	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 13: Background Checks	**Effective Date:** June 1, 2021
	Section 01: Conducting Background Checks for Licensed Residential Agencies and Child Placing Agencies	**Version:** 6

STATEMENTS OF PURPOSE

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, contractor, and/or intern in DCS licensed agencies;
2. Manager of a DCS licensed agency; or
3. Licensing applicant of a DCS licensed agency.

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

1. Fingerprint-Based National Criminal History Check (Fingerprint-Based Check);
2. Child Protective Services (CPS) History Check;
3. National Sex Offender Registry Check; and
4. Local Criminal Court Records Check.

The types of background checks 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. See policy 13.15 Fingerprint-Based Checks for further information.

Initial and Relicensure of a DCS Licensed Agency

The following background checks must be completed:

1. A CPS History Check in every state in which the subject of the check resided during the last five (5) years, for all persons six (6) years of age and older;
2. A National Sex Offender Registry Check on all possible aliases in every state in which the subject of the check has resided during the last five (5) years, for all persons 14 years of age and older;
3. A Local Criminal Court Records Check in every criminal court jurisdiction in which the subject of the check has resided during the last five (5) years, for all persons 18 years of age and older; and
4. A Fingerprint-Based Check returned with qualified results, for all persons 18 years of age and older. See policy 13.15 Fingerprint-Based Checks for further guidance.

New Hires

Once a DCS licensed agency has an active license, all background checks must be completed and passed on or prior to the start date for all new employees, volunteers, contractors, and interns.

The DCS licensed agency will need to complete another background check on employees, volunteers, contractors, and interns if the agency license is being renewed and more than one (1) year has passed since the individual was printed.

Annual Reviews

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

1. CPS History Check in every state resided in the past five (5) years from the date of the annual review completion;
2. National Sex Offender Registry Check; and
3. Local Criminal Court Records Check (18 years of age and older) in every criminal court jurisdiction the applicant has resided in the past five (5) years from the date of the annual review completion.

DCS will maintain confidentiality of all information gained during the background check process, by following all applicable state and federal laws. See policy 2.06 Sharing Confidential Information for additional information.

Code References

1. IC 31-27-3-3: Apply for licenses; criminal history checks
2. IC 31-27-3-5: Grounds for denial of license applications; waiver
3. IC 31-27-5-4: Apply for licenses; criminal history checks
4. IC 31-27-5-6: Grounds for denial of license applications; waiver
5. IC 31-27-6-2: Apply for licenses; criminal history checks
6. IC 31-27-6-3: Grounds for denial of applications; waiver
7. IC 31-9-2-22.5: Conduct a criminal history check

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 the facility administrator and attests that the licensing applicant has not been convicted or charged with a disqualifying event when submitting the application for licensure or re-licensure to the DCS Central Office Residential Licensing Unit (RLU). Refer to policy 13.02 Evaluating of Background Checks for Licensed Residential Agencies and Child Placing Agencies for information regarding evaluation of the background checks.

DCS residential licensing staff will check for the DCS licensed agency's compliance with the completion of the following background checks for all required personnel:

1. Verify the identity of each subject of the check, regardless of age (see policy 2.09 Verifying Identity), by reviewing one (1) available and current, government-issued identification (ID) document such as, but not limited to a:
   a. Driver's License,
   b. Government issued picture ID,
   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 (SF 53259) 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.
   c. Register the person 18 years of age and older for the Fingerprint-Based Check. See policy 13.15 Fingerprint-Based Checks for further guidance.

3. Conduct a National Sex Offender Registry Check for all persons, 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 the subject has resided for the past five (5) years.

   b. Print out the results of each name searched,
   c. Sign and date by the printed results, and
   d. Write "NO MATCH" on the printed page, if there is no match and place in the subject's personnel file.

4. Conduct a CPS History Check for all persons:
   a. For Indiana: Initiate the necessary search utilizing the CPS electronic portal submission or:
      i. The agency will complete Section A of the Indiana Request for Child Protection Service (CPS) History Check (SF 52802);
      ii. The subject of the check, or representative if a minor, will complete Section B the Indiana Request for Child Protection Service (CPS) History Check (SF 52802); and
      iii. Submit the form to the DCS local office, who will complete Section C with the results and return to the licensed agency.

   b. For all other states, conduct a CPS History Check search for every other state in which the individual 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.

5. Conduct a Local Criminal Court Records Check for all persons 18 years of age and older who work, volunteer, or are contracted by a licensed agency by completing a court record search, including all aliases, within each county court, as well as applicable city courts, in which the subject resided the past five (5) years. For further instructions about completing Local Criminal Court Records Checks, see the Local Criminal Court Records Check Instructions.

PRACTICE GUIDANCE

Notifying DCS of Arrest, Convictions, or Substantiation of Child Abuse and/or Neglect (CA/N)

DCS requires the applicant and/or the employing agency's Human Resources Department or designee to notify the assigned DCS Residential Licensing Specialist (RLS) within 24 hours of the arrest, conviction, or substantiation of CA/N of the applicant or any employee, volunteer, contractor, or intern in the agency. The RLS should evaluate the severity and seriousness of the offense on a case-by-case basis and contact the Central Office Background Check Unit (COBCU) if additional guidance is needed.

FORMS AND TOOLS

1. Application for Criminal History Background Check (SF 53259)
2. Indiana Request for a Child Protection Services (CPS) History Check (SF 52802)
3. Local Criminal Court Records Check Instructions
4. Out-of-State CPS Contact List

RELATED INFORMATION

Inaccurate Criminal Records

If any of the Fingerprint-Based criminal checks conducted 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 Indiana State Police (ISP).