	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 13: Administration of Child Welfare	**Effective Date:** July 1, 2019
	Section 3: Conducting Background Checks for DCS Contractors	**Version:** 5

STATEMENTS OF PURPOSE
This policy does not apply to contractors of Licensed Residential Agencies or Child Placing Agencies (LCPAs). See policy, 13.1 Conducting Background Checks for Licensed Residential Agencies and Child Placing Agency for further information.

The Indiana Department of Child Services (DCS) requires background checks for the purpose of contracts on all employees, volunteers, interns, and subcontractors.

> **Note:** All required checks must be completed prior to the contractor submitting the contract for State signature.

DCS will conduct the following background checks for DCS Contractors, which include:
1. Fingerprint-Based National and State 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 type of background check conducted will vary based on the age of the subject of the check and the subject's performance of services or activities pursuant to the contract.

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

Fingerprint-Based Checks conducted for a specific contractor and purpose may not be used for the same purpose with a different contractor. If a Covered Personnel takes on a new position with the same contractor/subcontractor agency, new background checks will only be required if the position requires additional checks than already completed.

Initial Contract Award
For those with direct contact with children on a regular and continuing basis or any contact when a child is alone or only with the contractor's staff in connection with performance of any services or activities pursuant to a contract with DCS, a background check will consist of the following for initial award of a DCS contract:
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,
   c. National Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years, and
   d. Local Criminal Court Records Check in every criminal court jursdication the subject of the check has lived in the last five (5) years.

2. For all persons 14 to 17 years of age:
    a. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
    b. National Sex Offender Registry Check in every state the subject of the check has resided during the past five (5) years for all possible aliases.

For those with only electronic or physical access to children's records, a background check will consist of the following for initial award of a DCS contract:

1. CPS History Check in every state the subjet of the check has lived in the last five (5) years, and
2. National Sex Offender Registry Check in every state the subject of the check has resided during the past five (5) years for all possible aliases.

Once a contractor has an effective DCS contract, all background checks must be completed and passed prior to Covered Personnel performing any activities related to the DCS contract. Any Covered Personnel who might serve as a substitute for a covered position, even in emergency circumstances, should undergo the checks required for the covered position.

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 of the check's fingerprint. The exception does not apply to those subjects of the check 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 DCS 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 nonfingerprint-based check is required in every state the subject of the check has lived in the last five (5) years. For Indiana, the required Name-Based 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 Certification

DCS requires contractors to collect from all personnel an annual attestation regarding whether they have any history of a CPS substantiation, arrest, or conviction. The contractor shall report this information to DCS annually.

Four (4) Year Requirement

The required background checks must be performed every four (4) years, based on the anniversary of the initial checks.

Code References

1. IC 10-13-3-27: Release of data to noncriminal justice organization or to individuals; national crime information center data restricted; penalities
2. IC 10-13-3-38.5: Use of fingerprints for employment or license; retention of fingerprints

PROCEDURE

DCS will check for compliance with the following steps:
The DCS Contractor will complete the following background checks for all Covered Personnel by:

1. Verifying the identity of each subject of the check, regardless of age (see policy, 2.9 Verifying Identity).
2. Having the subject of the check complete the Application for Criminal History Background Check (SF 53259):
   a. The subject of the check must sign and date the form, and
   b. Place the original in the subject's personnel file.

3. Registering the person age 18 and older for the Fingerprint-Based Check, unless requesting an Exception to Fingerprinting, which consists of:
   a. Registering the subject of the check for electronic fingerprinting by the DCS approved fingerprint vendor and provide the subject of the check 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 contractor is unable to complete the registration themselves http://intranet.dcs.in.gov/Pages/Resources.aspx,
   c. Informing the subject of the check to use the same government issued identification used during registration for fingerprints; and
   d. Ensuring the subject of the check is successfully fingerprinted.

4. Obtaining and following up on the Fingerprint-Based Check Status letter and informing the subject of the check of their status:
   a. If fingerprints are rejected, follow the instructions on the Reprint Notice. A 'reprint' appointment must be scheduled. Provide subject of the check a copy of the notice if they will be scheduling their 'reprint' appointments themselves.
   b. For all other results see policy, 13.4 Evaluation of Background Checks for DCS Contractors.

5. Conducting a National Sex Offender Registry Check for all persons age 14 years and older and printing the results via the Dru Sjodin National Sex Offender Public website at http://www.nsopw.gov.

   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 of the check has lived in the last five (5) years.

6. Conducting a CPS History Check for all persons:
   a. For Indiana:
      i. Initiate the necessary search utilizing the Child Protection Index (CPI)/CPS electronic portal submission; or

ii. The DCS Contractor will complete Section A of the Indiana Request for Child Protection Service (CPS) History Check (SF 52802);
iii. The subject of the check, or representative if a minor, will complete Section B of the Indiana Request for Child Protection Service (CPS) History Check (SF 52802); and
iv. Submit the form to DCS local office, who will complete Section C with the results and return to the contractor.

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 administrator to process your search request at; Out-of-State CPS Contact List, and
c. Refer to policy, 13.4 Evaluation of Background Checks for DCS Contractors for further required action if the person has CPS history in any state.

Note: DCS Contractors are unable to access this information and will need to:
i. Send a copy of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802) to the DCS local office for completion; or
ii. Submit requests to COBCU using the KidTraks Vendor Portal, by signing in to the case management system.

7. Conducting Local Criminal Court Records Checks by completing a court record search, including all aliases, within each county court, as well as applicable city courts, in which the subject resided in the past five (5) years. For further instructions about completing Local Criminal Court Records Checks, see the Local Law Enforcement Agency Instructions.

PRACTICE GUIDANCE

Notifying DCS of Substantiation of child abuse or neglect or arrest or convictions
The contractor shall immediately notify DCS within 24 hours of any substantiation of child abuse or neglect, arrest, or conviction of Covered Personnel. The DCS Division responsible for the contract will contact COBCU and the severity and seriousness of the offense will be evaluated on a case-by-case basis.

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. Out-of-State CPS Contact List

RELATED INFORMATION

Unreadable Prints and Reprint Notice
Fingerprints may be rejected by the Indiana State Police (ISP) or the Federal Bureau of Investigations (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-Based Check.

Registering for Fingerprints
If the contractor 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 contract provider name, contact person for that contract provider, that person's phone number and the correct reason for printing, and will also include the contractor's billing code for those providers having an escrow account and how they choose to pay the expense of printing for the subject.

Exception to Fingerprinting
If an Exception to Fingerprinting request is granted, COBCU will run an Indiana LCH. The contractor will provide the nonfingerprint-based checks for all other states the subject of the check has resided in the past five (5) years to the COBCU. The COBCU will provide a letter via e-mail to the contractor and inform them of the clearance status 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 IC 25-22.5.
2. A physician assistant licensed under IC 25-27.5.
3. A physical therapist licensed under IC 25-27.
4. An advanced practice nurse licensed under IC 25-23.
5. A chiropractor licensed under IC 25-10.
6. A psychologist licensed under IC 25-33.

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.