

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 13: : Licensed Residential Agencies and Child Placing Agency	Effective Date: July 1, 2012
	Section 1: Conducting Background Checks for Licensed Residential Agencies and Child Placing Agency	Version: 3

POLICY [REVISED]

The Indiana Department of Child Services (DCS) requires background checks for the purpose of residential and child placing agency licensing (referred to collectively as “DCS-licensed agencies”) on all persons who are a(n):

1. Employee, volunteer and/or intern in DCS-licensed agencies if the employee/volunteer/intern has or will have direct contact, on a regular and continuing basis, with child(ren) who are or will be under the direct supervision of the agency;
2. Manager of a DCS-licensed agency; or
3. Licensing applicant of a DCS-licensed agency

Note: Each employee/volunteer/intern for which background checks are required must have a current job description that indicates that the individual has or will have direct contact, on a regular and continuing basis, with children who are under the direct supervision of the agency.

The following background checks will be conducted on DCS-licensed agencies:

1. Fingerprint-Based National Criminal History Check (Fingerprint-Based Check);
2. Child Protection Services History Check (CPS History Check);
3. Sex Offender Registry Check; and

NOTE: Local Law Enforcement Agency (LEA) Records Check is recommended.

The type of background check conducted will vary based on the age of the subject of the check.

Fingerprint-Based Checks conducted for a specific DCS-licensed agency and purpose may not be used for the same purpose at a different DCS –licensed agency or a different purpose at the same agency unless approved by DCS.

Initial and Relicensure of a DCS-licensed agency

Background checks will consist of the following:

1. For all persons age 18 and older:
 - a. Fingerprint-Based Check,

- b. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
- c. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years.

Note: For all person 18 years or older, DCS suggests the completion of a LEA Records Checks in every state the subject of the check has lived in the last five (5) years.

- 2. For all persons 17 years of age and under:
 - a. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
 - b. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years.

New Hires

Once a DCS-licensed agency has an active license, all background checks must be completed and passed prior to a new employee, volunteer and/or intern having direct contact, on a regular and continuing basis, with child(ren) who are or will be under the direct supervision of the agency.

The DCS-licensed agency will have to complete another background check on the employee/volunteer/intern if the agency license is being renewed and more than one (1) year has passed since the new employee/volunteer/intern was printed.

Exceptions to Fingerprinting

The only exception to fingerprinting a subject of the check is if he or she has a physical disability that makes it impossible to obtain the subject's fingerprint. The exception does not apply to subjects of the checks who can be printed but the quality of the fingerprints is poor. The exception can only be granted by the DCS Central Office Background Check Unit (COBCU) and is for limited and case-specific situations, such as the following:

- 1. When the individual does not have fingers;
- 2. When a person trained to take fingerprints has documented that the subject of the check's disabling condition prevents fingerprinting; or
- 3. When a qualified medical practitioner has documented the subject of the check's disabling condition prevents fingerprinting.

To receive an exception, the following must be sent to the COBCU:

- 1. A letter requesting the exception and explaining the disabling condition; and
- 2. The required documentation from the person trained to take fingerprints, or qualified medical practitioner or evidence that the individual does not have fingers.

If the exception is granted, a non-fingerprint based check is required in every state the subject of the check has lived in the last five (5) years. For Indiana, the required check

is the Indiana Limited Criminal History (LCH) Check. A new fingerprint exception must be requested and granted each time fingerprinting is required. See Practice Guidance.

Annual Reviews

DCS recommends that all DCS-licensed agency employees/volunteers and/or interns that are required to have background checks at hiring, licensure and relicensure have the following annual checks completed:

1. CPS History Check;
2. Sex Offender Registry Check; and
3. LEA Records Check (age 18 and older).

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

Code References

1. [IC 31-27-3-3 Applying for a Child Caring Institution License](#)
2. [IC 31-27-3-5 Denial of a Child Caring Institution License](#)
3. [IC 31-27-5-4 Applying for a Group Home License](#)
4. [IC 31-27-5-6 Denial of a Group Home License](#)
5. [IC 31-27-6-2 Applying for a Child Placing Agency License](#)
6. [IC 31-27-6-3 Denial of Child Placing Agency License](#)

PROCEDURE

DCS residential licensing staff will ensure that the licensing applicant for the DCS-licensed agency completes all steps of the background check process on him/herself and attaches these results to the application for licensure or relicensure when submitting for approval to the DCS Central Office Residential Licensing Unit.

DCS residential licensing staff will check for compliance with the following steps:

The DCS-licensed agency will complete the following background checks for all required personnel:

1. Verify the identity of each subject of the check, regardless of age. See separate policy, [2.9 Verifying Identity](#), by reviewing one (1) available and valid, government-issued identification document such as, but not limited to a:
 - a. Driver's license,
 - b. Photo identification card,
 - c. Passport,
 - d. Social Security card, or
 - e. Birth certificate.
2. Have the subject of the check complete the [Application for Criminal History Background Check \(SF53259/CW3610\)](#) using their legal name as it appears on a current government issued picture ID.
 - a. The subject of the check must sign and date the form, and

- b. Place the original in the subject's personnel file after the completion of the background check process.
 3. Register the person age 18 and older for the Fingerprint-Based Check, unless requesting an Exception to Fingerprinting, which consists of:
 - a. Completing the registration process for subject of the check for electronic fingerprinting through the DCS approved fingerprint vendor and provide the subject with a copy of the registration confirmation number given at the end of the registration process,
 - b. Providing the subject of the check with the customized step by step instructions for registering for fingerprints if the agency is unable to complete the registration themselves (See registering for fingerprinting below),
 - c. Informing the subject of the check to use the same government issued identification used during registration for fingerprints,
 - d. Ensuring the subject of the check is successfully fingerprinted,
 - e. Obtaining the results of the Fingerprint-Based Check, the COBCU will provide a letter via email to the agency contact person handling all background check material and inform them of the Fingerprint-Based Check status.
 1. If fingerprints are rejected, follow the instructions on the Reprint Notice. A 'reprint' appointment must be scheduled. Do not start a new registration or there will be a duplicate charge for the cost of printing. Provide the subject of the check a copy of the notice if they will be scheduling their 'reprint' appointments themselves.
 2. For all other results see separate policy, [13.2 Evaluation of Background Checks for Licensed Residential Agencies and Child Placing Agency](#)
 4. Conduct a Sex Offender Registry Check for all persons and print off the results via the Dru Sjodin National Sex Offender Public website at <http://www.nsopw.gov/Core/Portal.aspx>. If a match is found, refer to separate policy, [13.2 Evaluation of Background Checks for Licensed Residential Agencies and Child Placing Agency](#).

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

5. Conduct a CPS History Check for all persons:
 - a. For Indiana:
 1. The agency will complete Section A of the Indiana [Request for Child Protection Service \(CPS\) History Check \(SF 52802/CW 2128\)](#);
 2. The subject of the check, or representative if a minor, will complete Section B.

Note: DCS-licensed agencies are unable to access the necessary information to complete this check and will need to send a copy of the Indiana [Request for a Child Protection Service \(CPS\) History Check \(SF52802/CW2128\)](#) to the COBCU or the DCS local office.

- b. For all other states, conduct a CPS History check search for every other state the individual has lived for the past five (5) years, if applicable, locate information for a CPS administration or local office designee to process your search request at;
http://www.cclid.ca.gov/AdamWalsh1_2609.htm. Click on “[List of Contacts For Other State’s Child Abuse and Neglect Registries](#)”
 - c. If the subject of the check has CPS history in any state, refer to separate policy, [13.2 Evaluation of Background Checks for Licensed Residential Agencies and Child Placing Agency](#) for further required action.
6. DCS suggests that the DCS-licensed agency conduct LEA Records Checks for all appropriate age persons working or volunteering by:
- a. Requesting a records check from the LEA that responds to a subject of the check’s current home address utilizing the [Application for Criminal History Background Check \(SF53259/CW3610\)](#), Section titled “For Law Enforcement Use Only.”,
 - b. Requesting searches from the appropriate LEA corresponding to ALL other residential addresses the subject of the check has resided during the past five (5) years,
 - c. Upon receiving the results of each check See separate policy. [13.2 Evaluation of Background Checks for Licensed Residential Agencies and Child Placing Agency](#).

PRACTICE GUIDANCE

Notifying DCS of Arrest, Convictions or Substantiation of Abuse or Neglect

DCS requires the applicant and/or their agency’s Human Resources Department or designee to notify the assigned Central Office Residential Licensing Unit Consultant within 24 hours of the arrest, conviction or substantiation of abuse or neglect of the applicant, or any employee/volunteer/intern in the agency. The Central Office Residential Licensing Unit Consultant should evaluate the severity and seriousness of the offense on a case-by-case basis and contact COBCU if additional guidance is needed.

Registering for Fingerprints

If the agency’s Human Resources Department or designee is unable to complete the registration process for the subject of the check, the subject of the check is to be provided a copy of the step by step instructions for registering for fingerprinting through the DCS approved vendor that has been customized to the correct agency or agency name, Human Resources personnel’s or designee’s name, that person’s phone number and the correct reason for printing, and will also include the agency’s billing code for

those agencies having an escrow account and who choose to pay the expense of printing for the subject.

Exception to Fingerprinting

If an Exception to Fingerprinting request is granted, COBCU will run a Indiana LCH. The agency or agency will provide the checks for all other states the subject of the check has resided in the past five years to the COBCU. The COBCU will provide a letter via e-mail to the agency or agency contact person handling all background check material and inform them of the clearance state resulting from the search.

For purposes of the exception for a physical disability, a "qualified medical practitioner" means the following:

1. A physician licensed under IC25-22.5.
2. A physician assistant licensed under IC25-27.5.
3. A physical therapist licensed under IC25-27.
4. An advanced practice nurse licensed under IC25-23.
5. A chiropractor licensed under IC25-10.
6. A psychologist licensed under IC25-33.

FORMS AND TOOLS

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

Special Fingerprinting Issues

Unreadable Fingerprints and Reprint Notice

Fingerprints may be rejected by Indiana State Police (ISP) or the FBI for a number of reasons. Each rejection is evaluated individually. For each Reprint Notice issued the subject of the check must schedule a reprint appointment. Once the necessary number of rejections within the appropriate timeframe has been obtained, COBCU will request that a non-emergency Name-Based Check be processed. Once the name based check has been requested the processing timeframe is longer than a fingerprint check.

Inaccurate Criminal Records

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 arresting agency. For Indiana convictions this would be made to the ISP.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 13: Licensed Residential Facilities and Child Placing Agency	Effective Date: July 1, 2012
	Section 2: Evaluation of Background Checks for Licensed Residential Facilities and Child Placing Agency	Version: 3

POLICY [REVISED]

The Indiana Department of Child Services (DCS) will evaluate all Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks) on all required persons for the purpose of licensing Residential Facilities and Child Placing Agencies (referred to collectively as “DCS-licensed agencies”). The DCS-licensed agency will evaluate the remaining background checks. See separate policy, [13.1 Conducting Background Checks for Licensed Residential Facilities and Child Placing Agency](#).

Fingerprint-Based Checks

The DCS Central Office Background Check Unit (COBCU) will evaluate the results and notify the assigned DCS-licensed agency contact person via e-mail of the Fingerprint-Based Check status.

The COBCU will conditionally disqualify all persons whose criminal history is incomplete and requires further verification.

Note: The subject of the check will remain in a conditionally disqualified status until the subject provides the COBCU with a copy of the required verification of charges, including but not limited to court orders showing disposition and level of conviction, a court order showing dismissal and/or arrest reports. Upon receipt of all necessary verifications, the COBCU will reevaluate the status and issue an amended Fingerprint-Based Check Status Letter to the assigned DCS-licensed agency contact person by e-mail.

The COBCU will disqualify all persons whose criminal history report includes the following, although some may be eligible to file for a waiver (see section on Waivers):

1. Any misdemeanor related to the health and/or safety of a child;
2. Any felony;
3. Four (4) or more misdemeanor convictions; or
4. A juvenile adjudication for an act that if committed by an adult would be one of the 20 felonies listed in the waiver section below.

The COBCU will qualify all persons whose Fingerprint-Based Check Report has no criminal history or reflects arrests and/or convictions that do not result in a conditionally disqualified or disqualified status.

Child Protection Services History Check (CPS History Check)

The DCS-licensed agency will review the completed CPS history results from Indiana, and if applicable, all other states of residency within the past five (5) years and determine if there are reports of any substantiations of child abuse and/or neglect for the subject of the check. If there is a substantiated CPS history in Indiana or the equivalent in another state, a waiver is required for consideration of employment and/or volunteering. (See section on Waivers.)

Sex Offender Registry Check

The DCS-licensed agency will evaluate the Sex Offender Registry Checks to determine if there are any matches. If there is a match the subject of the check cannot be employed or volunteer for the facility. Notify the COBCU immediately. The COBCU will reevaluate the Fingerprint-Based Check Report.

Law Enforcement Agency (LEA) Record Checks

When completed the DCS-licensed agency will evaluate the results of the LEA Records Checks. If there is a felony, four (4) or more misdemeanors, or a misdemeanor that relates to the health and safety of a child, the DCS-licensed agency will contact the COBCU immediately. The COBCU will cross-reference the LEA Record Check with the Fingerprint-Based Check History Report to assure the LEA Records Check do not alter the Fingerprint-Based Check Status. At anytime the DCS-licensed agency believes the LEA Record Check may alter the status of the Fingerprint-Based Check Report, the DCS-licensed agency will contact the COBCU Consultant that is listed on the Fingerprint-Based Check Status Letter for further action.

Waivers

COBCU will accept a request for a waiver of disqualified juvenile history or of substantiated CPS history. COBCU will also accept waivers of disqualifying criminal history if the subject of the check has not been convicted of a misdemeanor related to the health and safety of a child or of any of the felonies listed below:

1. [Murder \(IC 35-42-1-1\)](#);
2. [Causing suicide \(IC 35-42-1-2\)](#);
3. [Assisting suicide \(IC 35-42-1-2.5\)](#);
4. [Voluntary manslaughter \(IC 35-42-1-3\)](#);
5. [Reckless homicide \(IC 35-42-1-5\)](#);
6. [Battery \(IC 35-42-2-1\)](#) within the last five (5) years;
7. [Domestic battery \(IC 31-27-4-13\)](#);
8. [Aggravated battery \(IC 35-42-2-1.5\)](#);
9. [Kidnapping \(IC 35-42-3-2\)](#);
10. [Criminal confinement \(IC 35-42-3-3\)](#) within the last five (5) years;
11. [A felony sex offense under \(IC 35-42-4\)](#);
12. [Carjacking \(IC 35-42-5-2\)](#) within the last five (5) years;
13. [Arson Class \(IC 35-43-1-1\)](#) within the last five (5) years;
14. [Incest \(IC 35-46-1-3\)](#);
15. Neglect of a dependent ([IC 35-46-1-4\(a\)\(1\)](#)) and ([IC 35-46-1-4\(a\)\(2\)](#));
16. Child selling ([IC 35-46-1-4\(d\)](#));

17. **[NEW]** Operating a vehicle while intoxicated (IC [9-30-5](#)) within the last five (5) years.
18. A felony involving a weapon within the last five (5) years under ([IC 35-47](#)) or ([IC 35-47.5](#));
19. A felony relating to controlled substances within the last five (5) years under ([IC 35-48-4](#));
20. An offense relating to material or a performance that is harmful to minors or obscene under ([IC 35-49-3](#)); and/or
21. A felony that is equivalent to a felony listed in subdivisions (1) through (19) for which the conviction was entered in another state.

The DCS-licensed agency will immediately remove the subject of the check from the work schedule if the background check subsequently reveals:

1. Disqualified history or substantiated CPS history that is not waived by DCS; or
2. Disqualified history or substantiated CPS history where a waiver is not being actively pursued.

Code References:

1. [IC 31-27-3-3 Applying for a Child Caring Institution License](#)
2. [IC 31-27-3-5 Denial of a Child Caring Institution License](#)
3. [IC 31-27-5-4 Applying for a Group Home License](#)
4. [IC 31-27-5-6 Denial of a Group Home License](#)
5. [IC 31-27-6-2 Applying for a Child Placing Agency License](#)
6. [IC 31-27-6-3 Denial of Child Placing Agency License](#)
7. [IC 9-30-5: Operating a Vehicle While Intoxicated](#)

PROCEDURE

DCS Residential Licensing staff will ensure that the DCS-licensed agency completes the following steps.

1. For a Fingerprint-Based Check, review the results letter received from COBCU. Where the Fingerprint-Based Check Status is conditionally disqualified or disqualified status;
 - a. Provide a copy of the Fingerprint-Based Check Status Letter to the subject of the check,
 - b. If disqualified, instruct the subject of the check to contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter to determine if the subject of the check is eligible to apply for a waiver. If eligible and the DCS-licensed agency supports the waiver, instruct the subject of the check that a request for a waiver must be submitted to the COBCU within ten (10) days of date of the Fingerprint-Based Check Status Letter. (See #5 below regarding applying for a waiver),
 - c. If conditionally disqualified, instruct the subject of the check to contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter within ten (10) days of the date of the results letter. Provide the requested

documentation to the COBCU Consultant. Upon reevaluation, if the status is disqualified refer to “b” above.

2. Review the results of the CPS History Check;
 - a. If a substantiated CPS history is discovered the DCS-licensed agency will give the subject of the check a copy of the completed Indiana Request for a Child Protection Services (CPS) History Check (SF52802/CW2128) form showing substantiated history. See separate policy, [2.6 Sharing of Confidential Information](#), and
 - b. A request for a Waiver should be filed within ten (10) days of receiving the CPS history at initial licensing, relicensure or hiring . (See Waivers section below The request for the waiver must be granted otherwise the employee or volunteering cannot be hired or volunteer in the DCS-licensed agency. If already hired or volunteering, remove the subject of the check from the schedule immediately.
3. Review the results of the Sex Offender Registry Check for a match to the subject of the check. If there a match for the subject of the check, do not hire or allow the subject to volunteer at the facility. If already employed or volunteering, then remove the subject of the check from the schedule immediately;
4. Review the results of the LEA Record Checks and contact COBCU within five (5) days of the check for further evaluation if there is a felony, four (4) or more misdemeanors, or a misdemeanor that relates to the health and safety of a child. At any time the DCS-licensed agency believes the LEA Record Check report may alter the Fingerprint-Based Check Status, the DCS-licensed agency will contact the COBCU Consultant that is listed on the Fingerprint-Based Check Status Letter for further action;
5. To request a Waiver of a disqualified criminal history and/or substantiated CPS history submit to the COBCU by fax at 317-234-4633 or scan/e-mail at background.checkunit@dcsl.in.gov;
 - a. A signed letter from the subject of the check explaining in detail the situation involving the substantiation or criminal act and addressing:
 1. The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect;
 2. The severity of the offense of abuse or neglect, including jail or prison time served and whether they are currently on probation or parole; and
 3. Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.
 - b. A signed letter on letterhead or email from the DCS-licensed agency's Executive Director or HR director explaining their observations of the subject of the check as well as the reasons he/she does or does not support the Waiver request. Also submit copies of all other background checks (CPS History Check, Sex Offender Registry Check, Fingerprint-Based Check Status Letter, and LEA Records Check).

Note: DCS will not require a new CPS Waiver annually unless a new substantiation is discovered.

6. Place a copy of the results documents for all background checks and any Waiver Letters in the employee or volunteer's personnel file.

Note: A criminal history or CPS waiver granted for the purpose of employment or volunteering in a DCS-licensed agency may not be used for any additional purpose. A new waiver request must be submitted and granted for each additional purpose.

The DCS COBCU will:

1. Evaluate the Fingerprint-Based Check Report within five (5) business days of receipt and notify by e-mail the assigned DCS-licensed agency's contact person regarding the Fingerprint-Based check status; and
2. If either conditionally disqualified or disqualified provide guidance, reevaluate history based on the received documentation, and issue a new Fingerprint-Based Check Status Letter when applicable;
3. For waivers of disqualified criminal history and substantiated CPS history:
 - a. Upon receipt of the waiver request letter from the subject of the check and the DCS-licensed agency's Executive Director or HR director, the COBCU will summarize, make a recommendation, and submit the request to the Deputy General Counsel over COBCU, or designee,
 - b. Deputy General Counsel over COBCU or designee will submit the recommendation to the Background Check Team for a joint decision.

Note: The Background Check Review Team is made up of the DCS Local Office Director and Regional Manager located in the county/region in which the facility is/will be located, and the Deputy General Counsel over COBCU and Residential Licensing or designee. The team decision may be made via phone or email.

- c. Notify by email the DCS-licensed agency's assigned contact person of the waiver decision. A decision will be returned in approximately ten (10) working days and the status will be either "waiver granted" or "waiver not granted."
4. For Exception to Fingerprint request, when the exception is granted, generate the Indiana Limited Criminal History (LCH) check and collect any other state's non-fingerprint based checks from the DCS-licensed agency, evaluate and notify by e-mail the DCS-licensed agency assigned contact person regarding the status.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

Factors for the DCS-licensed agency and Background Check Review Team to Consider when Recommending and/or Approving the Background Check Waivers

Information yielded on all background checks should be considered, including but not limited to the following:

1. The length of time that has passed since the conviction, juvenile adjudication, or CA/N substantiation;
2. The severity of the offense; and/or
3. Evidence of the person's rehabilitation.

Disclosing Fingerprint-Based Check Information

Neither the facility nor the subject of the check shall receive a copy of the official criminal history transcript that contains criminal history reported by the Federal Bureau of Investigation (FBI) and the Indiana State Police (ISP). DCS may verbally disclose the specific crimes to the subject of the check. If any of the checks conducted by DCS reveal an inaccurate record, the subject of the check may formally challenge the record. A Review Challenge of inaccurate information must be made to the law enforcement agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from ISP.

Disqualified Fingerprint Status

Disqualified status means that unless a Waiver is granted the subject of the check is ineligible to be a(n):

1. Applicant for a license;
2. Manager of a DCS-licensed agency; or
3. Employee, volunteer and/or intern in DCS-licensed agency if the employee/volunteer/intern has or will have direct contact, on a regular and continuing basis, with child(ren) who are or will be under the direct supervision of the DCS-licensed agency.

Conditionally Disqualified Fingerprint Status

Conditionally Disqualified status means that until the conditionally disqualifying arrest or conviction is resolved and the status is changed to Qualified (or the status is changed to Disqualified and a Waiver is subsequently granted) the subject of the check is ineligible to be a(n):

1. Applicant for a license;
2. Manager of a DCS licensed agency; or
3. Employee, volunteer and/or intern in DCS-licensed agency if the employee/volunteer/intern has or will have direct contact, on a regular and

continuing basis, with child(ren) who are or will be under the direct supervision of the DCS-licensed agency.

Examples of reported information on a Fingerprint-Based Check Report that will lead to a conditional disqualification include but are not limited to an arrest without a disposition, a conviction without the level of the conviction being a misdemeanor or a felony, or a conviction where additional information on the circumstances of the arrest and conviction are required.

Qualified Fingerprint Status

Qualified fingerprint status means that the subject of the check is eligible to be an applicant for a license, a facility manager, or an employee, volunteer and/or intern in DCS licensed agency if the employee/volunteer/intern has or will have direct contact, on a regular and continuing basis, with child(ren) who are or will be under the direct supervision of the agency, as long as the subject of the check passes all other background checks.