



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 13: Background Checks **Effective Date:** June 1, 2021

Section 13: Childcare Providers and
Extracurricular Activities **Version:** 1

STATEMENTS OF PURPOSE *This policy applies to children who have been removed from their homes and are in an out-of-home placement. This policy is **not** applicable to In-Home CHINS.*

The Indiana Department of Child Services (DCS) will conduct background checks in accordance with all applicable state and federal laws regarding childcare providers and extracurricular activities. DCS will maintain the confidentiality of all information gained during the background check process. See policy 2.06 Sharing Confidential Information for further guidance.

Unlicensed Childcare Providers Outside of the Resource Home on a Regular and Continuing Basis

DCS will require that any unlicensed out-of-home childcare provider that supervises a 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. Child Protection Service (CPS) History Checks in every state in which the subject of the check has resided the last five (5) years (for all subjects six [6] years of age and older);

Note: The unlicensed childcare provider or household members with CPS substantiation shall request a CPS Waiver to be approved as an authorized childcare provider or household member by DCS. See policy 13.16 Waivers for additional information.

2. National Sex Offender Registry Checks in every state in which the subject of the check has resided the last five (5) years, (for all subjects 14 years of age and older) using the Dru Sjodin National Sex Offender Public website; and
3. Local Criminal Records Check (for all subjects 18 years of age and older).

Fingerprint-Based Checks should not be conducted for unlicensed out-of-home childcare providers. DCS does not have the statutory authority to complete fingerprinting for this purpose. See policy 13.15 Fingerprint-Based Checks for more information.

Unlicensed Childcare Providers Inside the Resource Home on a Regular and Continuing Basis

Unlicensed in-home childcare providers that supervise the child on a regular and continuing basis would be considered employees or volunteers of the resource home, and the background checks required for an employee or volunteer of the home should be completed. See policies 13.05 Conducting Background Checks for Unlicensed Placements and 13.09 Conducting Background Checks for Foster Home Licensing for information regarding required background checks.

Licensed Childcare

Background checks have already been completed by Family and Social Services Administration (FSSA), Office of Early Childhood and Out of School Learning for licensed child-care homes,

licensed childcare centers, and unlicensed registered childcare ministries. No additional background check is needed.

Childcare on an Irregular Basis (In-Home or Out-of-Home)

DCS does not have the statutory authority to fingerprint unlicensed childcare providers that supervise the child on an irregular basis. Discretion should be used when deciding whether CPS History Checks, National Sex Offender Registry Checks via the Dru Sjodin National Sex Offender Public Website, and/or Local Criminal Records Checks are needed. Consideration of child's safety must remain a priority in addition to promoting a normal life for the child in care.

Extracurricular Activities

DCS does not have the statutory authority to fingerprint individuals involved in the child's participation in extracurricular activities. Discretion should be used when deciding whether CPS History Checks, National Sex Offender Registry Checks using the Dru Sjodin National Sex Offender Public website, and/or Local Criminal Records Checks are needed. Consideration of the child's safety must remain a priority in addition to promoting a normal life for the child in care. See Related Information.

Code References

1. [IC 10-13-3-27: Release of data to noncriminal justice organization or to individuals; national crime information center data restricted; penalties](#)
2. [IC 10-13-3-38.5: Use of fingerprints for employment or license; retention of fingerprints; requirement to submit to fingerprint background check based on access to confidential tax information](#)
3. [IC 10-13-3-39: Department designated authorized agency for national criminal history background check; request for background check by qualified entity; exchange of identification records; results provided to public agency](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Discuss the use of background checks and whether there is a need for discretionary checks with the FCM Supervisor;
2. Ensure required background checks and any discretionary background checks decided are conducted:
 - a. Verify the identity of each subject of the check, regardless of age, by reviewing one (1) available and current government-issued identification (ID) document such as, but not limited to:
 - i. Driver's license (see policy 2.09 Verifying Identity);
 - ii. Government issued picture ID;
 - iii. Social Security Card;
 - iv. Birth Certificate; or
 - v. Passport.
 - b. Ensure each subject of the check, for all subjects 18 years of age or older, complete the Application for Criminal History Background Check (SF 53259) using the subject's legal name as it appears on a current government issued picture ID by signing and dating the form. Review the attestation statement and place the original in the file,
 - c. Conduct a National Sex Offender Registry Check for all subjects 14 years of age and older via the Dru Sjodin National Sex Offender Public website and print the results:

- i. Each name or combination of names used within the subject's lifetime must be searched individually. Upon obtaining the results of a name search, the results should be printed;
- ii. Sign and date the printed results; and
- iii. Write "NO MATCH" on the printed page if there is no match.

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 lived in for the past five (5) years.

- d. Conduct a CPS History Check for all household members. If the mandatory person has CPS history in any state, refer to policy 13.16 Waivers for further action required.
 - i. For Indiana conduct a search of the case management system and complete the Indiana Request for a Child Protection Services (CPS) History Check (SF 52802) for authorization of the subject of the check and documentation of the results;
 - ii. For all other states, conduct a CPS History Check for every other state in which the individual has lived during 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 (available on the Background Check Resources SharePoint).
- e. Conduct a Local Criminal Records Check for all subjects 18 years of age and older 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 Records Check, see the Local Criminal Records Check Instructions, available on the Background Check Resources SharePoint.
- 3. Discuss background check results with the FCM Supervisor. If a CPS Search is mandatory and there is history, discuss completion of a CPS waiver. See policy 13.16 Waivers for additional information;
- 4. Notify the subject of the check and the child's placement of approval or denial of the individual for childcare or participation with the child in extracurricular activities; and
- 5. Place a copy of the results for all background checks conducted in the child's file and document all results in the case management system.

The FCM Supervisor will:

- 1. Discuss the details of the case with the FCM to determine which discretionary background checks should be conducted;
- 2. Guide the FCM in conducting required or discretionary background checks as well as any CPS waivers and provide assistance as needed;
- 3. Review background check results and discuss approval or denial of the individual for childcare or extracurricular activities with the FCM; and
- 4. Ensure all background check results, decisions, and any deviation from best practice are documented in the case management system.

PRACTICE GUIDANCE

Local Criminal Records Check

A Local Criminal Records Check should be conducted for all persons 18 years of age and older 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 Records Checks, see the Local Criminal Records Check Instructions, available on the Background Check Resources SharePoint.

National Sex Offender Registry Check

The National Sex Offender Registry Check is used to determine if there are any matches. If there is a match, the individual is ineligible to be a childcare provider, and it is best practice that these decisions are staffed and documented at the local office level to reflect what is in the best interest of the child.

Searching CPS History

Local DCS Offices may complete a CPS history check by searching the case management system.

FORMS AND TOOLS

1. [Application for Criminal History Background Check \(SF 53259\)](#)
2. Background Check Matrix for Unlicensed Placement Desk Guide— Available on the [Background Check Resources SharePoint](#)
3. [Dru Sjodin National Sex Offender Public Website](#)
4. Local Criminal Records Check Instructions – available on the [Background Checks website](#)
5. Out-of-State CPS Contact List – available on the [Background Checks website](#)
6. [Request for Child Protection Service \(CPS\) History Check \(SF 52802\)](#)

RELATED INFORMATION

Childcare on an Irregular Basis

Examples of irregular childcare include but are not limited to visiting or spending time at the home with friends and/or relatives, including occasional overnights, going to the movies, unforeseen/unpredictable situations, or other similar activities.

Note: Court approved relative/kinship visitation is not childcare. See policy 8.12 Developing the Visitation Plan for additional information.

Childcare on a Regular and Continuing Basis

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 or events.

Extracurricular Activities

Extracurricular activities include, but are not limited to: scouting, sport teams, youth groups, school sponsored activities, sleepovers, family or friend outings, overnights with family, birthday parties, going to the movies, and going to the mall (see policy 8.23 Extracurricular Activities).

Note: Although relative/kinship visitation is not considered an extracurricular activity, the same background check guidance as outlined for extracurricular activities should be followed. DCS doesn't have the statutory authority to fingerprint print for the purpose of visitation. Discretion and local office staffing should be used when determining if optional checks will be completed. This guidance regarding the completion of background checks

also is applicable to court-ordered relative/kinship visitation. See policy 8.12 Developing the Visitation Plan for additional information.