

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Tool: DCS Contractor Waiver Packet	Effective Date: June 1, 2021
	Reference: 13.E (13.16 Waivers)	Version: 1

DCS Contractor Waiver Packet

The following items are required to be submitted to the Central Office Background Check Unit (COBCU) for a DCS Contractor or Subcontractor (referred to collectively as “DCS Contractor”) in one (1) waiver packet within 10 business days from the date of the disqualified fingerprint-based status letter or discovery of a Child Protective Services (CPS) substantiation:

1. Proof of Previous Waiver (if applicable)

The official notice previously issued to the subject by COBCU granting waiver;

2. Letter from the Subject

A signed letter from the subject of the check requesting the waiver. The letter should explain in detail the situation involving each arrest and Child Abuse and/or Neglect (CA/N) assessment. The letter should include, but is not limited to, the following:

- a. The date, location, and charge of each arrest during the subject’s lifetime and:
 - i. Indicate which of the arrests resulted in any type of conviction,
 - ii. Indicate the date of conviction, the final conviction charge, and the level (felony or misdemeanor),
 - iii. Indicate the sentence given for each conviction, time served, time on probation/parole, as well as other court ordered fines, therapy, and other court ordered obligations,
 - iv. Indicate if the subject is currently on probation/parole or the date probation/parole officially ended for each conviction, and
 - v. Provide any information regarding self-referred services related to each conviction or arrest.

- b. Provide the date of each CPS report and assessment involving the subject during the subject’s lifetime, and:
 - i. Indicate if the assessment resulted in a substantiation against the subject, and if substantiated, include the date of the substantiation,
 - ii. Include the final findings (i.e., physical abuse, sexual abuse, and/or neglect) for those assessments that resulted in a substantiation,
 - iii. Indicate whether the child was removed from the subject’s home as a result of the substantiation. If the child was removed, provide an outline regarding the length of time the child was in out-of-home placement, and indicate whether the child has returned to the subject’s home, and
 - iv. Identify the services the subject participated in, indicating which services were successfully completed, and whether these were court ordered services. Also, identify what the subject learned through the services and how the subject’s behavior changed as a result of the services.

- c. Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan by:
 - i. Indicating how the subjects personal experience and education will enhance the subjects ability to complete the job duties, and

- ii. Explaining past and ongoing treatment if mental illness and/or substance abuse was a contributing factor in the previous criminal and/or CPS history of the subject. Provide any supporting documentation.
- d. Include any additional reference letters or documentation that would support any rehabilitation that has occurred in the subject's lifetime, which may be included in the subject's waiver request.

3. Letter of support

A written recommendation from the DCS Contractor's Executive Director or Human Resources (HR) Director must be signed and submitted on the DCS Contractor's letterhead. The recommendation must include the following:

- a. The Executive Director or HR Director's observations of the subject of the check, as well as the reasons the Executive Director or HR Director does or does not support the waiver request,

Note: If the individual is an existing employee or volunteer, the Executive Director or HR Director should indicate if the subject of the check has ever been requested and granted a waiver previously from COBCU.

- b. The subject's formal job description from the DCS Contractor, and
- c. Indication if the subject of the check is an A-1 or A-2 level covered personnel.

4. CPS History Check

A CPS History Check must be completed and submitted for all states in which the subject of the check has resided in the previous five (5) years.

- a. For Indiana:
 - i. The agency will either initiate the necessary search utilizing the Child Protection Index (CPI)/CPS electronic portal submission, or the DCS contractor will complete Section A and the DCS local office will complete Section C of the [Indiana Request for Child Protection Service \(CPS\) History Check \(SF 52802\)](#) and the subject of the check, or representative if a minor, will complete Section B, and
 - ii. A copy of the approved [Assessment for Alleged Child Abuse or Neglect \(SF 113\) \(311\)](#) for all assessments must be submitted with the CPS waiver request if there is a substantiation in Indiana. **A screen print from the case management system is NOT an acceptable substitution for the completion of the appropriate form or copy of the approved 311.** This may mean locating the hardcopy case file and including supporting documentation from the hardcopy file with the waiver submission.
- b. For all other states:
 - i. Conduct a CPS History check search for all other states the subject of the check has resided during the past five (5) years. If applicable, locate information for a CPS administration or local office designee to process your search request at [Out-of-State CPS Contact List](#); and
 - ii. Obtain the approved assessment from the other state if there is a substantiation of CA/N found, and submit the approved assessment with the CPS waiver request.

5. **Screen Print of National Sex Offender Registry Check**

The National Sex Offender Registry Check is required for any subject 14 years of age or older. All sex offender searches must be completed on the Dru Sjodin National Sex Offender Public website at <https://www.nsopw.gov/>. **The National Sex Offender Registry website is the only acceptable search.** The assigned worker at the DCS Contractor will:

- a. Search each name or combination of names used within the subject's lifetime. Upon obtaining the results of a name search, the results should be printed,
- b. Sign and date the printed results, and
- c. Write "NO MATCH" on the printed page if there is no match.

6. **Local Criminal Court Records Check Results**

A Local Criminal Courts Records Check is required for all persons age 18 and older (see [Local Criminal Court Records Check Instruction](#)); and

7. **Fingerprint-Based Check Status Letter**

Include a copy of the Fingerprint-Based Check Status Letter showing the subject of the check is qualified if requesting only a CPS waiver for subjects 18 years of age and older. This letter was emailed to the DCS Contractor.