

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 13: Residential Facility and Agency Licensing	Effective Date: October 1, 2007
	Section 1: Conducting Background Checks for Residential Facility and Agency Licensing	Version: 2

POLICY [NEW]	OLD POLICY: N/A
---------------------	------------------------

The Indiana Department of Child Services (DCS) will complete a background check on the following:

1. Each applicant for a license.
2. Managers of a DCS-licensed facility where children are placed.
3. Employees, volunteers, and interns in DCS-licensed facilities if the employee/volunteer/intern has or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the agency.

For the purposes of residential facility and agency licensing, a “background check” will consist of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History which includes Indiana State Juvenile History and fingerprint-based Indiana State Criminal History check
2. Sex and Violent Offender Registry
3. Child Protection Services History
4. Local law enforcement agencies (LEA) / county sheriff records

Note: Effective July 1, 2007, employees and volunteers, including interns, for whom a criminal history check is required have a 90-day provisional status while the criminal history is being conducted and evaluated. During this time, the employee or volunteer may not have direct contact with a child unless in the presence of another employee or volunteer who has completed an approved criminal history check. When determining whether to provisionally hire or assign as a volunteer/intern, the applicant or licensee must consider:

1. the training time required by an employee or volunteer/intern.
2. the safety and security of the children under the supervision of the applicant or licensee.
3. the safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.
4. the staffing concerns of the applicant or licensee.
5. any other factor relating to the safety and security of the applicant’s or licensee’s operation.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. Refer to separate policy Chapter 2, [Confidentiality of Background Check Data](#).

Each residential facility and agency is required to maintain records of all information received concerning background checks.

Each employee/volunteer/intern for whom background checks are required must have a current job description which indicates that the individual has or will have direct contact, on a regular and continuing basis, with children who are under the direct supervision of the agency.

DCS will require background checks to be completed:

1. at the initial licensing application, and
2. prior to beginning employment or serving as a volunteer/intern, and
3. every four (4) years at relicensure.

DCS requires the applicant to notify the Central Office Licensing Unit consultant within 24 hours of the arrest or conviction of the applicant or any employee/volunteer/intern in the agency.

A new background check will be required by the employee/volunteer/intern if the facility or agency license is being renewed and more than one (1) year has passed since the employee/volunteer/intern was printed.

Code References

[31-27-3-3 Applying for a Child Caring Institution License](#)

[31-27-3-5 Denial of a Child Caring Institution License](#)

[31-27-5-4 Applying for a Group Home License](#)

[31-27-5-6 Denial of a Group Home License](#)

[31-27-6-2 Applying for a Child Placing Agency License](#)

[31-27-6-3 Denial of a Child Placing Agency License](#)

PROCEDURE

Prior to submitting the residential facility or agency licensing application to the Central Office Residential Licensing Unit, the applicant will complete the following steps for managers and all employees, volunteers or interns who have or will have direct contact, on a regular and continuing basis, with children supervised by the agency:

1. Verify the identity of all individuals by reviewing an available valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. Refer to separate policy, Chapter 2, [Verifying Identity](#).
2. Complete a search for previous child protection services (CPS) history and evaluate. Check and evaluate CPS records for Indiana and **all other states** in which each individual is known to have resided for the past five (5) years. Refer to separate policy, [2.12 Evaluation of Background Checks for DCS Contractors](#).

Note: For Indiana records, applicants are unable to access this information and will need to send a copy of the [Request for Child Protection Service \(CPS\) History Check](#) form to the local DCS office to obtain results. For all other states, use the following link to locate contact information for a CPS administrator who can process your search request:

http://www.acf.hhs.gov/acf_contact_us.html#regions.

3. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state in which the individual is known to have resided in the past five (5) years. For Indiana, the link is: <http://www.insor.org/insasoweb/>. For all other states, the link is <http://www.fbi.gov/hq/cid/cac/registry.htm>.

4. Search local law enforcement agency (LEA)/sheriff department records for every county/state in which the individual is known to have resided in the past five (5) years.
5. Prepare the individual for fingerprinting for the National Criminal History Check by explaining the fingerprinting process as outlined below.
 - a. The agency worker completes the Application for Criminal History Background Check form and gives a copy to the fingerprint applicant.
 - b. The fingerprint applicant should be instructed to register for electronic fingerprinting online at <http://dcsfp.sofn.net> (the applicant can call 1-877-323-8885 if he/she does not have Internet access).
 - c. During the registration process, the fingerprint applicant will be asked for the information contained on the Application for Criminal History Background Check form.
 - d. After the fingerprint applicant provides this information, he/she will be prompted to select a fingerprint location and will be prompted for payment (if payment is required).
 - e. Next, the fingerprint applicant will be prompted to enter demographic data and then will be given a bar code receipt. This completes the registration process.
 - f. The fingerprint applicant should then call the fingerprint location selected to see if an appointment is necessary. The fingerprint applicant must take the bar code receipt (or the number listed on the bar code receipt) and the I.D. used during registration to the fingerprint location selected. Fingerprinting cannot take place without these two items.
6. The Central Office Background Check Unit will provide notice via email to the employer stating the qualifying status of the subject of the check. The employer must inform the employee/volunteer/intern of the final determination. Refer to separate policy, Chapter 13, [Evaluation of Background Checks for Residential Facilities or Agency Licensing](#). Notice will also be provided to the fingerprint applicant if they provided an email address during registration.
7. Administrative Website
Upon request, provider/agency staff will be provided access to the administrative website to check the status of fingerprint applicants associated with their agency. To obtain a user name and password to access the administrative website, contact the Background Check Unit at Background.Checkunit@dcs.in.gov.

PRACTICE GUIDANCE

FORMS AND TOOLS

[Application for Criminal History Background Check, SF 53259/CW 3610](#)
[Tracking National Criminal History and Juvenile History Reports](#)
[Request for a Child Protection Services \(CPS\) History Check, SF 52802/CW 2128](#)

RELATED INFORMATION

Special Fingerprinting Issues

Unreadable Prints: For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the FBI for the following reasons: smudged prints, not fully rolled, fingerprints too light or too dark, double prints in one box or all five prints not on the same card. When this occurs, notification will be sent to the applicant that they must be reprinted. If the subject's fingerprints are rejected by the FBI twice, ISP will coordinate with the FBI to allow for a name-based National Criminal History Report to be generated without follow-up fingerprints. Rejection of the fingerprint card by ISP does not count as an FBI rejection. If prints are rejected multiple times by the State Police and are deemed unreadable (e.g. due to skin condition or age), they will be sent to the FBI for a manual read. The timeframe for a manual read is longer than a routine check.

Checking the Status of a Fingerprint-based National Criminal History Report

To learn the status of a fingerprint-based National Criminal History Report, please log on to the administrative website or contact the Central Office Background Check Unit.

Disclosing National Criminal History Check Information to the Subject of the Check

DCS may disclose the specific crimes that disqualified the subject of the check's criminal history to the subject if the disqualifying decision is challenged. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the disqualification. DCS may disclose to the employer the general category (listed felony, general felony or misdemeanor) on which the decision was based.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

Disclosing State Limited Criminal History Check Information to the Subject of the Check

DCS may provide a copy of the State limited criminal history check to the subject of the check or the subject's employer.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police