



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

### Chapter 13: Background Checks

#### Section 01: Conducting Background Checks for Licensed Residential Agencies and Child Placing Agencies

**Effective Date:** March 21, 2022

**Version:** 8

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### POLICY OVERVIEW

The Indiana Department of Child Services (DCS) requires background checks to be conducted for the purpose of residential and child placing agency licensing (referred to collectively as “DCS licensed agencies”) to determine whether the individuals employed by or volunteering, contracting, or interning for the DCS licensed agencies meet federal and state standards or established licensing requirements and to reduce potential risk of harm while in the care of DCS licensed agencies.

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### PROCEDURE

DCS requires background checks 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.

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). 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.

#### **Initial and Relicensure of a DCS Licensed Agency**

When submitting the application for initial licensure or relicensure, the DCS Central Office Residential Licensing Unit (RLU) will ensure that the DCS licensed agency:

1. Completes all steps of the background check process on the licensing applicant (administrator for residential agencies or the executive for Licensed Child Placing Agencies [LCPAs]); and
2. Attests that the individual has not been convicted or charged with a disqualifying event.

The following background checks must be completed at initial and relicensure of a DCS Licensed Agency:

1. A 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 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 for all persons 18 years of age and older.

**Note:** 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, initial licensure, and relicensure have the following annual background checks completed:

1. CPS History Check for Indiana and 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.

### **New Hires**

Once a DCS licensed agency has an active license, all required background checks must be completed and should be returned with qualified results on or prior to the hire date for all new employees, volunteers, contractors, and interns.

**Exception:** An individual may be employed by a DCS licensed agency as an employee, volunteer, or contractor prior to all background check requirements being met if all of the following conditions are satisfied

1. The following background checks have been completed:
  - a. Fingerprint-Based Check;
  - b. National Sex Offender Registry Check;
  - c. Indiana CPS History Check; and
  - d. Indiana Local Criminal Court Records Check.
2. The following background checks must have been **requested** if the individual has resided outside of Indiana during the five (5) years preceding the individual's date of hiring by the DCS licensed agency:
  - a. Out-of-state CPS History Check; and
  - b. Out-of-state Local Criminal Court Records Check.

3. The individual's employment before the completion of the required background checks (i.e., pending out-of-state CPS History Check and out-of-state Local Criminal Court Records Check) is limited to training, during which the individual:
  - a. Does not have contact with children who are under the care and control of the DCS licensed agency; and
  - b. Does not have access to records containing information regarding children who are under the care and control of the DCS licensed agency.
4. The individual completes an attestation, under penalty of perjury, disclosing:
  - a. Any child abuse or neglect complaints made against the individual with the child welfare agency of a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation; and
  - b. Any contact the individual had with a law enforcement agency (LEA) in connection with the individual's suspected or alleged commission of a crime in a state other than Indiana in which the individual resided within the five (5) years preceding the date of the attestation.

### **Completion of Background Checks**

The RLU 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 photo 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 using their legal name as it appears on a current government-issued photo 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 subject, who is 18 years of age or older, for the Fingerprint-Based Check (see policy 13.15 Fingerprint-Based Checks for further guidance).

**Note:** 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.

4. Conduct a National Sex Offender Registry Check of the subject (14 years of age or 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 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.
5. Conduct a CPS History Check for a subject who is six (6) years of age or older:
- a. For Indiana, initiate the necessary search utilizing the CPS electronic portal submission (see Child Protective Index (CPI)/Child Protection Services (CPS) History Checks Portal Instructions for guidance); and
  - b. For all other states, conduct a CPS History Check search for every other state in which the subject has resided during the past five (5) years.

**Note:** See the Out-of-State CPS Contact List to assist with identifying CPS agencies outside of Indiana to process the search request.

6. Conduct a Local Criminal Court Records Check of the subject (18 years of age or older), including all aliases:
- 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.

**Note:** For further instructions about completing Local Criminal Court Records Checks, see the Local Criminal Court Records Check Instructions.

- 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.

**Note:** 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 Child Abuse and/or Neglect (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 DCS Central Office Background Check Unit (COBCU) if additional guidance is needed.

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## RELEVANT INFORMATION

### Definitions

N/A

### Forms and Tools

- [Application for Criminal History Background Check \(SF 53259\)](#)
- [Child Protective Index \(CPI\)/Child Protection Services \(CPS\) History Checks Portal Instructions](#)
- [Dru Sjodin National Sex Offender Public website](#)
- [Local Criminal Court Records Check Instructions](#)
- [MyCase website](#)
- [Out-of-State CPS Contact List](#)

### Related Policies

- [2.06 Sharing Confidential Information](#)

- [2.09 Verifying Identity](#)
- [13.02 Evaluating of Background Checks for Licensed Residential Agencies and Child Placing Agencies](#)
- [13.15 Fingerprint-Based Checks](#)

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## LEGAL REFERENCES

- [IC 31-9-2-22.5: Conduct a criminal history check](#)
- [IC 31-27-3-3: Apply for licenses; criminal history checks](#)
- [IC 31-27-3-5: Grounds for denial of license applications; waiver](#)
- [IC 31-27-5-4: Apply for licenses; criminal history checks](#)
- [IC 31-27-5-6: Grounds for denial of license applications; waiver](#)
- [IC 31-27-6-2: Apply for licenses; criminal history checks](#)
- [IC 31-27-6-3: Grounds for denial of applications; waiver](#)

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## PRACTICE GUIDANCE- DCS POLICY 13.01

*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.*

### **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).

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