	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
INDIANA DEPARTMENT OF CHILD SERVICES	**Chapter 13:** Background Checks	**Effective Date:** October 1, 2019
	Section 5: Conducting Background Checks for Unlicensed Placements	**Version:** 8

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) requires background checks on unlicensed placements when considering placing a child in an unlicensed resource home on all persons who:

1. Live in the home; or
2. Work or volunteer in the home with children who are or will be under the direct supervision of the unlicensed resource.

After a child is placed in an unlicensed resource home, DCS requires background checks on:

1. New household members who have an intent to reside in the home for 21 days or longer (the days do not have to be consecutive); checks are required prior to moving into the unlicensed resource home;
2. Current household members who turn 14 or 18 years old; the Fingerprint-Based National Criminal History Check (Fingerprint-Based Check) and Local Criminal Court Records Checks are required within 30 days of his or her 18th birthday; and National Sex Offender Registry checks are required within 30 days of his or her 14th birthday; and Child Protective Services (CPS) History Check are required within 30 days of his/her 6th birthday; and
3. New employees and/or volunteers; checks are required prior to beginning work or volunteering in that unlicensed resource home.

   Note: DCS will not conduct background checks on children under DCS care and supervision.

DCS will conduct the following background checks, which will vary based on the age of the subject of the check and the type of check being conducted (emergency vs. non-emergency), on unlicensed resource homes:

1. Triple I Check (National Emergency Name-Based Criminal History Record Check);
2. Fingerprint-Based National and State Criminal History Check (Fingerprint-Based Check[1]);
3. CPS History Check;
4. National Sex Offender Registry Check; and
5. Local Criminal Court Records Check.

Fingerprint-Based Checks conducted for unlicensed placements cannot be used for foster family home licensure, adoption, employment or any other purpose. A new fingerprint-based check will be required for each new purpose.

Note: The biological parent who has been approved by the court to live in the home of

[1] If an unlicensed relative had a Fingerprint-Based Check within the last 12 months, a new check is not needed for a new relative placement except when a Triple I Check is completed. If this occurs, a new fingerprint based check is necessary if children are placed.

an unlicensed out-of-home resource must have background checks completed when the resource seeks Foster Family Home Licensure. See policy 13.9 Conducting Background Checks for Foster Home Licensing for more information.

Emergency Unlicensed Placement

An emergency placement is an unplanned placement with an unlicensed resource at or after the time of initial removal. This does not include a change in placement after the detention hearing, unless the court or DCS determines that an immediate emergency change in placement is necessary to protect the health or safety of the child and fingerprint results of the new unlicensed placement would not be available prior to the necessary change.

A child's non-custodial parent is not considered a placement. Do not complete a Triple I Check on a child's parent or that parent's household members.

A background check for an emergency unlicensed placement will consist of the following for those who live, work, or volunteer in the home:

1. For all persons age 18 and older, a:
   a. Triple I Check must be completed prior to placing the child,

      Note: See **Exceptions to Fingerprinting** section below.

   b. Fingerprint-Based Check must be completed within five (5) business days of conducting a Triple I Check if the child is placed,
      i. Remove the child from the placement if the subject of the check refuses to get fingerprinted within five (5) business days, and
      ii. Complete a Triple I Follow Up Action (SF 53424) indicating the subject of the check refused to be printed.

   c. Complete the Triple I Follow Up Action (SF 53424) within five (5) business days of conducting the Triple I Check, if the child are not placed with the subject for any period of time.
   d. CPS History Check must be completed in Indiana and initiated in every other state the subject of the check has lived in the last five (5) years either prior to placement or within 72 hours of placement,
   e. National Sex Offender Registry Check must be completed either prior to placement or within 72 hours of placement in every state the subject of the check has lived in the last five (5) years, and
   f. Local Criminal Court Records Check must be completed in every criminal court jurisdiction the subject of the check has lived in the last five (5) years prior to placement or within 72 hours of placing the child.

2. For all persons age 14-17 years, a:
   a. CPS History Check must be completed and initiated in every other state the subject of the check has lived in the last five (5) years either prior to placement or within 72 hours of placement, and
   b. National Sex Offender Registry Check must be completed in every other state the subject of the check has lived in the last five (5) years either prior to placement or within 72 hours of placement.

3. For all persons age 6-13 years a CPS History Check must be completed and initiated in every other state the subject of the check has lived in the last five (5) years either prior to

placement or within 72 hours of placement.

Note: The CPS History check should be completed within 30 days of the child's 6th birthday.

Non-Emergency Unlicensed Placements

For unlicensed non-emergency placements, a background check will consist of the following:

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

   Note: Do not attempt to use the Triple I Check for non-emergency placements, foster care licensing, adoption, babysitters, minors, parents or parent's household members or for any other purpose other than an emergency placement.

2. For all persons age 14-17 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 lived in the last five (5) years.

3. For all persons age 6-13 years CPS History Check must be completed and initiated in every other state the subject of the check has lived in the last five (5) years either prior to placement or within 72 hours of placement.

Exceptions to Fingerprinting

The only exception to fingerprinting for an applicant is if he or she has a physical disability, which makes it impossible to obtain the subject's fingerprint. The exception does not apply to subjects who are able to 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 subject of the check does not have fingers;
2. When a person trained to take fingerprints has documented that the subject's disabling condition prevents fingerprinting; or
3. When a qualified medical practitioner has documented the subject's disabling condition which prevents fingerprinting.

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.

To receive an exception, the following must be sent to the COBCU:

1. A letter requesting the exception explaining the disabling condition; and
2. The required documentation from the person trained to take fingerprints, qualified medical practitioner, or evidence that the subject does not have fingers.

If the exception is granted, COBCU will complete the Indiana Limited Criminal History Check (LCH) on the subject of the check. If the subject lived in any other state in the last five (5) years, contact COBCU for guidance on what type of check is needed in that state.

Background Checks for Custodial and Non-custodial Parents and Those Living in the Same Household When Planning to Reunify

DCS may conduct criminal background checks on a child's parent, guardian, custodian or household member prior to reunifying a child with the family.

For a child's parent, guardian, custodian or household member a background check may consist of the following:

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 from every criminal court jurisdiction where the subject of the check has lived in the last five (5) years.

   Note: Do not attempt to use the Triple I Check for non-emergency placements, foster care licensing, adoption, babysitters, minors, parents or parent's household members or for any other purpose other than an emergency placement.

2. For all persons age 14 – 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 lived in the last five (5) years.

3. For all persons age 6 -13 years CPS History Check may be completed prior to reunification in every state the subject of the check has lived in the last five (5) years.

Use discretion in completing Fingerprints, CPS History Checks, LCH Checks, National Sex Offender Registry Checks, and Local Criminal Court Records Checks. Some factors to consider are:

1. Concerns about the household that have been communicated by the child;
2. Members of the Child and Family Team (CFT) have concerns regarding the household; and/or
3. The parent does not have regular visitation with the child.

Extracurricular Activities

DCS does not have the statutory authority to fingerprint individuals involved in the child's participation in extracurricular activities. These would include but are not limited to Scouting, Youth Groups, School Parties, Sleepovers, Roller Skating parties, and Birthday parties (see policy, 8.23 Extracurricular Activities). Discretion should be used when deciding whether CPS

History Checks, National Sex Offender Registry Checks and/or LCH Checks are needed.

Childcare

Background checks have already been completed by the Indiana Division of Family Resources for licensed childcare providers. No additional background check is needed.

DCS does not have the statutory authority to fingerprint in-home or out-of-home unlicensed babysitters that supervise the child irregularly. Examples of irregular childcare include but are not limited to visiting or spending time, including overnights with friends and/or relatives, going to the movies, grocery store or other similar activities. Consideration of child's safety must remain a priority in addition to promoting a normal life for the child in care. Discretion should be used when deciding whether CPS History Checks, National Sex Offender Registry Checks and/or LCH Checks are needed.

Unlicensed out-of-home childcare providers that supervise the child on a regular and continuing basis shall have the following background checks conducted for all household members of the childcare provider's home:

1. CPS History Checks in every state the subject of the check has lived in the last five (5) years (age 6 and older);
2. National Sex Offender Registry Checks in every state the subject of the check has lived in the last five (5) years (ages 14 years and older); and
3. LCH Records Checks (age 18 years and older).

Fingerprint-Based Checks should not be conducted for unlicensed out-of-home childcare providers.

Unlicensed in-home childcare providers that supervise the child on a regular and continuing basis would be considered an employee or volunteer of the home, and the background checks required for an employee or volunteer of the home (Fingerprint-Based Check, CPS History Check, National Sex Offender Registry Check, and Local Criminal Court Records Check) should be completed. Examples of regular and continuous childcare include but are not limited to childcare provided daily or on a consistent reoccurring schedule while the relative caregiver works or participates in other reoccurring scheduled obligations.

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

Code References

1. IC 10-13-3-27.5: Record check by department of child services under exigent circumstances; transmittal of report copy; providing fingerprints; removal of child for failure to provide fingerprints; compliance with federal law; contesting denial of placement; fee
2. IC 10-13-3-31: Release of data to subject person; fee; challenge of data authorized
3. IC 31-9-2-22.5: "Conduct a criminal history check"
4. IC 31-26-5: Family Preservation Services
5. IC 31-34-18-6.1: Predispositional report; contents
6. IC 31-34-20-1.5: Placement in household with certain individuals prohibited; criminal history checks; exceptions; considerations
7. 240 IAC Article 6: Criminal History Record Information

PROCEDURE

For emergency and non-emergency placements, the Family Case Manager (FCM) will complete the following steps of the background check process for the persons that live, work, or volunteer in the home:

1. Verify the identity of each subject of the check, regardless of age by reviewing one (1) available and valid, government-issued identification document such as, but not limited to:
   a. Drivers' license. See policy, 2.9 Verifying Identity
   b. Photo identification card,
   c. Social Security card,
   d. Birth certificate, or
   e. Passport,

2. Have each subject of the check, age 18 or older, complete the Application for Criminal History Background Check (SF 53259) using his or her legal name as it appears on a current government issued picture identification.
   a. The subject of the check must sign and date the form, and
   b. The FCM must place the original in the file after completion of the background check process.

For Emergency Placements the following additional steps must be completed; if placement is a non-emergency, proceed to step 5 below:

1. Request a Triple I Check prior to placement for all household members 18 years of age or older consisting of:
   a. Contacting the Indiana State Police (ISP) Headquarters at 317-232- 8294, or 1-800-622-4961,
   b. The FCM must:
      i. Identify him or herself through an assigned password and question and identify the DCS local office of the request; and
      ii. Convey name, date of birth (DOB), and Social Security Number (SSN) exactly as listed on the subject of the check's government issued identification.

   c. If ISP provides any arrests and/or convictions for the subject when the Triple I Check is completed, record this information exactly as provided and see policy, 13.6 Evaluation of Background Checks for Unlicensed Placements for additional information
   d. If placement occurs, record the arrests and/or convictions returned to the FCM from the Triple I Check as well as any staffing decisions regarding moving forward with placement on the subject's person profile in the case management system.

2. If the Triple I Check for emergency placement is completed, but the child is not placed with the prospective placement for any period of time, even hours:
   a. Complete the Triple I Follow Up Action (SF 53424) indicating that no child was placed with this applicant, and
   b. Scan and e-mail the form to DCS TripleIFollowUp@dcs.in.gov within five (5) business days of the Triple I Check. If e-mailing is not an option, fax it to 317 232-1567.

3. If a child is placed, even briefly, follow-up fingerprinting is required within five (5) business days for all those that were checked through the Triple I Check process. **If the**

subject of the check refuses to be fingerprinted within the five (5) business days the child must be removed.

a. Complete the Triple I Follow Up Action (SF53424) detailing due diligence in at least three attempts to obtain prints and the subject's refusal. The form should include the dates and types of contact.
b. Scan and e-mail the form to TripleIFollowUp@dcs.in.gov. If e-mailing is not an option, fax the form to 317-232-1567.

4. If the fingerprinting process has begun and the subject was rejected but refuses to complete the printing process, if children are still in placement, they must be removed. On the Triple I Follow Up Action (SF53424) document due diligence in at least three separate attempts to request the reprinting of the subject, scan and e-mail a copy of the completed Triple I Follow Up Action (SF53424) to TripleIFollowUp@dcs.in.gov or fax the form to 317-232-1567.
5. Register any person age 18 years and older for the Fingerprint-Based Check, unless requesting an Exception to Fingerprinting, which consists of the FCM:
   a. Completing the registration process for the subject of the check for electronic fingerprinting through the DCS approved fingerprint vendor and provide the subject 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 fingerprinting (if the FCM is unable to register the subject of the check see Registering for Fingerprints below),
   c. Informing the applicants to use the same government issued identification when registering for fingerprints,
   d. Ensuring the subject of the check is successfully fingerprinted,
   e. Obtaining the results of the Fingerprint-Based Check, the COBCU will provide a letter via e-mail to the DCS local office contact person handling all background check material and inform them of the Fingerprint-Based Check Status.
      i. If fingerprints are rejected, follow the instructions on the Reprint Notice. A 'reprint' appointment must be scheduled. Do not start a new registration or DCS will be charged twice. Provide the subject of the check a copy of the reprint notice if they will be scheduling their 'reprint' appointment themselves.
      ii. For all other results see policy, 13.6 Evaluation of Background Checks for Unlicensed Placements.

6. Conduct a National Sex Offender Registry Check for all persons age 14 years and older and print 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 has lived in for the past five (5) years.

7. Conduct a CPS History Check for all persons:
   a. For Indiana:
      i. As the local office is the requesting agency, the FCM will complete Section A of the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802);
      ii. Have the subject of the check or representative if a minor, complete Section B.
      iii. Complete a case management system search and reflect the results in Section C.

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 administration or local office designee to process your search request at Out-of-State CPS Contact List. If the person has CPS history in any state, refer to policy, 13.6 Evaluation of Background Checks for Unlicensed Placements, for further action required.

8. Conduct 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

Undocumented Immigrants
If the subject of the check is an undocumented immigrant, it is still essential to obtain their government identification, even if that identification is from their native country.

Notifying the FCM of Arrest, Convictions or Substantiation of Abuse or Neglect
The subject of the check should notify the FCM within 24 hours of the arrest, conviction or substantiation of abuse or neglect of the subject, a household member, employee, and/or volunteer. The local office shall contact COBCU for additional guidance.

Registering for Fingerprints
If the DCS local office 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: DCS Emergency Relative Instruction for Fingerprinting in Indiana or DCS Non-Emergency Relative Registration Instruction for Fingerprinting in Indiana. The instructions must be customized to the correct DCS local office, FCM's name, phone number, and correct reason for printing with the DCS billing code included.

Searching CPS History
Local DCS Offices should complete a search of the case management system.

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. Triple I Follow Up Action (SF 53424)
4. Out-of-State CPS Contact List
5. Local Law Enforcement Agency Instructions
6. Background Check Matrix for Unlicensed Relative/Kinship Placement Desk Guide (11x17)
7. DCS Emergency Relative Instruction for Fingerprinting in Indiana
8. DCS Non-Emergency Relative Registration Instruction for Fingerprinting in Indiana

RELATED INFORMATION

Court Ordered Exception and/or Completion of Fingerprint Based Checks

Neither the court nor any other person or organization has the authority to exclude the subject of the check from completing all required background checks. The only exception to this is if the COBCU grants an Exception to Fingerprinting outlined in this policy.

The court nor any other person or organization can require DCS to complete Fingerprint-Based Checks on those subjects over which DCS has no statutory authority to fingerprint nor can DCS be required to pay for the cost of such printing.

If the FCM believes at any time that DCS is being required to complete background checks outside the statutory authority, please contact the Deputy Director of Juvenile Justice Initiatives and Support.

Special Fingerprinting Issues

Homebound

If a subject of the check cannot leave his or her home for fingerprinting, the FCM should contact the COBCU for appropriate instruction and approval at cobcu.inquiry@dcs.in.gov.

Unreadable Fingerprints and Reprint Notice

Fingerprints may be rejected by 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 National Criminal History Report be processed. Once the Name-Based Check is requested, the Fingerprint-Based Check processing time increases.

Checking the Status of a Fingerprint-Based Check Report

The local office COBCU contact person is provided access to the administrative website to check the status of prospective placement prints. A username and password may be obtained by e-mailing the COBCU at COBCUinquiry@dcs.in.gov.

Limited Criminal History (LCH)

An LCH Check is a name-based search of the ISP database that contains only felonies and Class A misdemeanor arrests within the State of Indiana and can only be conducted on individuals 18 years of age and older. This search should not be completed if fingerprinting or a Triple I Check is being completed. Completeness of this information is based upon local law enforcement participation. This search is available online at https://secure.in.gov/apps/isp/lch/. Results are immediate. Designated DCS local office staff has access. For assistance with username, please e-mail COBCUinquiry@dcs.in.gov. For issues with passwords please contact Access Indiana at 1-888-4IN-eGOV, option 1.

DCS may provide a copy of the LCH Check to the subject of the check.

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 records the request should be made to ISP.

Triple I Check

The Triple I Check is only for unlicensed relative resource homes being considered for Emergency Placements, and the Triple I Checks must be completed prior to the placement. Indiana statute allows DCS the ability to access the Triple I Check without fingerprints at the time an emergency relative placement is being considered. This check retrieves information from the

Interstate Identification Index or “Triple I.”, which is maintained by the FBI. The Triple I Check is only used to provide immediate results for an emergency placement, with fingerprinting as an Emergency Relative Placement required to follow within five (5) business days to verify identity and results. Using the Triple I Check for other reasons violates the law and DCS policy. Designated DCS local office staff must not share his or her password and/or challenge questions with anyone, including other DCS staff.

If the designated DCS local office staff has trouble using his or her user name and/or challenge question, the individual should send an e-mail requesting help to COBCUinquiry@dcs.in.gov.