



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 13: Background Checks

Section 10: Evaluating Background Checks for Foster Family Home Licensing

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POLICY OVERVIEW

The Indiana Department of Child Services (DCS) will evaluate background checks regarding the licensing decision for all foster family homes to help ensure the safety and well-being of children placed with a foster family.

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PROCEDURE

DCS Central Office Background Check Unit (COBCU) will evaluate the results of Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks) on all required persons for the purpose of foster family home licensing. The DCS local office or Licensed Child Placing Agency (LCPA) licensing worker will evaluate the Child Protective Services (CPS) History Check, National Sex Offender Registry Check, and Local Criminal Court Records Check. See policy 13.09 Conducting Background Checks for Foster Home Licensing regarding required checks to be completed.

Note: A search on the MyCase website shall be completed for Indiana to fulfill the Local Criminal Court Record Check requirement.

A copy of the results of all background checks and any waiver letters will be placed in the licensing file and documented in the case management system. All documentation will be attached to the subject of the check's profile. This may include scanning the official Fingerprint-Based Status Letter, waiver notice, and other background check information into the case management system. The DCS COBCU will complete requirements as outlined in policies 13.15 Fingerprint-Based Checks and 13.16 Waivers.

The licensing worker will immediately recommend denial or revocation of the foster family home license if the background check or waiver process for a household member or person who is staying, working, or volunteering in the home subsequently reveals the subject has a:

1. Disqualified criminal history that is not eligible to be waived;
2. Disqualified criminal history or substantiated CPS history for which the waiver action is not supported by the licensing worker or is not pursued by the foster family home;
3. Disqualified criminal history or substantiated CPS history for which the waiver is not granted by DCS; or
4. Disqualified criminal history or substantiated CPS history for which the necessary waiver is not submitted to the DCS COBCU as a complete and valid waiver within 10 business

days from the date of the Fingerprint-Based Disqualified Status Letter or the date of CPS substantiation history discovery. This specifically applies to subjects already residing in a currently licensed foster family home when this history is discovered or at the point of the foster family home relicensure, and foster children are currently placed in that foster home.

Note: If the household member no longer stays in the home, the denial or revocation will not be necessary. See Relevant Information for additional guidance.

Fingerprint-Based Check

The licensing worker will ensure all background checks are completed, as required in policy 13.09 Conducting Background Checks for Foster Home Licensing, and will:

1. Review the Fingerprint-Based Check Status Letter received from COBCU for each Fingerprint Based Check. See policy 13.15 Fingerprint-Based Checks for additional information:
 - a. Provide a copy of the Fingerprint-Based Check Status Letter to the subject of the check,
 - b. Instruct the subject of the check to contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter and provide the required verification to the COBCU Consultant within 10 business days of the date of the Fingerprint-Based Check Status Letter when it is conditionally disqualified. Upon re-evaluation, if disqualified, refer to “c” below,
 - c. Contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter when the fingerprint-based status returns as disqualified and the licensing worker is interested in possibly pursuing a waiver action to determine if the subject of the check is eligible to apply for a waiver. See policy 13.16 Waivers for additional information, and

Note: A criminal history waiver is required prior to new household members moving into an existing licensed home if that household member has criminal history or if new history that was not previously granted a waiver is discovered at any point while the home is licensed. A criminal history waiver granted by COBCU is required for initial licensing approval and relicensing. A criminal history waiver granted for the purpose of foster family home licensure may not be used for any other reason. A new waiver request must be submitted and granted for each additional purpose.

- d. Immediately implement a placement hold in the case management system if the subject of the check is already residing in the currently licensed foster family home at the time the conditional disqualified status or disqualified status is discovered and refer to “b” and/or “c” above for appropriate action and timeframes.

Note: If a foster child is already placed in the home, the licensing worker will notify the child’s Family Case Manager (FCM) of the conditionally disqualified or disqualified status of the foster home. The licensing worker will also update the child’s FCM if the license will be recommended for revocation for lack of follow through on the part of the subject of the check or due to waiver ineligibility or denial.

The DCS COBCU will:

1. Evaluate the results of the Fingerprint-Based Check; and

2. Notify the assigned contact person at the DCS local office or LCPA of the results by e-mailing the Fingerprint-Based Check Status Letter. See policy 13.15 Fingerprint-Based Checks for additional information.

Child Protective Services (CPS) History Check

The licensing worker will:

1. Review the completed CPS History Check results from Indiana and all other states of residency within the past five (5) years (if applicable) and determine if there are reports of any substantiations of Child Abuse and/or Neglect (CA/N) for the subject of the check; and

Note: The existence of substantiated CPS history in Indiana or the equivalent in another state means that, unless a waiver is granted (see policy 13.16 Waivers), the subject of the check is ineligible to be a(n):

- a. Foster parent,
 - b. Household member of current or prospective foster family home (this includes the child's biological parent who is also staying in the out-of-home placement where the child is placed, and the home is seeking foster family home licensure), or
 - c. Employee or volunteer within the foster family home.
2. Request a waiver of substantiated CPS history for initial licensing approval and relicensing, if applicable, by submitting the required information to the COBCU. See policy 13.16 Waivers for additional information.

Note: A CPS waiver is required prior to new household members moving into an existing licensed home if that household member has CPS history or if new CPS history that was not previously granted a CPS waiver is discovered at any point while the home is licensed. A CPS waiver granted for the purpose of foster family home licensure may not be used for any other reason. A new waiver request must be submitted and granted for each additional purpose. It is the responsibility of the applicant to cover any fees for out-of-state CPS history checks, if applicable.

Local Criminal Court Records Check (Initial and Relicensure)

The licensing worker will:

1. Review the results of the Local Criminal Court Records Check (see the Local Criminal Court Records Instructions for additional guidance); and
2. Contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter within five (5) business days if the Fingerprint-Based Status Letter is qualified and the Local Criminal Court Records Check returns a conviction of:
 - a. A felony,
 - b. A total of four (4) or more misdemeanors, or
 - c. A misdemeanor that may be related to the health and safety of a child.

Note: It is the responsibility of the applicant to cover any fees for Local Criminal Court Records check, if applicable.

The DCS COBCU will:

1. Re-evaluate the Fingerprint-Based Check Report; and
2. Reissue an amended Fingerprint-Based Check Status Letter, if applicable. See policy 13.15 Fingerprint-Based Checks for additional information.

National Sex Offender Registry Check

The licensing worker will:

1. Evaluate the results of the 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, the licensing worker will not license the home or will recommend revocation of the license; and
2. Contact COBCUinquiry@dcs.in.gov for additional guidance if the Fingerprint-Based Status Letter was qualified.

The DCS COBCU will:

1. Re-evaluate the Fingerprint-Based Check Report; and
2. Reissue an amended Fingerprint-Based Check Status Letter, if applicable. See policy 13.15 Fingerprint-Based Checks for additional information.

Annual Review

The licensing worker will:

1. Review the results on MyCase and compare to previous Local Criminal Court Records Check results (see the Local Criminal Court Records Instructions for additional guidance);
2. Require the subject of the check to complete a new Fingerprint-Based Check for the purpose of foster family home licensing if unknown convictions are found on the MyCase search. See policy 13.15 Fingerprint-Based Checks for additional guidance; and
3. Contact COBCU if the new Fingerprint-Based Check returns a qualified letter and the MyCase search reveals one (1) or more of the following convictions:
 - a. A felony,
 - b. A total of four (4) or more misdemeanors, or
 - c. A misdemeanor that may be related to the health and safety of a child.

The DCS COBCU will:

1. Re-evaluate the Fingerprint-Based Check Report; and
2. Reissue an amended Fingerprint-Based Check Status Letter, if applicable. See policy 13.15 Fingerprint-Based Checks for additional information.

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RELEVANT INFORMATION

Definitions

Licensing Worker

The licensing worker is the Regional Foster Care Specialist (RFCS) or the Licensed Child Placing Agency (LCPA) worker.

Household Member Staying in the Home

For purposes of DCS policy, “staying” in the home means to be in the home for 21 days or more, within a 12-month period. The days do not have to be consecutive.

Forms and Tools

- [Assessment of Alleged Child Abuse or Neglect \(SF 113\)](#)
- [Background Check Matrix for Unlicensed Placements and Foster Care Desk Guide](#)
- DCS COBCU email: COBCUinquiry@dcs.in.gov
- [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)
- [Local Criminal Court Records Check Instructions](#)

Related Policies

- [13.09 Conducting Background Checks for Foster Home Licensing](#)
- [13.15 Fingerprint-Based Checks](#)
- [13.16 Waivers](#)

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LEGAL REFERENCES

- [IC 31-27-4-5: Apply for licenses; criminal history checks](#)
- [IC 31-27-4-6: Grounds for denial of license applications; waiver](#)
- [IC 31-27-4-13: Denial of license](#)
- [IC 31-27-4-32: Grounds for revocation of license](#)
- [IC 31-27-4-33: Compliance with rules; disciplinary sanctions; revocation of license](#)
- [IC 31-9-2-84.8: Nonwaivable offense](#)

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PRACTICE GUIDANCE- DCS POLICY 13.10

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 not be provided to the LCPA, 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 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 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.

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