

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 13: Background Checks Section 01: Conducting Background Checks for Licensed Residential Facilities and Licensed Child Placing Agencies (LCPA)	
	Effective Date: April 16, 2025	Version: 10

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POLICY OVERVIEW

This policy applies to conducting background checks for Licensed Residential Agencies and Child Placing Agencies (DCS-licensed agencies). For information on evaluating background checks for DCS-licensed agencies, see policy 13.02 Evaluating Background Checks for Licensed Residential Agencies and Child Placing Agencies.

The Indiana Department of Child Services (DCS) requires background checks to be completed for the purpose of initial licensing and relicensure of residential facilities and child placing agencies (referred to collectively as “DCS-licensed agencies” in the plural form and “DCS-licensed agency” in the singular form). Background checks are conducted to ensure DCS-licensed agencies, regardless of the duration, meet federal and state standards to reduce risk of harm to children 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, or intern of DCS-licensed agencies (see Definitions);
2. Contractor or other individual working for the applicant who is likely to have unsupervised contact with children in the child caring institution (CCI) within the scope of their employment;
3. Director or manager of a DCS-licensed agency; or
4. Licensing applicant of a DCS-licensed agency (i.e., administrator for residential facilities or the executive for Licensed Child Placing Agencies [LCPA]).

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 (NSOR); and
4. Local Criminal Records Check.

DCS will maintain confidentiality of all information collected during the background check process, by following all applicable state and federal laws (see policy 2.06 Sharing Confidential Information).

Initial Licensure and Relicensure of a DCS-Licensed Agency

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

1. Completes all steps of the background check process below on the licensing applicant; 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 licensure 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 in 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 as far back as state records allow or to the date that the applicable state's law indicates records should be maintained. Indiana maintains substantiated history back to 1988.

2. An National Sex Offender Registry Check on all possible aliases in every state in which the subject of the check has resided in the last five (5) years, for all persons 14 years of age and older;
3. A Local Criminal Records Check in every criminal court jurisdiction in which the subject of the check has resided in 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 DCS-licensed agency license is being renewed and more than one (1) year has passed since the individual was printed.

Annual Reviews of a DCS-Licensed Agency

DCS **recommends** 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 the subject of the check has resided in during the past five (5) years from the date of the annual review completion;
2. National Sex Offender Registry Check; and
3. Local Criminal Records Check (18 years of age and older) in every criminal court jurisdiction the subject of the check has resided in during the past five (5) years from the date of the annual review completion.

New Hires of a DCS-Licensed Agency

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, contractor **prior to** all background check requirements being met if all the following conditions are satisfied:

1. The following background checks have been **completed and passed**:
 - 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 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 Records Check.
 3. The individual's employment, prior to completing required background checks (e.g., pending out-of-state CPS History Check and out-of-state Local Criminal 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 DCS-licensed agency ensures that the Attestation to Begin Work in Child Caring Institutions, Group Homes, or Licensed Child Placing Agencies Before Certain Criminal History Checks are Returned form is completed according to the form's instructions by the individual under penalty of perjury, disclosing the following information:
 - a. Any child abuse or neglect (CA/N) 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 or LCPA Licensing Unit 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 and Relationship), 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" form using the legal name of the subject of the check as it appears on a current government-issued photo ID;
3. Register the subject, who is 18 years of age or older, for the Fingerprint-Based Check (see policy 13.15 Fingerprint-Based Checks);

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 DCS-licensed agency unless approved by DCS (see policy 13.15 Fingerprint-Based Checks).

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, and

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 (see policy 13.02 Evaluating of Background Checks for Licensed Residential Facilities and Child Placing Agencies).
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 Checks/Child Protection Services History Checks/CANS/Adam Walsh Checks/Out of State Child Welfare Agency); and
 - b. For all other states, conduct a CPS History Check search for every 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 check of local criminal records in every jurisdiction where a person who is at least eighteen (18) years of age has resided within the previous five (5) years.

Note: MyCase is a statewide resource for local criminal records.

Arrest, Conviction, or Substantiation of Child Abuse and/or Neglect (CA/N)

DCS requires the applicant or the employing DCS-licensed agency's Human Resources Department or designee to notify the assigned DCS Licensing Specialist within 24 hours of the arrest, conviction, or substantiation of CA/N of:

1. The applicant; or
2. Any manager, employee, volunteer, contractor, or intern in the DCS- licensed agency.

The Licensing Specialist will evaluate the severity and seriousness of the offense on a case-by-case basis and contact the DCS Central Office Background Check Unit (COBCU) for re-evaluation of fingerprint results.

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RELEVANT INFORMATION

Definitions

Child Caring Institution (CCI)

A CCI is a residential treatment facility that provides childcare on a 24-hour basis for more than 10 children or a residential treatment facility with a capacity of not more than 10 children that does not meet the residential structure requirements of a group home.

Forms and Tools

- [Application for Criminal History Background Check \(SF 53259\)](#)
- [Attestation to Begin Work in Child Caring Institutions, Group Homes, or Licensed Child Placing Agencies Before Certain Criminal History Checks are Returned \(SF 53080\)](#)
- [Child Protective Index Checks/Child Protection Services History Checks/CANS/Adam Walsh Checks/Out of State Child Welfare Agency](#)
- [Dru Sjodin National Sex Offender Public website](#)
- [MyCase website](#)
- Out-of-State CPS Contact List – available on the [Background Checks website](#)

Related Policies

- [2.06 Sharing Confidential Information](#)
- [2.09 Verifying Identity and Relationship](#)
- [13.02 Evaluating Background Checks for Licensed Residential Facilities 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: Application for license; criminal history checks](#)
- [IC 31-27-3-5: Grounds for denial of license applications; waiver](#)
- [IC 31-27-5-4: Application for license; criminal history checks](#)
- [IC 31-27-5-6: Grounds for denial of license applications; waiver](#)
- [IC 31-27-6-2: Application for license; 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 Fingerprint-Based Checks

If any of the Fingerprint-Based National Criminal History Check (Fingerprint-Based Check) conducted reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information in Indiana is made to the Indiana State Police (ISP). A criminal history records Review Challenge outside of Indiana must be made to the Law Enforcement Agency (LEA) that posted the record.

Third Party Vendors

If using a third-party background check vendor, the DCS-licensed agency is responsible for obtaining required results as outlined in the above policy and policy 13.02 Evaluating Background Checks for Licensed Residential Facilities and Child Placing Agencies.

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