onlineservices.html>. LCPAs are unable to access this information and will need to send a copy of the [Request for Child Protection Services \(CPS\) History Check \(SF52802/CW2128\)](#) form to the DCS local office to obtain results. 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);

3. 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. For Indiana, the link is: <http://www.insor.org/insasoweb/>. For all other states, the link is <http://www.fbi.gov/hq/cid/cac/registry.htm>;
4. Search LEA and/or sheriff records for every county and/or state in which the individual is known to have resided for the past five (5) years;
5. Prepare the family for fingerprinting for the National Criminal History check by explaining the fingerprinting process.
6. The adoption worker completes the [Application for Criminal History Background Check \(SF53259/CW3610\)](#) form and gives a copy to the fingerprint applicant.
  - a. The fingerprint applicant should be instructed to register for electronic fingerprinting online at <http://dcspf.sofn.net> (the applicant can call 1-877-323-8885 if he or she does not have Internet access),
  - b. During the registration process, the fingerprint applicant will be asked for the information contained on the [Application for Criminal History Background Check \(SF53259/CW 3610\)](#),
  - c. After the fingerprint applicant provides this information, he or she will be prompted to select a fingerprint location and will be prompted for payment (if payment is required),
  - d. Next, the fingerprint applicant will be prompted to enter demographic data and then will be given a bar code receipt. This completes the registration process, and
  - e. The fingerprint applicant should then call the fingerprint location selected to see if an appointment is necessary. The fingerprint applicant must take the bar code receipt (or the number listed on the bar code receipt) and the I.D. used during registration to the fingerprint location selected. Fingerprinting cannot take place without these two items.
7. The Central Office Background Check Unit will provide notice, via email, to the DCS local office or agency background check contact informing him or her of the qualifying status. The DCS local office or agency contact must inform the applicant/petitioner of the final determination. See separate policy, [10.13 Evaluating of Background Checks for Adoptions](#). If the applicant provides an email address during registration, the applicant will also be notified;
8. If the subject of the check is qualified for adoption based upon criminal history, the adoption worker will continue with the adoption preparation process. See [Chapter 10, Adoption](#), for the next steps depending upon whether the applicant is at the preadoptive placement, home study, placement status change, or adoption finalization stage; and
9. For subjects who are conditionally disqualified or disqualified based upon criminal history checks, see to separate policy, [10.13 Evaluating of Background Checks for Adoptions](#).

For background checks for children under the care and supervision of the Juvenile Court or DCS (including children who are at the preadoptive placement, home study, change of placement status from “foster care” to “adoption”, or adoption finalization stage) and for private

domestic adoptions for which DCS has been court ordered to complete the home study, the adoption worker will:

1. Complete steps 1-8 outlined above; and
2. Submit the results of the background checks to the court with the Report and Recommendations Summary; or attach the qualified or disqualified letter to the home study.

**Note:** DCS must make a recommendation on the suitability of the home but will defer to the court to evaluate the criminal history findings.

For background checks by private adoption agencies and for children NOT under the care and supervision of the Juvenile Court or DCS and DCS has not been court ordered to complete the home study, the private agency will run its own background checks through the Indiana State Police (ISP) using the National Child Protective Act Check. A copy of the results is to be submitted directly to the LCPA. DCS is not involved in the background check process.

#### **Administrative Website:**

Upon request, DCS local offices and other private agency staff will be provided access to the administrative website to check the status of fingerprint applicants associated with their local office/agency. To obtain a user name and password to access the administrative website, contact the Background Unit at [Background.Checkunit@dcs.in.gov](mailto:Background.Checkunit@dcs.in.gov).

### **FORMS AND TOOLS**

1. [Application for Criminal History Background Check \(SF53259/CW3610\)](#)
2. [Request for Child Protection Services \(CPS\) History Check \(SF52802/CW2128\)](#)

### **RELATED INFORMATION**

#### **Special Fingerprinting Issues**

**Homebound:** If an individual is homebound and cannot appear at a facility for fingerprinting, the adoption worker should contact ISP to request the individual fingerprinting process be completed in the home. If additional assistance is required, please contact the DCS Central Office Background Check Unit.

**Unreadable Prints:** For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the Federal Bureau of Investigations (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, notification will be sent to the applicant that they must be reprinted. If the subject'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. If prints are rejected multiple times by the State Police and are deemed unreadable (e.g. due to skin condition or age), they will be sent to the FBI for a manual read. The timeframe for a manual read is longer than a routine check.

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

Upon request, agency staff will be provided access to the administrative website to check the status of prospective placement prints. You will be able to tell from this site whether the potential placement resource has actually obtained fingerprints. A user name and password may be obtained by emailing the Background Check Unit at [background.checkunit@dcs.in.gov](mailto:background.checkunit@dcs.in.gov).

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

Agencies 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 based.

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 ISP.

### **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**

**Note:** At the present time, ISP does not have a procedure in place for DCS to obtain this information without fingerprints for 14 to 17 year olds. DCS will update staff once this procedure is in place.

### **Indiana Limited Criminal History**

A Limited Criminal History contains only felonies and Class A misdemeanor arrests within the State of Indiana and can only be conducted on those individuals 18 years of age and older. 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).

**Note:** At the present time, ISP does not have a procedure in place for DCS to obtain this information on 14-17 year olds without fingerprints. DCS will update staff once this procedure is in place.

### **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