

	<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 15:</b> Fingerprint-Based Checks	<b>Version:</b> 2

**STATEMENTS OF PURPOSE**

The Indiana Department of Child Services (DCS) requires Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks) as a part of all required Background Checks for the following:

1. Licensed Residential Agencies and Licensed Child Placing Agencies (LCPA). See policy [13.01 Conducting Background Checks for Licensed Residential Agencies and Child Placing Agency](#);
2. DCS Contractors. See policy [13.03 Conducting Background Checks for DCS Contractors](#);
1. Unlicensed Placements. See policies [13.05 Conducting Background Checks for Non-emergency Unlicensed Placements](#) and [13.11 Conducting Background Checks for Emergency Unlicensed Placements](#);
2. DCS Adoptions. See policy [13.07 Conducting Background Checks for DCS Adoptions](#); and
3. DCS Foster Family Homes. See policy [13.09 Conducting Background Checks for Foster Family Home Licensing](#).

Fingerprint-Based Checks are not mandatory for reunification or Collaborative Care (CC). However, the DCS local office may use discretion to complete Fingerprint-Based Checks for these purposes. The Central Office Background Check Unit (COBCU) does not return a qualified, conditionally disqualified, or disqualified evaluation standards for reunification or CC. The results will provide additional information to the local office, which may be considered in conjunction with other case specifics to determine the overall safety of the home in which reunification of the child is being considered or the older youth may be living. See policies [13.14 Background Checks for Reunification](#) and [11.25 Collaborative Care Host Homes](#) for additional information.

DCS will evaluate the results of Fingerprint-Based Checks on all required persons. DCS will maintain confidentiality of all information gained during the background check process and follow all applicable state and federal laws, as well as Criminal Justice Information Services (CJIS) security protocols. See policy [2.06 Sharing Confidential Information](#) for further guidance.

Fingerprint-Based Checks conducted for a specific individual and purpose (including contractors, unlicensed placements, or foster family home licensing) cannot be used for any other purpose. A new Fingerprint-Based Check will be required for each new purpose.

Code References

1. [IC 10-13-3-38.5: Use of fingerprints for employment or license; retention of fingerprints; requirement to submit fingerprint background check based on access to confidential tax information](#)

2. [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](#)
3. [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](#)
4. [IC 31-9-2-22.5: "Conduct a criminal history check"](#)
5. [IC 31-19-8-5: Agency report and recommendation; filing requirements; waiver of report](#)
6. [IC 31-27-3-3: Application for license; criminal history checks \(child caring institution\)](#)
7. [IC 31-27-5-4: Application for license; criminal history checks \(group home\)](#)
8. [IC 31-27-6-2: Application for license; criminal history checks \(child placing agency\)](#)
9. [IC 31-27-4-5: Apply for licenses; criminal history checks](#)
10. [IC 31-28-5.8-5.5: Conduct criminal history check](#)
11. [IC 31-34-21-5.5: Reasonable efforts to preserve and reunify families](#)

<b>PROCEDURE</b>
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The individual or agency responsible for requesting the Fingerprint-Based Check will:

1. Complete the registration process for the subject of the check (for all persons 18 years of age and older) through the DCS approved fingerprint vendor, unless requesting an [Exception to Fingerprinting](#). See [Practice Guidance](#) for more information regarding exceptions;

**Note:** For [emergency unlicensed placements](#), fingerprinting must be completed within five (5) business days after the Interstate Identification Index (Triple I Check) is called into the Indiana State Police (ISP) by management-level staff. The Family Case Manager (FCM) is responsible for completing the registration process for the subject of the check at the time of placement. See policy [13.11 Conducting Background Checks for Emergency Unlicensed Placements](#).

2. Provide the subject of the check with a copy of the registration confirmation number given at the end of the registration process, and remind the subject of the check to take the same valid government-issued photo identification (ID) used when registering for fingerprints;
3. Provide the subject of the check with the step-by-step instructions for registering for fingerprints, customized for the appropriate purpose, if the agency is unable to complete the registration. See [Practice Guidance](#) for more information regarding fingerprint registration;
4. Ensure the subject of the check is successfully fingerprinted. See [Practice Guidance](#) for additional guidance regarding fingerprints that are rejected;

**Note:** If the Fingerprint-Based Check is being completed for an [emergency unlicensed placement](#) and the subject of the check fails to print within 15 calendar days after a Triple I call is made, the child must be removed. If the fingerprints are rejected, the subject of the check must actively pursue the re-print process. See policy [13.12 Evaluation Background Checks for Emergency Unlicensed Placements](#) for additional information.

5. Obtain the results of the Fingerprint-Based Check;

**Exception:** For the purpose of reunification or CC, the COBCU will not provide a Qualified, Disqualified, or Conditionally Disqualified letter. For more information, see policy [13.14 Background Checks for Reunification](#).

6. Place a copy of the Fingerprint-Based Check results in the child's file and upload the results to the case management system. This may include scanning the official Fingerprint-Based Status Letter in the case management system; and
7. Provide a copy of the Fingerprint-Based Check Status Letter to the subject of the check.

DCS COBCU will:

1. Evaluate the results of the Fingerprint-Based Check;
2. Provide a Fingerprint-Based Status Letter via e-mail to the agency's assigned contact person handling all background check material and inform them of the Fingerprint-Based Check status;

**Exception:** For the purpose of reunification or CC, the COBCU will not provide a Qualified, Disqualified, or Conditionally Disqualified letter. For more information, see policy [13.14 Background Checks for Reunification](#).

3. Provide guidance regarding Conditionally Disqualified and Disqualified applicants; and
4. Re-evaluate history for Conditionally Disqualified and Disqualified applicants upon receipt of requested documentation, and issue a new Fingerprint-Based Status Letter, when applicable.

**Note:** For waivers of disqualified criminal history, see policy [13.16 Waivers](#).

## PRACTICE GUIDANCE

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

A copy of the official Federal Bureau of Investigations (FBI) and the ISP transcript will not 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 ISP. A criminal history records Review Challenge outside of Indiana must be made to the Law Enforcement Agency (LEA) that posted the record.

### **Exceptions to Fingerprinting**

The only exception to fingerprinting a subject of the check is if he or she has a physical disability that makes it impossible to obtain the subject's fingerprints. The exception does not apply to subjects of the checks who can be printed, but the quality of the fingerprints is poor. The exception may only be granted by the COBCU and is for limited and case-specific situations, such as the following:

1. The individual does not have fingers;
2. A person trained to take fingerprints has documented that the subject of the check's disabling condition prevents fingerprinting; or
3. A qualified medical practitioner has documented the subject of the checks disabling condition 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](#); or
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 and explaining the disabling condition; and
2. The required documentation from the person trained to take fingerprints or qualified medical practitioner or evidence that the individual does not have fingers.

The following steps will be completed after an exception to fingerprinting is requested:

1. COBCU will run an Indiana Local Criminal History (LCH);
2. COBCU will grant the exception, if appropriate;
3. COBCU will provide the results of the LCH to the requestor of the exception;
4. COBCU will direct the requestor of the exception to run the checks for all other states in which the subject of the check has resided during the past five (5) years;

**Note:** Contact the COBCU for guidance on what type of check is needed in another state.

5. The COBCU will provide an exception granted notification to the agency contact person; and
6. A new fingerprint exception must be requested and granted each time fingerprinting is required.

### **Special Fingerprinting Issues**

If the subject of a check is unable to leave his or her home for fingerprinting, the licensing worker<sup>1</sup> should contact the COBCU via [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov) for appropriate instruction and approval.

### **Registering for Fingerprints**

When the designated personnel is unable to complete the fingerprint registration process for the subject of the check, the subject of the check is to be provided a copy of the applicable form, which provides step-by-step instructions for fingerprint registration through a DCS approved vendor:

1. Licensed Residential Agencies and DCS Contractors:
  - a. [DCS Licensed or Contractor Agency Employee Registration Instruction for Fingerprinting in Indiana](#)
  - b. [DCS Licensed or Contractor Agency Volunteer Registration Instruction for Fingerprinting in Indiana](#)
2. Unlicensed Placements:
  - a. [DCS Emergency Relative Instruction for Fingerprinting in Indiana](#)
  - b. [DCS Non-Emergency Relative Registration Instruction for Fingerprinting in Indiana](#)

<sup>1</sup> The licensing worker refers to the DCS Regional Foster Care Specialist (RFCS) or the Licensed Child Placing Agency (LCPA) worker

3. Adoption:
  - a. [DCS Ward Adoption Registration Instruction for Fingerprinting in Indiana](#)
  - b. [DCS LCPA Indiana Adoption Program or Special Situation Adoption Registration Instruction for Fingerprinting in Indiana](#)
4. Foster Family Home Licensing:
  - a. [DCS LCPA Foster Home Licensing Registration Instruction for Fingerprinting in Indiana](#)
  - b. [DCS Local Office Foster Home Licensing Registration Instruction for Fingerprinting in Indiana](#)
5. Reunification: [DCS Reunification Registration Instruction for Fingerprinting in Indiana](#)
6. Collaborative Care: [DCS Collaborative Care Fingerprint Registration Instruction in Indiana](#)

### **Unreadable Prints and Reprint Notice**

Fingerprints may be rejected by the ISP or the FBI for a number of reasons. Each rejection is evaluated individually. When fingerprints are rejected, follow the instructions on the Reprint Notice. For each Reprint Notice issued, the subject of the check must schedule a reprint appointment. Do not start a new fingerprint registration or there will be a duplicate charge for the cost of printing. Provide the subject of the check a copy of the notice if they will be scheduling their 'reprint' appointment themselves.

Once the necessary number of rejections within the appropriate timeframe has been met, the COBCU will request that a non-emergency Name-Based Check be processed. Once the Name-Based Check has been requested, the processing timeframe is longer than a Fingerprint-Based Check.

### **Unauthorized Fingerprint-Based Checks**

Neither the court nor any other person or organization may require DCS to complete Fingerprint-Based Checks on those subjects over which DCS has no statutory authority to fingerprint. Also, DCS may not 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 DCS Deputy Director of Juvenile Justice Initiatives and Support for assistance.

DCS does not have the statutory authority to fingerprint the following:

1. Individuals involved in the child's participation in extracurricular activities (e.g., scouting, youth groups, school parties, sleepovers, and birthday parties). For more information, see policies [8.23 Extracurricular Activities](#) and [13.13 Childcare Providers and Extracurricular Activities](#);
2. In-home or out-of-home unlicensed childcare providers who supervise the child irregularly. Examples of irregular childcare should include, but are not limited to, visiting or spending time at the home, including occasional overnights with friends and/or relatives, going to the movies, unforeseen situations, and other similar activities. In addition to promoting a normal life for the child in care, consideration of the child's safety must remain a priority; and
3. Individuals who participate in visitation with the child. For more information, see policy [8.12 Developing the Visitation Plan](#).

DCS should not conduct fingerprints for the following:

1. Unlicensed out-of-home childcare providers; and
2. Domestic or international private adoptions.

**Note:** For domestic or international private adoptions, the private agencies and/or legal representative for the pre-adoptive parent will run Fingerprint-Based Checks through ISP. The only exception is when the prospective private adoptive home is applying for the Adoption Assistance Program (AAP) through DCS.

### **Undocumented Individuals**

Fingerprints are still required if an individual is undocumented. For the purposes of unlicensed out-of-home placement, an undocumented individual shall be fingerprinted even if the individual does not have a valid Social Security Number (SSN). For the purposes of reunification and CC, an undocumented individual may be fingerprinted without a valid Social Security Number (SSN). The individual must have a current government-issued picture ID, even if it is issued by their native country.

Fingerprints are also required for the purposes of adoption and foster home licensing when the individual is undocumented. The fingerprint registration for the purpose of foster home licensing and/or adoption cannot be completed without a valid SSN or the assistance of COBCU. The adoption worker<sup>2</sup> or licensing worker (whichever is applicable) should email a request to COBCU at: [cobcuinquiry@dcs.in.gov](mailto:cobcuinquiry@dcs.in.gov). The following information (#1 - #12) should be included in the request for **each** Applicant **and** all household members (If the purpose is for adoption, #13 and #14 must additionally be included):

1. Legal Name;
2. Date of Birth (DOB);
3. Height;
4. Weight;
5. Eye color;
6. Hair color;
7. Country of birth;
8. Country of citizenship;
9. Copy of a current government-issued picture ID;
10. Completed, signed [Application for Criminal History Background Check \(SF53259\)](#);
11. Address of the location where the individual wants to be printed;
12. Three (3) dates and times that the individual is available to be printed;
13. Short explanation of length of time the individual has been in the United States of America (USA), if fingerprinting is being requested for the purpose of adoption; and
14. Steps taken by the individual, if any, to become a legal resident of the USA and obtain a SSN, if fingerprinting is being requested for the purpose of adoption.

## **FORMS AND TOOLS**

1. [Application for Criminal History Background Check \(SF53259\)](#)
2. [Request for Additional Funding \(SF54870\)](#)
3. [DCS Emergency Relative Instruction for Fingerprinting in Indiana](#)
4. [DCS Non-Emergency Relative Instruction for Fingerprinting in Indiana](#)
5. [DCS Ward Adoption Instruction for Fingerprinting in Indiana](#)

<sup>2</sup> The adoption worker refers to the DCS or the LCPA worker.



6. [DCS Licensed or Contractor Agency Employee Registration Instruction for Fingerprinting in Indiana](#)
7. [DCS Licensed or Contractor Agency Volunteer Registration Instruction for Fingerprinting in Indiana](#)
8. [DCS LCPA Indiana Adoption Program or Special Situation Adoption Registration Instruction for Fingerprinting in Indiana](#)
9. [DCS LCPA Foster Home Licensing Registration Instruction for Fingerprinting in Indiana](#)
10. [DCS Local Office Foster Home Licensing Registration Instruction for Fingerprinting in Indiana](#)
11. [DCS Reunification Registration Instruction for Fingerprinting in Indiana](#)
12. [DCS Collaborative Care Fingerprint Registration Instruction in Indiana](#)

## RELATED INFORMATION

### **Covered Personnel**

Covered personnel is any person that is required by a contract or DCS policy to have some level or type of a background check as a DCS contractor, subcontractor, administrator, employee, and/or volunteer. The two (2) levels of covered personnel are:

1. A-1 Level Covered Personnel: Personnel employed or volunteering in a capacity in which the subject of the check has the expectation of direct contact with children, in connection with performance of any services or activities pursuant to the contract with DCS; and

**Note:** Personnel designated as A-2 Level Covered Personnel could become A-1 Level Covered Personnel at any time as duties or responsibilities change to include A-1 Level Covered duties, services, or activities.

2. A-2 Level Covered Personnel: Personnel employed or volunteering in a capacity in which the subject of the check has the expectation of electronic or other access to children's child welfare or DCS information, in connection with performance of any services or activities pursuant to the contract with DCS.

**Note:** Personnel designated as not A-2 Level Covered Personnel could become A-2 Level Covered Personnel at any time as duties or responsibilities change to include A-2 Level Covered duties, services, or activities.

### **Other Access to Information**

For purposes of the A-2 Level Covered Personnel definition, other access to a child's child welfare or DCS information includes both access to physical records and access to overhear information about a child's child welfare or DCS information.

### **Direct Contact with Children**

For purposes of A-1 and A-2 Level Covered Personnel definitions, direct contact with children means any direct contact with a child, regardless of whether another adult or a parent is present.

### **Fingerprint Qualification Status**

The following are results that may be received for fingerprinting qualification status:

**Qualified:** As long as the subject of the check passes all other background checks, the subject of the check is eligible for the purpose or position in which the checks were completed.

**Conditionally Disqualified:** Until the conditionally disqualified conviction or arrest is resolved and the status is changed to Qualified (or the status is changed to Disqualified and a waiver is subsequently granted), the subject of the check is ineligible to be a placement provider, a household member, or to work in any of the positions listed above.

**Note:** Examples of reported information on a Fingerprint-Based Check Report that will lead to a “Conditionally Disqualified” result include, but are not limited to:

1. An arrest without a disposition,
2. A conviction without the level of the conviction being a misdemeanor or a felony, or
3. A conviction where additional information regarding the circumstances of the arrest and conviction are required.

**Disqualified:** Unless a waiver is granted, the subject of the check is ineligible to be a placement provider, a household member, or to work in any of the positions listed below.

### **Eligibility Based on Fingerprint Qualification**

The type of fingerprint qualification status determines whether the subject of the check is eligible for the following (see [Fingerprint Qualification Status](#) for more information regarding each status):

1. Applicant for a license;
2. Director or manager of a DCS licensed agency;
3. Employee, volunteer, contractor (including subcontractor) working in a DCS licensed agency;
4. DCS contracted agency as an A-1 level [Covered Personnel](#);

**Note:** If the individual is an existing employee or volunteer, either the conditional status must be resolved in a timely manner, the employee or volunteer must be removed from the work schedule, or the employee or volunteer must be reassigned to other duties that don't allow contact with DCS wards until the Conditionally Disqualified status is changed to “Qualified” (or the status is changed to “Disqualified” and a waiver is subsequently granted).

5. Employee or volunteer who is working or volunteering inside the home of the unlicensed relative out-of-home placement or foster family home;
6. Placement option as an unlicensed relative out-of-home caregiver;
7. Household member of the unlicensed relative out-of-home placement (this excludes child's parent who has been approved by the court to live in the same out-of-home placement in which the child is placed);
8. Prospective adoptive parent or household member of a prospective adoptive parent; and
9. Foster parent or household member of a current or prospective foster family (this includes the child's parent who has been approved by the court to live in the out-of-home placement where the child is placed, and the home is seeking foster family home licensure).

### **Emergency Unlicensed Placement**

Emergency unlicensed placement is defined as placement in a kinship or relative home (not a biological, adoptive, or other legal 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, adoptive, or other legal 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 his or her current placement for a period of time. The child is able to remain in his or her current placement until all background checks are completed and cleared. This includes the necessary fingerprints, with results returned, and all necessary criminal and/or CPS waivers being granted prior to the change of placement taking place.