

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 13:</b> Background Checks	
	<b>Section 06:</b> Evaluating Background Checks for Non-Emergency Unlicensed Placements	
	<b>Effective Date:</b> October 1, 2022	<b>Version:</b> 11

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## POLICY OVERVIEW

*This policy applies to non-emergency unlicensed placements. For emergency unlicensed placements, see policy 13.12 Evaluating Background Checks for Emergency Unlicensed Placements.*

The Indiana Department of Child Services (DCS) will evaluate background checks of non-emergency unlicensed placements to help ensure the safety and well-being of children placed in their care.

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## PROCEDURE

DCS evaluates the results of Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks), Child Protective Services (CPS) History Checks, National Sex Offender Registry Checks, and Local Criminal Records Checks on all required individuals prior to the placement of a child in an unlicensed out-of-home placement.

**Note:** The child should remain in the current placement until all background checks are evaluated and cleared or all necessary criminal and/or CPS waivers are granted. See policy 13.05 Conducting Background Checks for Non-Emergency Unlicensed Placements.

The Family Case Manager (FCM) will:

1. Evaluate the completed CPS History Check results from Indiana and from all other states of residency within the past five (5) years (if applicable) to determine if there are reports of any substantiation of child abuse and/or neglect (CA/N) for the subject of the check (see Practice Guidance for more information about substantiated CPS history):
  - a. Provide the subject of the check with a copy of the completed Indiana Request for a Child Protection Services (CPS) History Check showing substantiated history if substantiated CPS history is discovered in Indiana. See policy 2.06 Sharing Confidential Information for further guidance, and
  - b. Work with the subject of the check to submit a completed waiver packet to the DCS Central Office Background Check Unit (COBCU) as quickly as possible if the subject has a substantiated CPS history in Indiana or the equivalent in another state. The filing and granting of a CPS waiver by COBCU are required for DCS to recommend the placement.

**Note:** A new waiver request must be submitted to and granted by the COBCU for each additional purpose. See policy 13.16 Waivers.

2. Review the results of each National Sex Offender Registry Check for a match to the subject of the check. If there is a match for the subject of the check:
  - a. A child cannot be placed, and the subject of the check is not eligible to be considered as a placement resource, and
  - b. Notify the COBCU of the match immediately.
3. Evaluate the results of the Local Criminal Records Check for a match to the subject of the check. If the Local Criminal Records Check returns convictions for any of the following and the Fingerprint-Based Status Letter was qualified, contact the COBCU within five (5) business days for additional guidance (see Local Criminal Records Check Instructions available on the Background Check Resources SharePoint):
  - a. A felony,
  - b. Four (4) or more misdemeanors, or
  - c. A misdemeanor that may be related to the health and safety of a child.
4. Review the Fingerprint-Based Check Status Letter received from the COBCU for each Fingerprint-Based Check. See policy 13.15 Fingerprint-Based Checks;

**Note:** If at any time the FCM believes the Local Criminal Records Check report may alter the status of the Fingerprint-Based Check, the FCM will contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter for further action.

5. Upload a copy of the results for all background checks and any waiver letters to the case management system. This may include scanning the official fingerprint-based status notices, waiver notices, and other background check information into the case management system and attaching to the subject of the check's person profile;

**Note:** A criminal history or CPS waiver granted for the purpose of a non-emergency unlicensed placement may not be used for foster family home licensure, adoption, employment, or any other purpose.

6. Submit the waiver decision to the court, if applicable; and
7. Notify the family of the decision, and:
  - a. Develop a plan to prepare the child for placement if the decision is to approve the placement. See policy 8.08 Preparing Child for Placement for further guidance; or
  - b. Develop an alternate placement plan for the child if the decision is to deny the placement. See policy 8.01 Selecting a Placement Option for further guidance.

The FCM Supervisor will:

1. Staff with the FCM and provide any needed guidance and assistance;
2. Ensure safety concerns are addressed; and
3. Ensure the FCM has completed all tasks and documented the information gathered regarding the evaluation of background checks in the case management system.

The COBCU will:

1. Complete requirements as outlined in policies 13.15 Fingerprint-Based Checks and 13.16 Waivers;
2. Re-evaluate the Fingerprint-Based Check Report and reissue an amended Fingerprint-Based Check Status Letter, if applicable; and
3. Provide any needed guidance regarding background check results.

## RELEVANT INFORMATION

### Definitions

#### Emergency Unlicensed Placement

Emergency unlicensed placement is defined as placement in a kinship or relative home (not a biological or adoptive parent's home) when a child must be placed in out-of-home care, but due to the urgent nature of the need for this placement, there is not enough time to wait for those in the home to be fingerprinted and those fingerprint results to be returned.

#### Non-Emergency Unlicensed Placement

Non-emergency unlicensed placement is defined as placement in a kinship or relative home (not a biological or adoptive parent's home) when a child will be placed in out-of-home care, but the nature of the situation allows the child to remain in the current placement for a period of time.

#### Subject of a Background Check

For the purposes of this policy, the subject of a background check is defined as an individual who would stay, work, or volunteer in a non-emergency unlicensed placement.

### Forms and Tools

- [Application for Criminal History Background Check \(SF 53259\)](#)
- Background Check Matrix for Unlicensed Placements Desk Guide – Available on the [Background Check Resources SharePoint](#)
- Central Office Background Check Unit (COBCU) email - [cobcuinquiry@dcs.in.gov](mailto:cobcuinquiry@dcs.in.gov)
- [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)
- Local Criminal Records Check Instructions – available on the [Background Checks website](#)

### Related Policies

- [2.06 Sharing Confidential Information](#)
- [8.01 Selecting a Placement Option](#)
- [8.08 Preparing Child for Placement](#)
- [13.05 Conducting Background Checks for Non-Emergency Unlicensed Placements](#)
- [13.12 Evaluating Background Checks for Emergency Unlicensed Placements](#)
- [13.15 Fingerprint-Based Checks](#)
- [13.16 Waivers](#)

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## LEGAL REFERENCES

- [IC 31-9-2-84.8: "Nonwaivable offense"](#)
- [IC 31-34-4-2: Placement of child with relative caretaker or de facto custodian; evaluation; criminal history check required; exceptions; out-of-home placement; considerations](#)
- [IC 31-34-20-1.5: Placement in household with certain individuals prohibited; criminal history checks; exceptions; considerations](#)
- [IC 31-34-21-5.5: Reasonable efforts to preserve and reunify families](#)

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## PRACTICE GUIDANCE- DCS POLICY 13.06

*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.*

### **Disclosing Fingerprint-Based Check Information**

A copy of the official Federal Bureau of Investigations (FBI) and the Indiana State Police (ISP) transcript will neither be provided to the DCS local office nor the subject of the check. DCS may verbally disclose the specific crimes to the subject of the check. If any of the checks conducted by DCS reveal an inaccurate record, the subject of the check may formally challenge the record. A Review Challenge of inaccurate information in Indiana is made to the ISP. A criminal history records Review Challenge outside of Indiana must be made to the Law Enforcement Agency (LEA) that posted the record. The subject of the check must be fingerprinted for the Review Challenge at the subject's expense.

### **Recommending Non-Emergency Placements**

DCS cannot recommend a home as a non-emergency unlicensed placement if the results of a criminal background check, criminal waiver, and/or CPS waiver process reveal one (1) or more of the following for the subject of the background check (who would stay, work, or volunteer in the home):

1. Disqualified criminal history that is not eligible to be waived;
2. Disqualified criminal history or substantiated CPS history for which the waiver is not supported or pursued by DCS; or
3. Disqualified criminal history or substantiated CPS history for which the waiver is not granted by DCS.

**Note:** If the household member with disqualified history no longer stays in the home and all other household members have passed all required background checks, the placement may be recommended after the disqualified subject moves out of the home (see policy 13.05 Conducting Background Checks for Non-Emergency Unlicensed Placements for information).

### **Substantiated CPS History**

The existence of substantiated CPS history in Indiana or the equivalent in another state means that unless a waiver is granted, the subject of the check is ineligible to be a non-emergency unlicensed placement caregiver, household member of a current or prospective non-emergency unlicensed placement (this excludes a child's parent who has been approved by the court to stay in the non-emergency unlicensed placement where the child is placed), or an employee or volunteer working or volunteering inside the home of the non-emergency unlicensed placement. See policy 13.16 Waivers.

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