

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 13:</b> Background Checks	<b>Effective Date:</b> July 5, 2022
	<b>Section 11:</b> Conducting Background Checks for Emergency Unlicensed Placements	<b>Version:</b> 2

**STATEMENTS OF PURPOSE** *This policy applies to in-state [Emergency Unlicensed Placements](#). For [Non-emergency Unlicensed Placements](#), see policy [13.05 Conducting Background Checks for Non-emergency Unlicensed Placements](#). For Out-of-State Placements, see [chapter 9 Interstate Compact ICPC](#) policies.*

The Indiana Department of Child Services (DCS) requires background checks for an [emergency unlicensed placement](#) on:

1. Current permanent household members;
2. Persons who stay in the home for 21 days or more, within a 12-month period (the days do not have to be consecutive); and
3. Persons who work or volunteer in the home with children who are or will be under the direct supervision of the unlicensed resource.

The type of background check conducted for an [emergency unlicensed placement](#) will vary based on the age of the subject of the check:

1. **Prior to placement**, an Interstate Identification Index ([Triple I Check](#)) must be completed on all persons, 18 years of age and older, who are:
  - a. Current permanent household members,
  - b. Persons who stay in the home for 21 days or more, within a 12-month period (the days do not have to be consecutive), and
  - c. Persons who work or volunteer in the home with children who are or will be under the direct supervision of the unlicensed resource.

**Note:** Using the [Triple I Check](#) for reasons other than [emergency unlicensed placement](#) (e.g., non-emergency placements, foster care licensing, adoption, babysitters, minors, parents or parent's household members) violates both the law and DCS policy.

2. A Fingerprint-Based Check must be completed and returned with qualified results on all persons, 18 years of age and older, if the child is placed for **any** period of time in the [emergency unlicensed placement](#). See policy [13.15 Fingerprint-Based Checks](#) for further guidance;
3. A National Sex Offender Registry Check for all persons, 14 years of age and older, in every state in which the subject of the check has resided during the last five (5) years; and
4. A Child Protective Services (CPS) History Check on all persons six (6) years of age and older in **every** state in which the subject of the check has resided during the last five (5) years.

Current household members and all persons who are staying, working, or volunteering in the home being considered for [emergency unlicensed placement](#) who turn six (6), 14, or 18 years of age:

1. Must have any required background checks initiated **30 days prior** to the person's birthday that were not previously completed (based on age); and
2. Obtain fingerprints within **30 days after** the subject's 18<sup>th</sup> birthday. Fingerprints may not be completed prior to 18 years of age.

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

#### Codes 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**

The Family Case Manager (FCM) will take the following actions to complete the required background checks **prior to** placing a child in an [emergency unlicensed placement](#):

1. Verify the identity of each subject of the check, regardless of age, by reviewing one (1) available and current government-issued identification (ID). See policy [2.09 Verifying Identity](#) for further guidance. Examples of government-issued IDs include, but are not limited to:
  - a. Drivers' License,
  - b. Government issued photo ID,
  - c. Social Security Card,
  - d. Birth Certificate, or
  - e. Passport.
2. Ensure each household member, 18 years of age and older, completes the [Application for Criminal History Background Check \(SF 53259\)](#):
  - a. The subject of the check's legal name should be used as it appears on a current government issued photo ID,
  - b. The subject of the check must sign and date the form, and
  - c. The FCM should check the form for completeness, review the attestation statement, and must retain the original form in the case file.
3. Conduct an CPS History Check for each household member six (6) years of age and older by:
  - a. Completing Section A of the [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#), as the local office is the requesting agency,

- b. Having the subject of the check, or representative if a minor, complete Section B of [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#); and
  - c. Completing a state-wide search of the case management system and reflecting the results in Section C of [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#).
4. Conduct a National Sex Offender Registry Check for each household member, 14 years of age and 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,
 

**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,
    - c. Sign and date the printed results, and
    - d. Write "NO MATCH" on the printed page if there is no match.
  5. Complete a Local Criminal Court Records Check in **Indiana** for each household member, 18 years of age and older, by searching the [MyCase website](#). See the [Local Criminal Court Records Check Instructions](#) for more information.

Once the required background checks, as discussed above, are completed and evaluated as clear, the FCM will complete the following for household members who are 18 years of age and older:

1. Notify management-level staff (FCM Supervisor [FCMS] and above) to make a Triple I call to the Indiana State Police (ISP) to complete the [Triple I Check](#);
2. Register the subject, if [emergency unlicensed placement](#) of the child occurs, for the Fingerprint-Based Check as an emergency unlicensed placement and ensure the fingerprint appointment is scheduled **no more than five (5) business days from the date of placement**. See [13.15 Fingerprint-Based Checks](#) for additional information:

**Note:** The child must be removed from the emergency placement within 15 calendar days after the Triple I Check call is made, if any of the household members 18 years of age or older fail to complete the Fingerprint-Based Check. Contact Central Office Background Check Unit (COBCU) at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov) for additional guidance.

3. Complete the [DCS Triple I Follow Up Action Electronic Form](#) on SharePoint within five (5) business days if the [Triple I Check](#) was completed, but the child was not placed with the [emergency unlicensed placement](#) for **any** period of time. See policy [13.15 Fingerprint-Based Checks](#) for further guidance;
4. Record any arrests and/or convictions (provided by ISP) regarding the subject, in the case management system. See policy [13.12 Evaluating Background Checks for Emergency Unlicensed Placements](#) for additional information; and
5. Staff with the FCM Supervisor and document all decisions regarding the subject's results and the child's placement in the case management system.

**Within 72 hours** of the child's placement, the FCM will:

1. Initiate and conduct a CPS History search for each state **outside of Indiana** for each

household member, six (6) years of age and older, has resided the past five (5) years, if applicable. Locate information for a CPS administrator or local office designee to process the search request at [Out-of-State CPS Contact List](#); and

**Note:** If results are not received within 10 business days after initiation of the CPS History check, the FCM should follow-up with the contact listed on the [Out-of-State CPS Contact List](#). If additional assistance is needed in obtaining CPS History Check results, the FCM should contact COBCU at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov). If the person has CPS history in any state, refer to policy [13.12 Evaluating Background Checks for Emergency Unlicensed Placements](#) for further action.

2. Conduct a Local Criminal Court Records Check in each state **outside of Indiana** for each household member, 18 years of age and older, where the subject of the check has resided during the past five (5) years, if applicable, by completing a court record search (including all aliases) in each county court and applicable city courts. For further instructions see the [Local Criminal Court Records Check Instructions](#);
3. Record the results in the case management system within 72 hours of receipt; and
4. Staff with the FCM Supervisor and document all decisions regarding each subject's background check results and the child's placement in the case management system.

The FCM Supervisor will:

1. Staff with the FCM and provide guidance and assistance with required tasks as needed;
2. Ensure safety concerns for the FCM and child are addressed;
3. Request a [Triple I Check](#), prior to the [emergency unlicensed placement](#), for all household members, 18 years of age and older (see [Exceptions for Completion of Triple I Checks](#)), by Contacting the Indiana State Police (ISP) Headquarters at 317-232-8294 or 1-800-622-4961, and completing the following:
  - a. Providing the assigned [password](#), responding to a security question for identification, and identifying the DCS local office making the request, and
  - b. Providing the name, date of birth (DOB), and Social Security Number (SSN) exactly as listed on the subject of the check's government issued IDs.
4. Ensure the FCM has completed all tasks and documented all information and decisions into the case management system.

## **PRACTICE GUIDANCE**

### **Password Confidentiality**

Passwords and/or challenge questions should **not** be shared with anyone, including other DCS staff. Management-level staff should e-mail the COBCU at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov) when experiencing difficulty using the assigned username and/or challenge question.

### **Triple I Check**

The Triple I Check is only for unlicensed relative/kinship resource homes being considered for [emergency unlicensed placement](#), 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 unlicensed placement](#) is being considered. The Triple I Check is only used to provide immediate results for an [emergency unlicensed placement](#). Completion of fingerprinting is required within five (5) business days of the Triple I Check.

**Note:** If the subject of the Triple I Check refuses to complete the Fingerprint-Based Check and the child was placed in an [emergency unlicensed placement](#), the child must be removed from the home and the [DCS Triple I Follow Up Action Electronic Form](#) on SharePoint must be completed. Contact COBCU at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov) for further guidance.

### **Exceptions to Completion of Triple I Check**

[Triple I Checks](#) should not be completed on biological parents or for a subject requesting a medical exception to exclude fingerprinting. Additionally, an emergency placement cannot occur if the subject is requesting a medical exception or does not have an SSN.

### **Notifying the FCM of Arrest, Convictions or Substantiation of Child Abuse and/or Neglect (CA/N)**

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 at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov) for additional guidance.

## **FORMS AND TOOLS**

1. [Application for Criminal History Background Check \(SF 53259\)](#)
2. [Background Check Matrix for Unlicensed Relative/Kinship Placement Desk Guide](#)
3. [Central Office Background Check Unit \(COBCU\) Email](#)
4. [DCS Triple I Follow Up Action Electronic Form](#)
5. [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)
6. [Local Criminal Court Records Check Instructions](#)
7. [MyCase Website](#)
8. [Out-of-State CPS Contact List](#)

## **RELATED INFORMATION**

### **Emergency Unlicensed Placement**

Emergency unlicensed placement is defined as placement in a relative or kinship 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 relative or kinship 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. The child is able to remain in the current placement until all background checks are completed and cleared. This includes the necessary fingerprints, with results returning, and all necessary criminal and/or CPS waivers being granted prior to the change of placement. See [13.05 Conducting Background Checks for Non-emergency Unlicensed Placements](#) for additional information.