

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 13: Background Checks	Effective Date: June 1, 2021
Section 06: Evaluating Background Checks for Non-Emergency Unlicensed Placements	Version: 10	

STATEMENTS OF PURPOSE - *This policy applies to [Non-Emergency Unlicensed Placements](#). For [Emergency Unlicensed Placements](#), see policy [13.12 Evaluating Background Checks for Emergency Unlicensed Placements](#).*

The Indiana Department of Child Services (DCS) will evaluate the results of Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks), Child Protective Services (CPS) History Checks, National Sex Offender Registry Checks, and Local Criminal Court Records Checks, on all required persons prior to the placement of a child in an unlicensed out-of-home placement. See policy [13.05 Conducting Background Checks for Nonemergency Unlicensed Placements](#) for additional information.

DCS cannot recommend a home as a [non-emergency unlicensed placement](#) if the results of a criminal background check, criminal waiver, and/or CPS waiver process reveal one (1) or more of the following for the subject¹ of the check (who would stay, work, or volunteer in the home):

1. Disqualified criminal history that is not eligible to be waived;
2. Disqualified criminal history or substantiated CPS history for which the waiver is not supported or pursued by DCS; or
3. Disqualified criminal history or substantiated CPS history for which the waiver is not granted by DCS.

Note: If the household member with disqualified history no longer stays in the home (see policy [13.05 Conducting Background Checks for Non-Emergency Unlicensed Placements](#) for information) and all other household members have passed all required background checks, the placement may be recommended after the disqualified subject moves out of the home.

Fingerprint-Based Check

The DCS Central Office Background Check Unit (COBCU) will evaluate the results of the Fingerprint-Based Check and notify the assigned contact person at the DCS local office 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

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

¹ For the purpose of this policy, the subject of a background check is defined as an individual who would stay, work, or volunteer in a nonemergency unlicensed placement.

check is ineligible to be a(n):

1. [Non-emergency unlicensed placement](#) caregiver;
2. Household member of a current or prospective [non-emergency unlicensed placement](#) (this excludes a child's biological parent who has been approved by the court to stay in the [non-emergency unlicensed placement](#) where the child is placed); or
3. Employee or volunteer working or volunteering inside the home of the [non-emergency unlicensed placement](#). See policy [13.16 Waivers](#) for additional information.

National Sex Offender Registry Check

DCS will evaluate the results of the National Sex Offender Registry Check to determine if there are any matches. If there is a match the subject of the check is not eligible to be considered as a placement resource and COBCU should be notified of the match immediately at COBCUinquiry@dcs.in.gov. The COBCU will re-evaluate the Fingerprint-Based Check Report and reissue an amended Fingerprint-Based Check Status Letter, if applicable.

Local Criminal Court Records Check

DCS will evaluate the results of the Local Criminal Court Records Check. If the Local Criminal Court Records Check returns convictions of a felony, total of four (4) or more misdemeanors, or a misdemeanor that may be related to the health and safety of a child, the DCS local office shall contact COBCU for additional guidance if the Fingerprint-Based Status Letter was qualified. See policy [13.15 Fingerprint-Based Checks](#) for additional information.

Code References

1. [IC 31-34-20-1.5: Placement in household with certain individuals prohibited; criminal history checks; exceptions; considerations](#)
2. [IC 31-34-4-2: Placement of child with relative caretaker or de facto custodian; evaluation; criminal history check required; exceptions; out-of-home placement; considerations](#)
3. [IC 31-34-21-5.5: Reasonable efforts to preserve and reunify families](#)
4. [IC 31-9-2-84.8: Nonwaivable offense](#)

PROCEDURE

The Family Case Manager (FCM) 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;
2. Review the results of each CPS History Check:
 - a. Provide the subject of the check with a copy of the completed [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF52802\)](#) form showing substantiated history if substantiated CPS history is discovered in Indiana. See policy [2.06 Sharing Confidential Information](#) for further guidance; and
 - b. Work with the subject of the check to submit a complete waiver packet to COBCU as quickly as possible, if there is substantiated CPS history in Indiana or the equivalent in another state. The filing and granting of a CPS waiver by COBCU is required for DCS to recommend the placement. See policy [13.16 Waivers](#) for additional information.

Note: A criminal history or CPS waiver granted for the purpose of a [non-emergency unlicensed placement](#) may not be used for foster family home licensure, adoption, employment, or any other purpose. A new waiver request must be submitted to and

granted by the COBCU for each additional purpose.

3. Review the results of each 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, a child cannot be placed;
4. Review the results of each Local Criminal Court Records Check. See [Local Criminal Court Records Check Instructions](#) for more information;

Note: Contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter within five (5) days if the Fingerprint-Based Status Letter was qualified and the Local Criminal Court Records Check returns conviction of:

- a. A felony,
- b. Four (4) or more misdemeanors, or
- c. A misdemeanor related to the health and safety of a child.

In addition, if at any time the FCM believes the Local Criminal Court Records Check report may alter the status of the Fingerprint-Based Check, the FCM will contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter for further action.

5. Upload a copy of the results for all background checks and any waiver letters in the case management system. This may include scanning the official fingerprint-based status notices, waiver notices, and other background check information into the case management system and attaching to the subject of the check's person profile;
6. Submit the waiver decision to the court if applicable; and
7. Notify the family of the decision, and:
 - a. Develop a plan to prepare the child for placement if the decision is to approve the placement. See policy [6.08 Preparing Child for Placement](#) for further guidance; or
 - b. Develop an alternate placement plan for the child if the decision is to deny the placement. See policy [6.01 Selecting a Placement Option](#) for further guidance.

The FCM Supervisor will:

1. Staff with the FCM and provide any needed guidance and assistance;
2. Ensure safety concerns are addressed; and
3. Ensure the FCM has completed all tasks and documented the information gathered regarding the evaluation of background checks into the case management system.

The COBCU will complete requirements as outlined in policies [13.15 Fingerprint-Based Checks](#) and [13.16 Waivers](#).

PRACTICE GUIDANCE

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 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. The subject of the check must be fingerprinted for the Review

Challenge at the subject's expense.

FORMS AND TOOLS

1. [Application for Criminal History Background Check \(SF 53259\)](#)
2. [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)
3. [Background Check Matrix for Unlicensed Placements and Foster Care Desk Guide](#)
4. [Local Criminal Court Records Check Instructions](#)

RELATED INFORMATION

Emergency Unlicensed Placement

Emergency unlicensed placement is defined as placement in a kinship or relative 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 kinship or relative 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 completion of required fingerprints, with results returned, and all necessary criminal and/or CPS waivers being granted prior to the change of placement.