



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 13: Background Checks

Section 05: Conducting Background Checks for Non-Emergency Unlicensed Placements

Effective Date: October 1, 2022

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POLICY OVERVIEW

This policy applies to non-emergency unlicensed placements. For emergency unlicensed placements, see policy 13.11 Conducting Background Checks for Emergency Unlicensed Placements.

The Indiana Department of Child Services (DCS) requires background checks to be conducted on all non-emergency unlicensed placements to help ensure the safety and well-being of children placed in their care.

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PROCEDURE

Background checks for a non-emergency unlicensed placement are required prior to the placement of a child in the home for:

1. Household members; and
2. All persons who:
 - a. Stay in the home 21 days or more, within a 12-month period (the days do not have to be consecutive), or
 - b. Work or volunteer in the home with a child who is under the direct supervision of the unlicensed resource.

A child will remain in the current placement until all background checks listed below are completed and cleared:

1. A Child Protective Services (CPS) History Check for Indiana and every state in which the subject of the check has resided during the last five (5) years, for all individuals six (6) years of age and older;

Note: States must be searched based on where the person has resided during the last five (5) years. However, CPS history is reported from those states as far back as there are records or to the date that state's law indicates records should be maintained. Indiana maintains substantiated history back to 1988.

2. A National Sex Offender Registry Check for all individuals 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 individuals 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 National Criminal History Check (Fingerprint-Based Check) for all individuals 18 years of age and older must be completed and returned with qualified results. 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, adoption, or employment) may not be used for the purpose of unlicensed placement. A new fingerprint-based check will be required.

An Interstate Identification Index (Triple I Check) will not be completed for non-emergency placements. See policy 13.11 Conducting Background Checks for Emergency Unlicensed Placements for additional information regarding Triple I Checks completed for emergency unlicensed placements.

After a child is placed in an unlicensed resource home, DCS requires completion of background checks on:

1. 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). Required background checks are to be completed and returned with qualified results or a granted waiver prior to a new household member moving into the unlicensed resource home;
2. Current household members who turn six (6), 14, or 18 years old. Any required background checks not completed previously (based on the individual's age) must be initiated 30 days prior to the household member's birthday; and

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.

3. New employees and/or volunteers in the home. Required background checks are to be completed and returned with qualified results or a granted waiver before the subject of the check may begin working or volunteering in the unlicensed resource home.

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

The Family Case Manager (FCM) will:

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.

Note: If the identity of an undocumented individual is unable to be verified, a request should be sent to the DCS Central Office Background Check Unit (COBCU) email.

2. Have each subject of a background check, who is 18 years of age and older, complete the Application for Criminal History Background Check:
 - a. The subject of the check's legal name should be used as it appears on a current government-issued photo ID,

- b. The subject of the check must sign and date the form, and
 - c. The FCM should check the form for completeness, review the attestation statement, and must place the original Application for Criminal History in the case file;
3. Register persons 18 years of age and older for the Fingerprint-Based Check unless the individual is requesting an Exception to Fingerprinting. See policy 13.15 Fingerprint-Based Checks for additional information;

Note: For the purposes of non-emergency placement, a Social Security number (SSN) is not required to register for fingerprints.

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 during the past five (5) years. See the Local Criminal Court Records Check Instructions – Available on the Background Check Resources SharePoint; and
- a. For Indiana, search the MyCase website for the subject in each Indiana county court, as well as applicable city courts, in which the subject resided the past five (5) years.
 - b. For all other states, contact every town/city/county court for which the subject has resided the past five (5) years to process the records check.
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 in which 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 with the local office as the requesting organization,
 - b. Having the subject of the check, or representative if a minor, complete Section B of Indiana Request for a Child Protection Services (CPS) History Check, and
 - c. Completing a state-wide search of the case management system and reflect the results in Section C of the Indiana Request for a Child Protection Services (CPS) History Check;
7. Conduct a CPS History search for every other state in which the individual has resided during the past five (5) years, if applicable. Locate information for a CPS administrator or local office designee to process the search request by using the Out-of-State CPS Contact List – Available on the Background Check Resources SharePoint;

Note: If the person has CPS history in any state, refer to policy 13.06 Evaluating Background Checks for non-emergency unlicensed placements for further guidance.

8. Ensure the subject of the check is aware that they must notify the FCM within 24 hours of an arrest, conviction, or substantiation of Child Abuse and/or Neglect (CA/N); and

Note: The local DCS office shall contact COBCU for additional guidance.

9. Document all information gathered in the case management system.

The FCM Supervisor will:

1. Staff with the FCM and provide guidance and assistance with required tasks, as needed;
2. Ensure safety concerns for the FCM and child are addressed; and
3. Ensure the FCM has completed all tasks and documented the information gathered regarding the completed background checks in the case management system.

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RELEVANT INFORMATION

Definitions

Emergency Unlicensed Placement

Emergency unlicensed placement is defined as placement in a kinship or relative home (not a biological or adoptive parent's home) when a child must be placed in out-of-home care, but due to the urgent nature of the need for this placement, there is not enough time to wait for those in the home to be fingerprinted and for fingerprint results to be returned.

Non-Emergency Unlicensed Placement

Non-emergency unlicensed placement is defined as placement in a kinship or relative home (not a biological or adoptive parent's home) when a child will be placed in out-of-home care, but the nature of the situation allows the child to remain in the current placement for a period of time.

Subject of a Background Check

For the purposes of this policy, the subject of a background check is defined as an individual who would stay, work, or volunteer in a non-emergency unlicensed placement.

Forms and Tools

- [Application for Criminal History Background Check \(SF 53259\)](#)
- Background Check Matrix for Unlicensed Placements and Foster Care – Available on the [Background Check Resources SharePoint](#)
- Central Office Background Check Unit (COBCU) email - cobcuinquiry@dcs.in.gov
- DCS Non-Emergency Relative/Kinship Registration Instruction for Fingerprinting in Indiana - Available on the [Background Check Resources SharePoint](#)
- [DRU SJODIN National Sex Offender Public Website](#)
- [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)
- Local Criminal Court Records Check Instructions – Available on the [Background Check Resources SharePoint](#)
- [MyCase Website](#)
- Out-of-State CPS Contact List – Available on the [Background Check Resources SharePoint](#)

Related Policies

- [2.09 Verifying Identity](#)
- [13.06 Evaluating Background Checks for Non-emergency Unlicensed Placements](#)
- [13.11 Conducting Background Checks for Emergency Unlicensed Placements](#)
- [13.15 Fingerprint-Based Checks](#)

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LEGAL REFERENCES

- [240 IAC Article 6: Criminal History Record Information](#)
- [IC 10-13-3-27.5: Record check by department of child services under exigent circumstances; transmittal of report copy; providing fingerprints; removal of child for failure to provide fingerprints; compliance with federal law; contesting denial of placement; fee](#)
- [IC 10-13-3-31: Release of data to subject person; fee; challenge of data authorized](#)
- [IC 31-9-2-22.5: "Conduct a criminal history check"](#)
- [IC 31-26-5: Family Preservation Services](#)
- [IC 31-34-18-6.1: Predispositional report; contents](#)
- [IC 31-34-20-1.5: Placement in household with certain individuals prohibited; criminal history checks; exceptions; considerations](#)

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PRACTICE GUIDANCE- DCS POLICY 13.05

Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.

N/A

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